

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 18<sup>th</sup> February, 2020

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### BRIEFING ON THE BUDGET POLICY STATEMENT, 2020

**The Speaker** (Hon. Lusaka): Hon. Senators, as you may be aware, pursuant to Standing Order 180(1), the Budget Policy Statement for the Financial Year 2020/2021 was tabled in the Senate on Thursday, 13<sup>th</sup> February, 2020 and pursuant to Standing Order 180 (4), committed to the Standing Committee on Finance and Budget to consider and table a report within twelve days. I had also directed all other Standing Committees to present their views of the Budget Policy Statement to the Standing Committee on Finance and Budget for consolidation and presentation.

In this regard, the Standing Committee on Finance and Budget has organized a breakfast meeting for all Senators, tomorrow, Wednesday, 19<sup>th</sup> February, 2020 at 7.00 a.m. in the Main Restaurant, Parliament Buildings and thereafter, a briefing in the Senate Chamber.

I wish to request all Hon. Senators to avail themselves and keep time for this important briefing.

I thank you.

### PETITION

#### STATUS OF HEALTH FACILITIES AND HEALTHCARE IN LAMU COUNTY

**Sen. Loitiptip:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to make a Petition in regards to the Senate concerning the status of health facilities and healthcare in Lamu County.

Mr. Speaker, Sir, I beg to report that I have received a petition from Lamu County concerning the status of health facilities and healthcare in Lamu County. I wish to draw the attention of the Senate to the following -

- (1) That we know and understand that health is a devolved function which is under the care of the county government. We also know that the health facilities in Lamu County have been in bad state if not in neglect by the county government who are the sole custodians.
- (2) We also know that there have been incidences of death reported due to either negligence or lack of medicine in some of the health facilities.
- (3) We also know and acknowledge that the people in charge have shown little or no effort to upgrade the standards of healthcare in our county.
- (4) We have made the best efforts to have these matters addressed by the relevant authorities all by which have failed. We have not received satisfactory response nor the healthcare status improved.
- (5) That none of these issues raised in this Petition is pending in any court of law, Constitution or any legal body.

Mr. Speaker, Sir, your humble petitioners from Lamu County pray that the Senate investigates this matter and -

- (1) Initiates a process to ascertain the status of health facilities, patient welfare and overall wellbeing of the health systems in Lamu County.
- (2) Intervenes in the matter and recommends charges against any authority which might have acted negligently.
- (3) Investigates the NHIF scheme by the county governments and reports on its effectiveness on the people of Lamu County.
- (4) Initiates a process to ensure that the national Government complements the county government's efforts towards ensuring affordable healthcare.

Mr. Speaker, Sir, maybe a word to add on the same Petition is that the health condition in Lamu County is really deteriorating. This is a humble request from the people of Lamu to indulge on this matter.

As I speak, during the weekend I visited Mpeketoni Sub-County Hospital. It was really a shame to see its condition. I had a meeting with the administrator and the CEC. In that meeting, there were a lot of issues raised.

Mr. Speaker, Sir, the first issue which I would like your office to follow up is the pending bills owed to the medical suppliers and contractors. Many of them had supplied and offered other services to the County Government of Lamu, but they have not been paid for the last two years.

That is what I want to report to this House. Any issue raised concerning the healthcare in Lamu County is not brought to the attention of CEC in charge of health. Honestly, either the staff are being intimidated---

There was a case last week where a person from Lamu was injured by a boat. She was picked up by an ambulance and it drove to a petrol station for fueling. It remained there for a whole one hour waiting for a communication from the CEC of the department so that it could be fueled. That was bad. Two days ago, the patient died.

Thirdly, the ambulance which is in Mpeketoni Sub-County Hospital and King Fahad Referral hospitals in Lamu have been grounded. The tyres are worn out and it is not functional. The toilets and latrines are blocked.

Mr. Speaker, Sir, I wish with a humble request as the Senator of Lamu County, through the Chairperson of the Senate Committee on Health that we make a visit to Lamu because the situation is alarming. People are dying as a result of venom. The situation is bad. If we can have a pre-report by Wednesday, not just me, but the common people of Lamu will appreciate this.

Kindly, my fellow Senators, I humbly request that you support this Petition and not just in Lamu County, but that we also get good health services in the entire nation.

I thank you.

*(Applause)*

*(Sen. Murkomen spoke off record)*

**The Speaker** (Hon. Lusaka): Relax, Senate Leader of Majority. That is what I am communicating.

Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I congratulate the Senator of Lamu, Sen. Loitiptip for a well presented Petition on behalf of the residents of Lamu. I hasten to say that I watched him on television with great admiration when he was prosecuting this matter before the people of Lamu, particularly the issue of health services. I think he was in one of the health facilities.

Sen. Loitiptip being a young man, I saw in his eyes the pain of the people of Lamu, particularly on health services. I congratulate him for doing so.

Secondly, the health sector is one of the most devolved social sectors in the country. The Health Committee must get to the root cause of the problem bedeviling many of the health facilities in the country.

I congratulate Sen. Dullo, Sen. Wetangula, Sen. Wambua and others that went to Elgeyo Marakwet as they were revisiting these facilities to check what is happening with the Managed equipment Services (MES). There is a huge problem in the health sector. Since the MES programme is still going on and the Committee that was dealing with it is investigating that matter, I am not going to say much, but on this issue of just running simple health facilities---

Many counties are neglecting the dispensaries and the health centres in the rural area, giving them just basic medicine. In my county, people are dying. At the home ward of the Governor; Arror Ward because everybody knows what Arror is, the Assistant Chief - I know you are familiar with that area – and many other people from that area died of malaria. Malaria should be preventable. It must be treatable. They should have the medicine at the very lowest level. What are counties doing? They have mega projects of building a referral hospital that is costing Kshs500 million to Kshs1 billion so that they can show it as their flagship project.

Counties were not established for big things, but to ensure that children go to school in pre-primary education, health facilities and services are delivered. We

discussed something Sen. Kwamboka brought here about community health workers. We said that if you put money to community health workers so that they can be dealing with these issues at the local level, you do not have to have big projects that have big sign posts indicating that it was done by so and so. The health of the people will be the sign board to show that we are working.

Mr. Speaker, Sir, I request you to direct the Senate Committee on Health to expeditiously address this Petition. From the Senate Business Committee (SBC), we have so many pending Petitions in this House. We do not want the Committees to fail us by not coming up with reports of the petitions when citizens of this Republic have put a lot of faith in this House. We request the Senate Committee on Health on this very important matter to visit Lamu within the next one week and try to return it to the narrow path of devolution.

I congratulate Sen. Loiptip again and support this Petition.

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

**Sen. Omogeni:** Mr. Speaker, Sir, I also rise to congratulate Sen. Loiptip for raising this very important matter. If we were all to give our personal experiences from our respective counties, issues of dealing with health are the ones that are causing the greatest pain to the people we represent here.

Although this discourse is now at the national level where issues dealing with constitutional reform are making recommendations for a National Health Commission, there is something that the governors are not doing right. This problem of health facilities not working is not restricted to the County of Lamu.

About two weeks ago, I was in Nyamira County. I had a neighbour who had the misfortune of being bitten by a snake. You cannot imagine that this person was taken to Keroka Health Centre, but they did not have anti-venom in such a facility. In Nyamira Referral Hospital, there is no anti-rabies vaccine for people who have been bitten by dogs.

The situation we are in, if we were to be honest, is to say that we do not have any health care at the county levels. In some instances, we hear stories of governors or their associates who have even opened pharmacies and chemists in Nairobi. When they pick drugs from Kenya Medical Supplies Authority (KEMSA) they divert them to some pharmacies and then they take boxes to counties. We have a serious problem and if we want to speak on behalf of the people we represent, the reality is that people are crying and they are looking at the Senate to do something.

This is a matter that - I can see the Vice Chair of the Health Committee looking at me there - that should be elevated to the level of being looked at by the entire House. This is because health is the most critical function that was devolved to the counties, but people are not seeing benefits. If we are at a level where even pain killers are not available in hospitals, then what kind of service are we getting from our counties?

I support the Petition that has been brought by Sen. Loiptip and urge that we elevate this matter so that we can even do random visits to counties and then table a report before this House, so that we can bring the true picture of what is happening in counties in matters of health. I can tell you without fear of contradiction that the situation in my County of Nyamira is even worse than what is in Lamu.

I support this Petition and urge that some of us who are privileged to serve in this Committee on Health should take this matter seriously.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I join my colleagues in congratulating the Senator of Lamu.

Health is important in this country; it is a right not a favour. The situation of health in this country is wanting. We have seen what was shown on television last evening regarding Lamu. The situation in this country is not only Lamu. It is almost all the Government institutions in this country. The Government is spending a lot of money on healthcare services.

You have seen the money that was spent on the Universal Health Coverage (UHC). Some counties were receiving over Kshs700 million. That is a good initiative by the Government to make sure that our people are getting proper healthcare. But in return, we are getting zero return.

Mr. Speaker, Sir, you have seen what is happening to the Managed Equipment Services (MES) project that we investigated yesterday. I do not want to preempt the report of the Committee. But you can imagine a project worth Kshs4.9 billion, but has not taken off. Almost three years down the line. They can only cancel that project three years down the line saying it is an illegality, in the first place. I think we are taking Kenyans for a ride.

As the Senate Majority Leader has said, we went to Elgeyo-Marakwet County. They have five equipment for theatre. There is only one working and the rest are in the boxes. They require something very little like Kshs2.5 million to fix that equipment. County governments cannot do so. They have one Computed Tomography (CT) scan that was supplied to them and it is not working. The people in Elgeyo-Marakwet County have to look for services in Eldoret.

Mr. Speaker, Sir, when mothers have emergencies, you can imagine transferring people all the way from the furthest corner of Elgeyo-Marakwet County to go and do their CT scan in Eldoret. Are we really fair to Kenyans? I congratulate Sen. Anwar for bringing this Statement. However, if I am asked as a person that dealt with this MES project for the last three months, I am telling you health should even come back to national Government because the situation very bad.

I support and I hope the Committee will take serious action in terms of what is happening in Lamu County. We need to audit all the health facilities in this country. Things are not going right. We keep on lamenting here in the House every time, day in day out. There are no changes. What are we doing as Senate here? We must crack the whip.

Mr. Speaker, Sir, I thank you.

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

**Sen. Wetangula:** Mr. Speaker, Sir, this is a very important Petition prosecuted by the distinguished Senator for Lamu County. The issues raised in this Petition are applicable to each and every one of our counties without exception. Senators may recall that wherever we are in our constituencies in our counties, the people who come to see us for help rank number one; health, number two; education; and number three is anything else that can follow. All the time people come. Poor village women carrying small bills

of Kshs2,000 and Kshs3,000 or bodies held in mortuaries in hospitals for nonpayment. The sickest institution in this country today is the health sector.

This Senate may have at some point to engage a public debate and conversation with the national and county governments and find out whether it is still necessary to let our people die in the name of devolution. When you go to the villages, health centres have been closed. You find a health centre serving hundreds and thousands of people with one nurse. When that nurse is not on duty, it closes down. In those facilities, you will find a health centre or a dispensary with one nurse and six watchmen because somebody is making money on those watchmen.

Mr. Speaker, Sir, this country needs serious change. There is a Bill that we have passed here. I do not know if it has gone to the National Assembly. The Bill is on Kenya Medical Supplies Authority (KEMSA) on obligating the national Government to supply and put in place a drug supply guarantee for counties so that even if counties get drugs and fail to pay, the national Government through the Controller of Budget should be able to facilitate payment so that people can receive their treatment.

We are in the MES investigations. As my Chairperson says things do not look very good. Equipment dumped in hospitals without electricity and without anybody to run it. It is a very sad affair. So, as Sen. Loitiptip prosecutes this Petition, I want to urge the Committee, and my good friend Sen. (Dr.) Ali, the Vice Chairperson is here. Where is the Chairperson? I had not seen my distinguished neighbour. The Chairperson is also here so that they can act on this expeditiously.

Mr. Speaker, Sir, lastly and we have said this here before. The Senate Majority Leader, please, bring back the Implementation Committee. We need that committee to do follow ups to resolutions of this House. We have a lot of Petitions we have heard, brought reports, but there is no mechanism of follow-up. We pass Motions and there is no mechanism of follow-up. We need the Implementation Committee so that whenever committees finish their work, that committee has a singular duty of constant and routine follow ups to ensure that what this House says and decides is done.

Mr. Speaker, Sir, thank you.

**Sen. Poghiso:** Mr. Speaker, Sir, let me congratulate Sen. Loitiptip for what I thought was a maiden speech.

*(Laughter)*

When he read the Petition, we sounded like we can all become petitioners from where we speak about our counties. I want to congratulate him for bringing this issue which is very important for all of us.

If I speak for my county, you would think I am speaking for Lamu County. The script is the same. Sometimes I wonder whether our county chiefs have a school where they all go about mismanaging the health sector. It looks like they go to the same institution and come up with almost the same ways of running the hospitals.

Mr. Speaker, Sir, these are basic things. It is all from how they appoint the people who run those institutions. In the case of West Pokot County, which is a bigger county than Lamu County--- You can have problems with a big county, but a small county like Lamu, what kind of problems can you have running a small county like Lamu? You can

actually go round in a very short time. The distances travelled for Lamu County are shorter than the distances travelled in West Pokot County.

In the case of Lamu county, it is true. I appeal to the Chairperson of the Committee of Health to take this matter quite seriously because you do it for Lamu County knowing for sure that you are applying whatever comes out to all our 47 counties. It is important that you take this matter of Lamu County as a sample for the rest of us. Otherwise, I congratulate Sen. Loiptip and say keep up that spirit. This is a very good chance to look at oversight in the health sector.

Mr. Speaker, Sir, I have raised my voice on this matter in West Pokot County so many times and nothing is changing. It is getting worse.

We may need to agree on a time when we can have a *Kamukunji* on this matter and agree on what to do about the health sector. This is because apparently, counties have failed to run it.

**The Speaker** (Hon. Lusaka): I see a lot of interest, so the rest of the speakers, please keep your comments brief.

**Sen. Faki:** Asante, Bw. Spika kwa kunipa fursa kuchangia malalamiko ambayo yameletwa na Sen. Anuar.

Kwanza, ninachukua fursa hii kumpongeza Sen. Anuar kwa kuleta Ombi hili katika wakati mwafaka ambapo wananchi wengi, husasan katika maeneo ya Lamu, wanapata shida za huduma za afya ambazo ni muhimu katika maisha ya binadamu.

Bw. Spika, Lamu si kama sehemu zingine ambapo unaweza kwenda katika kaunti jirani kupata matibabu. Jirani wa Kaunti ya Lamu ni Kaunti ya Tana River ambako kuna shida nyingi zinazohusiana na matatizo ya afya. Kwa hivyo, swala la Lamu linafaa liangaziwe kwa karibu kwa sababu ni shida kupata usafiri wa kutoka mjini au kijijini mpaka sehemu ambapo huduma za afya zinapatikana.

Mbali na hayo, majuzi mgonjwa alicheleweshwa kufikishwa hospitalini na hali yake ikazorota alipokuwa anatoka Lamu kuelekea Mombasa kwa sababu gari halikuwa na mafuta. Kwa hivyo, hili ni swala ambalo lazima tuliangazie kwa makini zaidi kwa sababu Lamu si kama miji mingine; ni sehemu ambayo iko katika upembe wa Pwani.

Hivi sasa, Kaunti ya Lamu imekumbwa na matatizo ya kiusalama. Majuzi, watu walivamiwa na wengine wapakoteza maisha na kujeruhiwa vibaya. Usalama umeendelea kusorota Lamu. Kwa mfano, kambi ya jeshi ilivamiwa na magaidi wa Al shaabab. Kwa hivyo, hili ni swala ambalo lazima tuliangalie kwa makini na tuhakikishe kwamba maeneo yote katika Jamhuri ya Kenya ambapo kaunti zinafanya kazi, huduma ya afya zinaboreshwa kuliko zile zinatolewa na hospitali za kibinafsi.

Bw. Spika, juzi kulikuwa na mjadala kuhusiana huduma za afya zirudi katika Serikali Kuu au la. Hii ni kwa sababu katika kaunti nyingi, huduma hii imezorota na wananchi wanalalamika kwamba hawapati huduma zinazofaa. Kwa hivyo, lazima Kamati husika ikunje shati na kuhakikisha mambo haya yanachunguzwa na mwafaka unapatikana kuhusiana na swala hii.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. Like the rest of my colleagues, I appreciate the good work that has been done by our colleague, Sen. Anuar in bringing to fore something that is dear to his heart as the Senator for Lamu. The rest of our colleagues have continued to confirm that to all of us because this is a shared struggle in almost all our counties.

Mr. Speaker, Sir, health is a devolved function. On many occasions, when we get a chance to address ourselves to issues pertaining how the citizens that we represent in this House are treated in our health centres, be it from the local dispensaries to level 4 hospitals, it is an extremely sad and disturbing story.

As a House, we cannot continue to lament. I have said times without number that we are the only people who do not take ourselves seriously. You recall that a few months ago when we visited a hospital in Kitui, more than 200 people were let free. There were small inconsistencies and mal-administrative practices. However, when someone realised that the Senate will walk through the doors of that institution, things changed.

I believe that if our Committee on Health takes up this request and pleading that has been made passionately by our colleague, Sen. Anuar, and visits Lamu County, listens to the cries and witness for themselves the challenges that are being faced by the citizens of Lamu, there will be change in that county.

Mr. Speaker, Sir, Kenya is one of the signatories that signed the declarations that were made in Abuja in 2001. We committed to ensure that, at least, 15 per cent of our budget on a year to year basis is committed to provision of health services and facilities to our citizens. Unfortunately, 20 years down the line, we have never gotten to 5 or 10 per cent of that figure. When we went ahead to devolve huge amounts of funds, huge amount of money continues to remain at Afya House.

We have the Budget Policy Statement (BPS) before this House. Therefore, I look forward to the deliberations that will be brought before this House by the Committee on Health. It is proper for them to point that out. We may continue to blame our governors, but how much of the funds that are sent to the Ministry of Health are sent to our counties? Why do we leave billions at the Ministry yet we know well how they are used? That is a challenge that I give to the Committee on Health.

This is the time we are having a conversation about how to restructure our systems of Government. I have seen that in the Building Bridges Initiative (BBI), there is a proposal to set up the national health sector. Unfortunately, in the ongoing deliberations, I have not heard our governors speak about the challenges they face in this regard. Instead, they are telling us about third tier, how they want to increase their term in office and such kinds of things. We have to be a House of reason and speak up for ordinary Kenyans. If we have to devolve health, we have to devolve the funds as well because this is one area where we are having a lot of challenges.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to support this Petition. I congratulate Sen. Anuar for coming up with it. The people of Lamu County should know that they have a representative in the House. Health is a devolved function that is salient in any county. If people are not healthy, they will not be productive. So, health should be a priority for governors.

Medical equipment is paramount to service delivery of any hospital. If there is no medical equipment or it is in a deplorable state, it means that service delivery will be compromised.

As the Senate, we should make sure that services are delivered in the counties. Therefore, there is need for the Committee on Health to visit Lamu County as the Senator has proposed and see what is happening. That is the time they will also hold public participation meetings with the people of Lamu.

Mr. Speaker, Sir, this not only affects Lamu County. If you visit many counties, you will find that hospitals are in deplorable states. Therefore, there is need for governors to invest in the health of their people. A lot of money is sent to counties and so health should be a priority of any governor who is keen on ensuring that Kenyans are productive.

Mr. Speaker, Sir, I support the Petition.

**The Speaker** (Hon. Lusaka): We only have seven minutes for that.

Proceed, Sen. Beth Mugo.

**Sen. Mugo:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to support this important Petition. I add my voice in congratulating the Senator for Lamu County. I watched him last night and I almost cried. I could see the pain in his eyes.

Those of us who really saw this segment, which the Senator very proudly presented, lack words to express what we saw. There is no hospital there. It is very unfortunate that we saw patients there since there is nothing that looks like a hospital. It was terribly dirty; the bathrooms, toilets, beddings, and every other thing. I felt very sorry for these patients.

I want to echo my other colleagues who said that if health is too much for devolution, then we should not devolve the function. It would make our people die of problems that can be treated. Even if we are supposed to protect devolution as a Senate, and I have said this before, it should be protection that makes our people really well and not sick.

I would also like to add here that malaria is completely preventable. We saw it, we had been able to prevent malaria for years and hospital beds were empty of malaria patients. Just supply nets to all the homes that are in malaria prone areas and it can be done. The Global Fund, which is an international body, had provided these beddings and nets to us, and what we need is to ask. I know that the Government of Kenya received a lot of money from the Global Fund. May be the next thing that we can ask for is are the nets.

Malaria drugs were free, so there is no reason as to why we should not have enough malaria drugs in our hospitals. I believe that what is lacking is the capacity, maybe in the counties and I would like to support. Simple drugs such as for high blood pressure and diabetes are lifesaving yet they are not available. I think that health should be standardized, it should be the same not bad, but to the good side all over the country. It ought to have been standardized like education.

I support my colleagues who suggested that we should think whether health should go back to national Government or should remain in the counties and maybe devolve it slowly to counties which are ready to be devolved as opposed to doing a blanket devolvement.

I support.

**Sen. Kasanga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to also add my voice.

Let me congratulate the Senator of Lamu, Hon. Anuar for this Petition and also to thank you because we cannot discuss enough matters of health as this House.

Any conversation about health is critical since it is a devolved function. I believe we have seen in our counties even though not as much as we would have wanted to see in

terms of development towards healthcare to our people, we must admit that with devolution, we have seen strides. In the counties that are a bit more progressive, we have seen that citizens have begun to receive some relief. I know that the Universal Health Care Programme that is in Makueni is actually working. As you know, as Africans, when one relative is unwell, the entire community, village or extended family is also affected. So, we must continuously fund health issues.

I know that it is possible and that it can work as it has been envisioned in the Constitution. I personally support the fact that health is a devolved function. I agree with Sen. Dullo on the fact that this House needs to crack the whip when it comes to matters of health. I feel that we need to do a lot more.

When you follow the investigations, which are going on with regard to the MES and the corrupt deals that have taken place in the Health Ministry; your heart breaks. Millions and billions of shillings have been lost which could have saved the lives of Kenyans. We want all this money to be sent down to the counties and then we shall deal with the governors accordingly. This House really needs to rise to the occasion.

I cannot speak about health without speaking on mental health. If you think that the health system is broken down, you should see what is happening with the mental health. I have been advocating for this since 2017 and, time and again, what we are seeing at the higher levels of mental health facilities, Level 4 and 5, they are still neglected to this day regardless of the promises that we get from the Ministry on improvement.

I want to remind Senators here today that you cannot speak about health without speaking about mental health. Many of the issues that we have in hospitals of diagnostics and you read about this; in the last month or so when there was a certain hospital that was struck off health insurances because of unnecessary diagnostics. A lot of this, I want to remind Senators today, has to do with the fact that we are not recognizing the role of mental health. So, you patient is sent for diagnostics left, right and centre yet the issue that they are dealing with could be a mental health issue.

That is why when this House passes the Mental Health Bill, we have to integrate mental health into the health care system because it will save Kenyans a lot of money that is being sent on diagnostics. I want to encourage Senators to remember that there is no health without mental health. As we push for reforms, we must insist that mental health also comes first.

So, I want to congratulate Sen. Anuar for bringing this Statement. It is important to fight for your people. When you go back home, look at the mental health situation, I know that you are going to cry and start advocating for some change there.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Wamatangi, you have two minutes. We have to wind up.

**Sen Wamatangi:** Thank you, Mr. Speaker, Sir. As I support Sen. Anuar's Statement on the state of health in Lamu and to appreciate, in my view, the full extent of what Sen. Anuar is talking about, one needs to have visited Lamu to get a better impact of what he is talking about and what it is likely to be like, given the fact that most of the sections of Lamu are not easily accessible by motor vehicle. One would even wonder and worry, if somebody was to be evacuated, then if that is the situation in local

hospitals, how would they be evacuated? We have been there sometimes back and seen that the major means of transport is by boat should one want to exit to the mainland.

Having spoken about that, I wonder even as we say that it is better to have health re-taken over by the national Government, I do not know whether we would talk about that as a solution. It is probably a comparison between evil and a lesser evil. Looking at some of the reports that we have such as the MES report, if the stories going around in the country about children being stolen and interchanged in hospitals, patients detained in hospitals---

I do not know whether, since I was away, you gave this House an opportunity to speak about the threat posed to this country by the Corona Virus. I have been asking myself even the way we have handled the threat of this virus to this country, have we acted correctly? If other countries like Japan and Taiwan have taken the kind of measures that they have taken and yet knowing that we have so many Chinese going in and out of China, have we acted correctly in dealing with the threat that Kenyans are exposed to?

Lastly, let me acknowledge that the national Government may likely do a better job. I would want to tell governors because, remember that there was an incident in Nyeri County when the Othaya Teaching and Referral Hospital was taken over by Kenyatta National Hospital (KNH). There was a lot of outcry with some people thinking that the Governor there and the administration made a big mistake by allowing the hospital to be taken over by KNH. Indeed, I can confirm that in Kiambu, what we are pursuing and what I am seeking is to have some of the hospitals collaborating with Kenyatta University such as Gatundu and others so that we can have better health services.

I think that as I speak to this matter, we have to encourage governors to think out of the ordinary and ensure that they can enhance health services at the local level. In my own county and in many counties, you will find patients with contagious diseases sharing beds with people who have mild ailments like a simple cough or a common cold. We have to deal with this in a different way.

I want to support the Senator and say that health is something that we must re-look at as the Senate.

Thank you.

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

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. I want to congratulate Sen. Loitiptip for a job well done. As the Health Committee, we have had a lot of issues about health in this country. We try our best but still, there are a lot of problems. Health is literally failing in all counties. Wajir County is worse than Lamu County.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones.

**Sen. (Dr.) Ali:** You will find that there is a place with 15 ambulances and only one is functional and the county is over 56,000 square kilometers. These problems are everywhere. County governments do not pay Kenya Medical Supplies Authority (KEMSA); they do not pay their debts and allowances. Hospitals are literally closed. In

some areas where Danish International Development Agency (DANIDA) used to help, it has left because the counties do not use these items.

Mr. Speaker, Sir, while the Health Committee will try and do whatever it can, I will urge the leadership of this House to help the Health Committee. We do not get enough support from the leadership. We have a lot of problems in the Committee as well. We have raised it severally and nothing has been done.

If you have to go to all the counties in this country---. Could the Senate Leader of Majority listen to this, so that later he will not condemn the Health Committee for not working well and yet he is not listening to me? You can see they are having another discussion here. The Senate Majority Leader, I am referring to you; I am saying that the Health Committee should be assisted by the leadership of this House. We are condemned left, right and center. We do not get a lot of support. We have a lot of problems.

We have talked about it severally. We want the Health Committee to be supported so that whatever problems we have, we can sort them out in-House. This will enable us to function. We are being sabotaged in some places---

**The Speaker** (Hon. Lusaka): Sen. Cheruiyot, what is your point of order?

**Sen. Cheruiyot:** Mr. Speaker, Sir, it will help this House if Sen. (Dr.) Ali is more specific with his request. What kind of support do they require from the leadership of this House? If he was to go to that length it will help us help their Committee become more effective if, as per his own admission, he feels there is support that they need.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. There are things I would not want to say---

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

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, in addition to what Sen. Cheruiyot has said, I would be more than happy to know when the Committee came to my office to seek for that support and never received it. I have always been in close consultation with the Chairperson, the Vice Chairperson and the Members of the Committee. My door is always open; I run an open-door policy.

If they need any support, our office is more than willing to assist. The Speaker is the Chair of the Senate Business Committee and we have discussed matters of the Health Committee many times and assisted them. If they need further assistance, we have always been there.

**The Speaker** (Hon. Lusaka): Okay, Sen. (Dr.) Ali, conclude.

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, I appreciate what the Senate Majority Leader is saying. I will not comment on that because we have gone to his office many times and we will still go back. We will be very willing and happy to do our job, but we will come to the Speaker's office and that of the Senate Majority Leader to seek what we need.

Thank you.

**The Speaker** (Hon. Lusaka): Chairperson of the Health Committee, you want to say something?

**Sen. (Dr.) Mbito:** Mr. Speaker, Sir, thank you for giving me an opportunity to respond to this very important Petition raised by our colleague, Sen. Loitiptip. This is a matter that is touching on almost all counties. In all counties that we visited in this country, we found that the health situation is wanting to the extent that we feel as a

Committee that there may be a deliberate attempt to paralyze the health sector in order to bring down devolution.

The best way forward was to devolve health, but somehow somewhere, somebody is trying to show that this is not the way to go. My Committee would like to assure this House that we will support Sen. Loitytip's Petition and look at the matter expeditiously with all the seriousness it deserves.

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

**Sen. Kinyua:** I have heard my Chairman saying "somebody somewhere", maybe he could elaborate on that "somebody somewhere".

*(Laughter)*

**Sen. (Dr.) Mbito:** Mr. Speaker, Sir, what I am trying to suggest here is that the Ministry of Health is excluding the Senate from so many serious deliberations on the Universal Health Coverage (UHC). We have had situations where governors and County Executive Committee members (CECs) of Health have been called to discuss UHC and the Senate has not been called to be represented.

I want to assure this House that the Committee will not treat this matter as business as usual. We will take the issues very seriously because we also have Kenyans of goodwill who are coming to tell us that while Managed Equipment Services (MES) is being investigated here---

**The Speaker** (Hon. Lusaka): What is your point of order Sen. (Dr.) Langat?

**Sen. (Dr.) Langat:** Mr. Speaker, Sir, I would like to inform my colleague that nothing comes "like that". The Bible says that since the time of John the Baptist up to now, the Kingdom of God has suffered violence; the violent take it by force. It is up to them to take their position and not wait and see their position being taken.

**Sen. (Dr.) Mbito:** Thank you, Hon. Senator. I think I will consult you later on how to take it violently. For us, as a Committee, we want to assure the national Government and the Ministry of Health that we will not take the matter lightly, any more. We have a situation whereby, even as we speak right now, the MES saga is being investigated. However, as it is being investigated, we have Kenyans of goodwill telling us that another mega scam is in the offing. We want to warn the Ministry of Health that we are watching them. Health is a devolved function and we should be involved as the Senate in all matters pertaining Health. I support my colleague Sen. Loitytip and we will look into this matter expeditiously.

Thank you.

**The Speaker** (Hon. Lusaka): There is a dispensary in the area where the Chair comes from and health is an issue that is affecting everybody. There seems to be a new spirit; this is your opportunity now as the Committee to redeem yourselves.

Hon. Senators, pursuant to Standing Order No. 232(1), the Petition stands committed to the Standing Committee on Health.

*(The Petition was committed to the Standing  
Committee on Health)*

In terms of Standing Order No.232 (2) the Committee is required in not more than 60 days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

Next order.

### PAPERS LAID

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Papers on the table of the Senate today, Tuesday, 18<sup>th</sup> February, 2020-

#### REPORT OF THE CoB ON COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW

Report of the Controller of Budget on the First Quarter County Governments Budget Implementation Review for the Financial Year 2019/2020.

#### PERFORMANCE REPORT BY CS, HEALTH FOR FY2018/2019

Performance Report by the Cabinet Secretary for the Ministry of Health for the Financial Year 2018/2019, pursuant to Article 153(4)(b) of the Constitution of Kenya.

#### REPORTS ON FINANCIAL STATEMENTS FOR NATIONAL GOVERNMENT FOR FY2016/2017

Report of the Auditor-General on the Financial Statements for the National Government for the Year 2016/2017.

Summary of the Report of the Auditor-General on the Financial Statements for the National Government for the Year 2016/2017.

*(Sen. Murkomen laid the documents on the Table)*

**The Speaker** (Hon. Lusaka): Sen. Kwamboka, you have the Floor.

**Sen. Kwamboka:** Thank you, Mr. Speaker, Sir---

*(The Clerk-At-The Table consulted the Speaker)*

**The Speaker** (Hon. Lusaka): Sen. Kwamboka, resume your sit. There was an Order that was skipped.

### NOTICES OF MOTIONS

**Sen. Wamatangi:** Thank you, Mr. Speaker, Sir. I wish to give Notice of the following Motions; that I move the Report on the Standing Committee on Roads and

Transportation on the projects undertaken by the committee on the Kenya Maritime Authority---

**The Speaker** (Hon. Lusaka): Sen. Wamatangi, kindly approach the Chair.

*(Sen. Wamatangi approached the Chair)*

**Sen. Wamatangi:** Thank you, Mr. Speaker, Sir. I wish to give Notice of the following Motions-

ADOPTION OF REPORT ON PROJECTS UNDERTAKEN BY KENYA  
MARITIME AUTHORITY, KENYA FERRY SERVICES  
AND NATIONAL SOCIAL SECURITY FUND

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on its inquiry into projects undertaken by the Kenya Maritime Authority, Kenya Ferry Services and the National Social Security Fund, laid on the Table of the Senate on Thursday, 21<sup>st</sup> November, 2019.

ADOPTION OF REPORT ON INSPECTION VISITS TO MALABA  
BORDER POINT/KITUI ROAD PROJECT

THAT, the Senate adopts the reports of the Standing Committee on Roads and Transportation on the visit to the Malaba International Border Point (OSBP); and the inspection visit and familiarization of the Kibwezi-Athi-Mutomo-Kitui Road Project in Kitui County, laid on the Table of the Senate on Wednesday, 4<sup>th</sup> December, 2019.

Thank you, Mr. Speaker, Sir.

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

**STATEMENT**

STATE OF INDUSTRIAL AREA REMAND PRISON IN  
NAIROBI CITY COUNTY

**Sen. Kwamboka:** Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the state of the Industrial Area Remand Prison in Nairobi City County.

In the Statement, the Committee should-

- (1) state the capacity of the facility and the current inmate population;
- (2) expound on the state of sanitation and water supply within the facility;
- (3) elucidate the efficiency of office equipment currently under use within the facility, including how technology has been incorporated in the surveillance and control of the facility;

- (4) state the number of staff currently deployed at the facility as well as vehicles including ambulances, if any, that are available for use by the facility; and,
- (5) state any action being taken by the national Government to improve the state of the facility, including ensuring the effectiveness and reliability of the available equipment.

Thank you.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Statement. Indeed, Sen. Kwamboka has come up with a Statement that is really important and which needs to be interrogated by everyone.

Mr. Speaker, Sir, when prisoners are in remand at Industrial Area, they are there because they are still innocent and are yet to be proved guilty. As they wait to be told whether they are guilty or not, they really need to get all the services, just like any other citizens.

In a situation where there is power failure and there is no back up, even in our prisons, that is something that needs to be looked into. This is because there are cases that have been reported where funny things happen in prison. In the event of darkness and there is no light at all, there is need to interrogate it. Even in a situation where prisons do not have back up lights, and there are prisoners with disabilities some of whom cannot see and others cannot walk, this situation can be really tormenting for such prisoners.

Mr. Speaker, Sir, when we are talking about issues of prison, anyone can be in prison. We should, therefore, not look at prisoners as people who are actually different from us. Issues of communication in terms of vehicles, there is need to have enough vehicles in our prisons so that if a prisoner has an issue – maybe they need to be taken to hospital – they should be assisted with ease and then taken back to prison. There are also instances in prison where you find that there are so many cases running at the same time, but the means of communication is in dire need. Therefore, there is need to ensure that the remand prisons have enough vehicles.

Mr. Speaker, Sir, there is also need to also ensure that the human resource capacity is enough in a prison. This is because you will sometimes find that maybe the prisons could be densely populated. What about the human resource that is there? The human resource that is there should be able to manage the prison in a way that service delivery to prisoners is also not comprised. Even those people in prisons are Kenyans and they need to be taken care of, just like any other Kenyan.

There is need to have water in prisons. In cases where there is no water, boreholes should be sunk to ensure that water is given to prisoners, because it is a constitutional requirement that everyone should have clean water.

Therefore, I support this statement, and it needs to go the right committee. That committee should ensure that it works with speed to ensure that our prisons are safe for our prisoners. This is because those prisoners are our sisters, brothers, others are Persons with Disabilities (PWDs) and so on, and so forth.

Thank you. I beg to support.

**Sen. Sakaja:** Mr. Speaker, Sir, I am so impressed at the speed of execution by Sen. Dr. Musuruve.

*(Laughter)*

In another time in her life, she was a teacher. I wonder how those students are, because that is high voltage.

*(Laughter)*

Mr. Speaker, Sir, this is an important request for Statement by Sen. Kwamboka, who is a distinguished Member of the Nairobi Delegation. I would like to thank Sen. Kwamboka on behalf of the rest of the delegation for bringing this up. This institution is in Nairobi County.

As Sen. (Dr.) Musuruve said, the point I caught is that, indeed, when you go to such an institution, it does not mean that you are deemed guilty; your case is going on. This particular institution has a lot of small scale traders of Nairobi. A lot of our hawkers who have been arrested are at the Industrial Area Remand Prison. *Boda boda* riders who are caught in the Central Business District (CBD) are also in the Industrial Area Remand Prison; governors have been there, former and current colleagues have also been there. It is, therefore, a place of interest.

Mr. Speaker, Sir, when the Senate was in Kitui County, we were able, together with the Committee on Justice and Legal Affairs, to visit Kitui Prison. Judging by what we saw in Kitui and the other prisons that we have gone to, it is an entire area that needs to be looked at; the state of living and how inhumane the conditions can be.

Therefore, I want to support this Statement. I would also like to ask the Committee to ascertain to this House, because just after visiting Kitui – Sen. Wambua and my distinguished uncle, the Senator of Bungoma County will tell you - more than 100 prisoners were freed because they had been there for months because they could not afford Kshs1,000 or Kshs2,000 to pay for their bonds, yet it costs more than Kshs3,000 or Kshs4,000 to maintain them there. It, therefore, does not make sense. I, therefore, hope that, that Committee will take this matter up speedily and we will be glad to join in this.

Thank you.

**Sen. Shiyonga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Statement by Sen. Kwamboka. I support it because when you are still living in this world, you cannot swear not to visit a prison, a mortuary or a hospital. As human beings, we need to focus on the health concerns or environment of these facilities.

There is overcrowding in these facilities and the conditions are deplorable. Mind you, this is where human beings are kept. They are our children, brothers and sisters.

As my sister has said, there is need for responsible institutions to look into the health concerns of these facilities. The conditions there need to be improved because overcrowding leads to many health complications.

Mr. Speaker, Sir, the other day when we lost children in Kakamega County, it was reported that they suffocated because of overcrowding. What about where people live for years or months while they wait for their cases to be determined?

As I support this Statement, it is important for the Committee that will be mandated to look into this issue to take into consideration what has been outlined in the Statement, so that we help the people in those facilities.

**The Speaker** (Hon. Lusaka): Hon. Members, before we proceed, I have a brief communication.

*(Interruption of debate on the Statement)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM  
HOMA BAY COUNTY ASSEMBLY

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting members of staff from Homa Bay County Assembly.

They are:

- (1) Ms. Joan Onywany - Hansard Editor
- (2) Ms. Anne Wasulwa - Secretary
- (3) Ms. Elizabeth Ochieng - Secretary

On behalf of the Senate and my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.

*(Applause)*

Sen. Cherargei, you have the Floor.

*(Resumption of debate on the Statement)*

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I support the Statement by the distinguished Member of the Nairobi City County delegation, Sen. Kwamboka.

As the Vice Chairperson of the Committee on National Security, Defence and Foreign Relations and the Chairperson of the Committee on Labour and Social Welfare have rightly put it, late last year, we visited the Industrial Area Remand Prison in Nairobi. We had a meeting with various heads of department and a *kamukunji* with the Committee on Justice, Legal Affairs and Human Rights and the Committee on National Security, Defence and Foreign Relations.

It is worth noting that in all prisons that we have visited in the country like the Eldoret GK Prison when we had Senate *Mashinani*, Kwale GK Prison and Mombasa County Prison, there are many challenges. I agree that the Kenya Prisons Service (KPS) is under-funded. In fact, the capacity of the prisons that we have in the country does not match the facilities for remand because we have more than 60,000 prisoners. Most of us here and even members of the public can become prisoners especially at the Industrial Area Remand Prison in Nairobi.

As a Committee, we are doing all we can by talking to the necessary agencies to ensure that anybody taken to the Industrial Area Remand Prison in Nairobi gets five star treatment. That should apply to other prisons so that people do not have to run away from prison but can operate from there.

Apart from challenges of food, facilities are also deplorable. The KPS facilities have never been improved since inception because of funding issues. Therefore, this is

the right time to look into the issues raised by Sen. Kwamboka, as a Committee. The Senate Committee on Finance and Budget and the Budget and Appropriations Committee of the National Assembly should look into ways of allocating more funds.

Mr. Speaker, Sir, it is interesting that most of our prison facilities do not have biometric registration. It is only a few. How do we monitor prisoners because we have cases where some of them have been killed? We have had cases where some people have been killed in police custody.

It is sad that some of the land belonging to prisons was taken away. This is a common denominator in most prison facilities that we have in this country and especially the Industrial Area Remand Prison in Nairobi. People are now selling their wares there. I hope the Senator for Nairobi City County will take up this matter with the Ministry of Lands and the National Land Commission (NLC).

We need to improve on how we run our prison services. As a Committee, we will even engage the KPS officials and the national Government to see how we can improve and ensure that our prison facilities are run well as much as possible.

We are aware that the Director of Public Prosecution (DPP) and the Directorate of Criminal Investigation (DCI) are working hard to ensure that people are taken to prison. We have to ensure that prisons are better places than home. My Committee will work on this and we will advise the House on the same.

**The Speaker** (Hon. Lusaka): Sen. (Prof.) Ekal, it is your turn.

**Sen. (Prof.) Ekal:** Thank you, Mr. Speaker, Sir, for giving me the chance to support the Statement by Sen. Kwamboka.

It is obvious that the population of Kenya is over 50 million people. That is to say that the population of the country is increasing. As such, facilities that should be holding people like prisons, schools and so on should be expanded to accommodate large numbers.

I empathized with what Sen. Shiyonga said; that when there is overcrowding, there is a likelihood of diseases spreading from one person to the next because they are in enclosed quarters. Increasing the size of prisons is one way of spreading out the population so that they do not infect each other.

This is not only in places like Nairobi City County and others that have been mentioned but a countrywide problem. Therefore, the Government should look into improving the facilities that hold our prisoners. As Sen. Cherargei said, it is a question of funding. This is a necessity and something that requires that money is allocated for that particular purpose.

Mr. Speaker, Sir, when I was young, I went to Lodwar GK Prison. There was space where you could lie down or even sit. Today, people have to keep standing because there is no space to sit.

There are many youngsters who have been put in remand. All of them just stand there and beg to be let out. This actually reflects on us as a country; that Kenya is not civil enough to have good facilities for its prisoners who are also our brothers and sisters and relatives.

I support this Statement and hope that the Committee concerned will work to see that we get some results.

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

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice to this. I congratulate Sen. Kwamboka for coming up with the Statement.

I stand to support this important Statement because of the situation in our country. Earlier, we spoke about the health issues in our country and the suffering that our people go through. Now that we are discussing this, when you visit prisons, you sympathise with the people who are there.

The situation is pathetic, especially the women's department. It is worse than other departments.

I support this Statement because as a Government, we keep on allocating money, but the service is not getting to the people who deserve this. Many of the people who go to our prisons get out when they are discouraged, hopeless and even some suffer from health and mental issues. That is because we have not provided a conducive environment for them.

Mr. Speaker, Sir, the people who go to our prisons are human beings like us. Some of them are our sisters, brothers and children. We need to give them all the attention that they deserve so that even as they stay in there, they know that they are human beings like any other.

I know some people who have been providing services to prisons for many years, but they have not been paid. These are poor people and young people in business who have supplied goods and provide other services to the prisons, but they have not been paid.

Mr. Speaker, Sir, I support this Statement and I urge the Committee that will look into this issue to give attention to the status of our prisons and also to the people who have given services to prisons but have not been paid, for years.

*(Hon. Senators applauded the Deputy Speaker  
(Sen. (Prof. Kindiki) as he entered the Chamber)*

**The Speaker** (Hon. Lusaka): Order, Members! I can see my deputy being applauded so much. That is a sign of confidence in him.

*(Laughter)*

The next Statement from Sen. Wambua:

#### THE LOCUST INVASION IN VARIOUS PARTS OF THE COUNTRY

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.47 (1), I rise to make a Statement on the locust invasion in parts of the country; in particular the Lower Eastern region of Kitui, Makueni and Machakos counties; the Upper Eastern region, including Embu County; and the North Eastern region, in particular Wajir and Garissa counties; and now I am told they have invaded Muhoroni in Nyanza region.

Migratory locust swarms have been identified as a serious threat to agricultural communities since Biblical times. The Horn of Africa is facing a locust invasion on an unprecedented scale. Kenya is right at the centre of this calamity.

Late December last year, after an absence of more than 70 years, locust swarms returned to Kenya. The world watched scenes of residents of Wajir County and other parts of the North Eastern region desperately trying to chase them away with sticks and others banging metal sheets. The swarms have since moved and invaded wider areas and continue to cause significant crop, pasture and forest cover losses in the counties mentioned.

Mr. Speaker, Sir, the desert locust is considered one of the most dangerous of the flying pests by the Food and Agriculture Organization (FAO) of the United Nations (UN). The current invasion remains extremely serious because the locusts seem to be invading more areas each passing day. The devastation visited on vegetation by these insects is so intense that it is estimated that a small swarm, covering one square kilometre can eat the same amount of food in one day as 3,500 people.

This is a great risk to food security and social stability both at the national level and in particular, the areas under invasion. Agriculture is a key sector in Kenya, accounting for 26 per cent of the Gross Domestic Product (GDP) in 2019. It continues to be the bedrock of the development of our people in this region. It creates jobs for our people, besides satisfying their nutritional needs. Overall, the locusts have devoured crops and pasture across the region and beyond. Besides human beings, livestock health and productivity have also been negatively impacted.

Mr. Speaker, Sir, Kenya has experienced a major drought followed by several floods in the last two years, which have weakened its resilience, and now there is the locust invasion. Urgent control measures are required to manage the situation and protect the livelihood of human populations in this region. A critical issue would be properly structured coordination, because swarms do not obey international, national or country boundaries. The Government must, therefore, urgently coordinate with other governments as well as county governments in the region to roll out a sustainable solution.

Our fields are being wiped out of crops and pasture. Depending on the extent of the damage to the crops and pastures and the resultant impact on the farmers livelihood and coping capacities, immediate support for the rehabilitation of the affected households must be considered by the Government. The Government must consider compensating the people in the affected regions for the losses they have suffered and continue to suffer. This is important to sustain lives, livelihoods and to maintain social stability.

I recall that during the drought that affected the North Eastern region of the country a few years ago, the Government came up with a policy framework to mitigate the effects of the drought for the people in that region. The same should be considered by the Government for the people of the regions affected by the locust invasion.

Mr. Speaker, Sir, I urge the Government to act fast and mobilize the required resources to scale up control and preventive measures. This may include but not limited to formation of a national task force to control and manage the situation. The use of sticks, beating of drums and shouting at the locusts to chase them away from farms and pastures points to a level of desperation by people who feel abandoned by both the national and county governments at their hour of need.

This Statement must be appreciated for what it is; a call to action to the Government to alleviate the suffering of millions of its own citizens.

**The Speaker** (Hon. Lusaka): Sen. Murkomen.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I want to thank Sen. Wambua, who has explained the tragedy that is befalling the country with regard to the matter of locusts. This is a very serious matter that many people believe cost a Cabinet Secretary (CS) his job, by asking citizens to take pictures of the locusts and report. However, even after our friend Mr. Kiunjuri told us to take pictures of the locusts – over which I did not see any harm - the Cabinet Secretary who is now in office has declared unequivocally that there is no threat as far as the locusts are concerned. He said that the locusts are getting old and they will die. Therefore, Kenyans should not worry about them.

I hope that the Chairperson of the Committee is here. I have watched the video where the Cabinet Secretary, Mr. Munya, said that over and over again, just to be sure. This is because Mr. Munya is a man who has a Masters Degree in Law. He was a former lecturer at Moi University, a former Assistant Minister, a governor and now a Cabinet Secretary.

He has declared that we should not worry about locusts, so I do not know how Sen. Wambua is telling us that it is a threat now. What qualification does he have to tell us that it is a threat, when the Cabinet Secretary has clearly said that there is no threat? That they will simply get old and die?

Mr. Speaker, Sir, when this Statement was issued, many Kenyans were shocked. I was with the Senator of Kisumu. We were having lunch together today and we saw a 411 saying that locusts have invaded Migori and they are going to destroy sugar and rice plantations.

When the Senator for Kisumu County expressed his fears, I told him not to worry because the locusts will die of old age.

*(Laughter)*

I wonder what the official Government policy is on this issue. I wonder whether the Government bought pesticides and hired aeroplanes to go and spray and kill the locusts. Is it a policy in Kenya now that the Cabinet Secretary (CS) has told us to relax because the locusts will grow old and die?

Mr. Speaker, Sir, many Kenyans on social media wondered what would happen if the CS, Ministry of Agriculture, Livestock and Fisheries, hon. Munya, was in charge of the Ministry of Interior and Coordination of National Government on the question of Al-Shabaab, he would have told us not to worry because the Al-Shabaab militants will get old and die.

*(Laughter)*

We want the Chair of the Senate Committee on Agriculture, Livestock and Fisheries to summon the Cabinet Secretary in the Ministry of Agriculture, Livestock and Fisheries. This question should not only be answered to that Committee. The question should be addressed in a Committee of the Whole. The Chairperson of the Committee on Agriculture, Livestock and Fisheries will Chair the Committee of the Whole House but all of us will be here to follow through.

Mr. Speaker, Sir, just before you leave that Chair, if you want to know that this thing is extremely serious, your deputy was captured by media fighting the locusts with *sufurias* in Tharaka-Nithi County.

*(Laughter)*

Your deputy has experience of fighting locusts literally using *sufuria* and spoons. I used to think that was a primitive way of fighting locusts but I later learnt that locusts move in one direction. Therefore, as long as you have chased them from your farm, that problem is solved and it becomes another person's problem until they get old and die.

*(The Speaker, (Hon. Lusaka) left the Chair)*

*(The Deputy Speaker (Sen. (Prof.) Kindiki) took the Chair)*

Mr. Deputy Speaker, Sir, I hope that the Committee will solve this issue so that we can have a full answer.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Murkomen, what did the Deputy Speaker do?

*(Laughter)*

Order Members! Kindly proceed, Sen. Orengo.

**The Senate Minority Leader** (Sen. Orengo): Mr Deputy Speaker, Sir, I thank Sen. Wambua for this Statement. Now that the locusts are in Muhoroni in Kisumu County, it is just a matter of days before they land in Siaya County. Probably the Cabinet Secretary (CS) in the Ministry of Agriculture, Livestock, Fisheries and Irrigation should have consulted the Deputy Speaker who has practical knowledge. I know that before locusts die, they mate and reproduce in numbers. Therefore, the imagination that the locusts will be wiped out due to old age is an improbability. In any case, I find it strange that people from that general area have very simple solutions. There was a time when there was famine around the country, a gentleman from that area told us not to worry because there are a lot of rats which we can feed on.

*(Laughter)*

The desert locusts normally do not appear out of the blue; they give signals quite early. Prior to them appearing in Kenya, they had been sighted in Pakistan, the Arabian Peninsula and in the northern parts of Africa. I am told that fully grown locusts can do distances of more than 150 kilometres in a single flight. When there are cyclones or winds, the locusts can move a lot faster and cover a lot more territory. Once we see such signals, we should not wait until we engage in ground control of pests.

Measures should be taken well in advance under the auspice of regional bodies. The challenge with control where they have to use aerial sprays, they cause other problems which later on may cause serious consequences to health and the environment.

Mr Deputy Speaker, Sir, you tried where the Government could not. Where I come from, the only other people you can chase with *sufuria* and spoons are the evil spirits who are chased loudly at night. It is one such indication that normally even in circumstances where there are early signals to the threats on life or environment, we take too long to respond to those threats. We look for solutions when the problem is with us. We are told that we did not have enough local expertise. We are currently in the process of looking for the people who have the expertise to deal with locusts. In our situations, we have to look for Moroccans to help us out. That is not a good indication for a nation like ours. We should be a regional leader.

We are faced with the challenges of desertification. The desert is expanding southwards. We need to have these measures well in place to ensure that when the problem arises, we can deal with them effectively and in good time. I agree with the Senate Majority Leader that the CS in the Ministry of Agriculture, Livestock and Fisheries should be summoned before a Committee of the Whole to give a full explanation of solutions that are implementable in terms of taking action. Making statements on the roadside; that locusts are going to die, is not sustainable.

I hope that when the CS in the Ministry of Agriculture, Livestock and Fisheries appears before this House, he will explain the circumstances under which he made the statement that the locusts will grow old and die. Such statements should not be coming from somebody who is engaged with the public service with material and infrastructure to help him in making decisions that make sense to the people generally.

I agree that such statements should not be coming from a person like the Cabinet Secretary. Such statements can only come from village elders or the extension officers that we used to have in the Ministry of Agriculture, whose work was to give hope. The CS in the Ministry of Agriculture, Livestock and Fisheries should not make such statements in the face of a national crisis.

Mr Deputy Speaker, Sir, I appreciate the statement that was brought by Sen. Wambua.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): We are well past the Statement Hour. I will give opportunity to a few more Senators who I urge to make very brief remarks.

Kindly proceed, Sen. Wetangula.

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, this is a very important Statement. In fact, at some point I thought the Senate Majority Leader or Senate Minority Leader would move a Motion of adjournment for this House to debate this issue.

In 1939 when we had an invasion of locusts in Kenya, it was followed by a devastating famine that wiped out many people. In 1953, we had another major locust invasion in Kenya that left a wake of destruction that is unparalleled. With that in mind and knowing that locusts are so dangerous that even the United Nations (UN) has a component that is dedicated to fight desert locusts, the Intergovernmental Authority on Development (IGAD) was setup to fight and control locusts in the East African region and the Horn of Africa. Therefore, when you see what is happening, it worries me, and should worry every leader in this country.

Mr. Deputy Speaker, Sir, on a light note, there is a newspaper that carried a caption that you were missing as our Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Missing from the Senate or where?

**Sen. Wetangula:** It just said: “Where is the Deputy Speaker of the Senate?”

My son, whom you know, sent me a message all the way from Australia and asked me: “What happened to your friend?” I just sent him a message with one word; ‘locusts’. This is because I had been told by one of your Members of Parliament that you are leading the war against locusts, and you are on the frontline, battling them.

*(Laughter)*

Mr. Deputy Speaker, Sir, we need to be serious because what we have been seeing is comedy. I saw a policeman with a *Kalashnikov* on the shoulder running through the bush chasing locusts and blowing a whistle. I do not know who told him that locusts will hear the sound of a whistle and fly away. We have had so many things.

What is worrying now is the spread of these insects. They have now landed in Muhoroni and are likely to devastate the entire western belt food basket of the country. If you have read the history of locusts, as they travel at that speed, they mate and reproduce ferociously, so that every other week the numbers multiply and quadruple sometimes as they move.

Therefore, when you hear a Cabinet Secretary saying that they will age and die, you wonder what knowledge he possesses. I know that hon. Munya is not a fool; he is a very brilliant young man and has been known to do a very thorough job. Therefore, when he brings comedy into such serious business, I agree with the Senate Majority Leader that we must call him to the Committee of the Whole, so that this Statement can be interrogated thoroughly. He must come with the statistics on the implications of this invasion and how many acres of food have been devastated in northern Kenya, eastern Kenya and central Kenya.

Mr. Deputy Speaker, Sir, the President of this country should declare this locust invasion a national disaster, so that extraordinary measures are taken to fight and exterminate these insects. This is because they will not be wished away.

If for heaven’s sake they land in our game parks like the Mara, tourism will die overnight. This is because they eat everything green in their way. By the time the grass recovers, there will be no animals in the Mara; they will have gone perhaps to Tanzania or even further.

Therefore, I laud Sen. Wambua for bringing this Statement and all the colleagues that have contributed and demand that the Cabinet Secretary, through your direction, comes before this House as early as it is practically possible; even if it means Thursday this week, to be interrogated properly and thoroughly by this House. This is so that he can tell us if he has a budget line for fighting this calamity and measures that have been put in place. We now have two to three months since the insects invaded Kenya, and we hear that they are moving on.

Thank you.

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

Sen. Sakaja, have the locusts arrived in Nairobi?

*(Laughter)*

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, you are better placed to tell us the direction you chased them to when they were in Tharaka-Nithi. However, as far as I know, they have not landed in Nairobi.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): They went northwards, and that is why I am inquiring whether you need to speak to this.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, so far, we are safe. Fortunately or unfortunately, Nairobi is a concrete jungle, and so, even if they come they will have little to do.

I want to thank Sen. Wambua for bringing this Statement. Clearly this Statement is very close to him and also his political party. During the funeral of the late former President, Moi, his party leader spoke passionately about locusts. Therefore, clearly, this is a party statement. We are grateful to Wiper for doing this.

This is a serious issue. One of the problems that we are facing today as a country is that everybody has become an expert on locusts. Because of that and the media sensationalizing this issue, very important statements that are being made by the Cabinet Secretaries, including the former Cabinet Secretary, hon. Kiunjuri, are being trivialized.

Mr. Deputy Speaker, Sir, if you look at some papers written, including one by Dr. Kasina, the Chairman of the Entomological Society of Kenya and what the International Centre of Insect Physiology and Ecology (ICIPE) say--- When hon. Kiunjuri said that this is coming as a result of lack of stability in our neighbouring countries, the media was quick to report that he was blaming *Al Qaeda*, and we all laughed. He was actually correct because Kenya is not a breeding ground. These countries have focal points for dealing with locusts and because of insecurities that have been there, they have not been able to focus on the role they play for the rest of this region.

Dr. Kasina says that they came through Somalia, Ethiopia, Mandera, Elwak up to here. Hon. Kiunjuri had a point but because of how we like to sensationalise media, we said that he was going nuts.

Secondly, when he said let us have photos - I do not know if they had a portal to receive those kinds of photos - it is true because they come from a similar family as grasshoppers, but grasshoppers do not have the same destructive ability. Therefore, it would be good to reduce the kind of panic that would be there for people who think that grasshoppers are locusts.

Now, Hon. Munya talks about the age of the locusts. Looking at the writings by Dr. Kasina and others, they have incomplete metamorphosis such that from the time they were coming in, they were adults, but immature, and they take a certain period of time. I am just referring to the writings that are available to all of us. Leave alone the gestation period, their maturing period and the fact that they fly 100 kilometres in a day. Therefore, when he says that they look old and are on trees, but we are now spraying for the eggs, he has a point. However, he does not know how to express it because he is not a scientist.

I think what we need to do is to invite him because he is being advised by Dr. Kasina, ICIPE and the Centre for Entomology. He is not coming up with this from his mind and, therefore, it is important for the Committee on Agriculture to have that live session, so that the scientists can speak. Sometimes when we try to simplify these concepts to *wananchi*, we all look very stupid.

Mr. Deputy Speaker, Sir, this is a country that has a President and a working Government, and I do not think that the Government is taking this matter lightly. That is why we would need the Committee on Agriculture to let the scientists speak to Kenyans and not the politicians. Politicians do not know how to say that the gestation period is ending at this time, and you need to do this on your ground. That is why we resort to *sufurias* and spoons like yours truly, Mr. Deputy Speaker---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Sakaja. Summarise.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I agree with the Senate Majority Leader and what my distinguished uncle, Sen. Wetangula has said that, possibly, as a matter of urgency and because of the effects of panic, we need those institutions together with the Cabinet Secretary to come to this House in a session.

This is so that Kenyans can understand the actual science behind it, and not the comedy that we are hearing.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Let us have the Senator of Samburu. Please, try and be brief. Bring out new things.

**Sen. (Dr.) Lelegwe:** I will try to be brief. I appreciate Sen. Wambua for bringing this Statement to the Senate. I actually had a statement on the same. A locust invasion was reported in Kenya on 28<sup>th</sup> December, 2019. Up to date, it is reported that 18 counties have been invaded. Particularly in Samburu, the first swarm of locusts was reported on 9th January. Up to yesterday, there were 34 swarms that have been reported. Ten have been destroyed, while 24 have been sprayed. They are still breeding and are on transit to counties such as Laikipia, Turkana, Baringo and other counties.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): With the information you have, you should be helping the Ministry. Is that not so?

*(Laughter)*

**Sen. (Dr.) Lelegwe:** I am reporting this because there is a lot of---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You should be helping the Ministry because it is not doing a good job.

**Sen. (Dr.) Lelegwe:** The CS visited Samburu County---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): As the Vice Chairperson of the Committee on Agriculture, what steps have taken so far? Even as we talk about the Executive and give direction on what they should do, what have you done as the Committee on Agriculture so far?

**Sen. (Dr.) Lelegwe:** Mr. Deputy Speaker, Sir, we have---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Instead of coming here to give us statistics on when locusts were born, when they will die---

*(Laughter)*

It is very easy from the ambience of this Chamber to engage in this discussion. Unless you have an encounter as some Members of this House have had, you have no

idea what you are talking about. Vice-chairperson of the Committee on Agriculture, what have you done since locusts entered Kenya many weeks ago?

**Sen. (Dr.) Lelegwe:** Mr. Deputy Speaker, Sir, we have not called a meeting. I wanted to contact the Senate Majority Leader to call a special session---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Here we are pontificating, looking good and blaming the other arms of Government, although agriculture is devolved. As we speak, in 18 counties the entire crop is under threat. Agriculture is 99 per cent devolved. We have a Committee on Agriculture in this House, and you have done nothing. Instead, you are educating us about locusts.

Summarize because I want to give very strict directives to your Committee shortly.

**Sen. (Dr.) Lelegwe:** Mr. Deputy Speaker, Sir, Samburu County is one of those counties that have been affected by this disaster, so I have to report. Since the Statement was raised, I appreciate that you gave me a chance to also give some information that the Ministry may not be having.

Samburu County is one of the counties where locusts are breeding. We have not seen locusts crossing our borders to Uganda, Ethiopia and South Sudan. It means that the locusts are taking time to breed here and destroy crops, pasture, livelihoods and forests, and we will have another disaster. We will lose livestock and tourism. In Samburu we have more than 100,000 hectares that have been destroyed by the locusts.

Recently, the Ministry of Agriculture involved the National Youth Service (NYS) and the military in spraying the locusts. Sadly, one of the sub-counties in Samburu has been affected. Locusts are breeding and are on transit to other counties such as Turkana. The Ministry has no plans to involve the NYS or the military because they say those regions are insecure. So, we will have such regions as breeding places for locusts, and will never end this disaster. I concur with the Senate Majority Leader, that we need to call the CS, so that he sheds light on this disaster. Today we are at 18 counties.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator. Let us have one more Senator.

Proceed, Sen. (Prof.) Onger. Please, add value to this discussion.

**Sen. (Prof.) Onger:** Thank you, Mr. Deputy Speaker, Sir. I do not know what we are talking about here. We are in an emergency situation. These locusts move in billions. When they land on a piece of land, they desiccate it to rubbish and clear the soil. More worrying is that the breeding habits of locusts is that in the next three to four weeks, what are now being called old locusts, will be a second generation of locusts in bigger numbers.

What worries me now is the fact that we have just come from a drought-stricken situation and have witnessed a ravaging of our people and land through flooding. This has caused devastation and created a kind of a weather where it ideal for locusts to breed. The next phase we will see will be more vicious and critical than ever seen before.

What are the consequences that we do not seem to absorb at this stage? One, food will be totally cleared out, both for human and animal consumption and for existence. We are facing an emergency in terms of hunger. My take on this matter is that the Government and all the institutions, including county governments, should have emergency meetings on how to deal with this scourge of locust invasion.

It is not a story anymore. It is reality because we are beginning to see it and it follows a pattern of where the weather is warm and what it does. I witnessed the locusts of 1953. As young people then, we were playing around with those locusts and by the time we realized, they had already destroyed the entire crop. That year became a very difficult year for us to even feed properly and go to school. It is, therefore, not an area that we want to keep tight and issue statements.

By now, we should be seeing action in the form of Committees and people being mobilized. The so called emergency funds should now be brought into action, so that we are able to at least stem off--- Particularly, if we cannot deal with the first generation, we should be able to deal the subsequent generations which will be in billions more squarely and put them under control.

Mr. Deputy Speaker, Sir, as Sen. Wetangula said earlier, the Inter-Governmental Authority for Development (IGAD) was specifically set up for the purposes of monitoring and controlling the desert invasion from the Middle East; the desert itself. I should have expected that during the recent Africa Union Summit this should have been one of the most important topical issues to be raised and discussed.

I think we now need, through this organ of Parliament, to mobilize Kenyans to be abreast with the situation and deal with it as an emergency, so that everything goes in gear. We can save this nation from hunger and the clearing of our forests and food that we have planted during these generous rains.

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

Proceed, Sen. (Dr.) Ali. I know that Wajir was one of the counties that was affected.

**Sen. (Dr.) Ali:** Thank Mr. Deputy Speaker, Sir. I appreciate the time. Wajir was one of the first counties that were affected. The way you were behaving is the same way we were behaving; trying to chase them around.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): How come they did not notice?

**Sen. (Dr.) Ali:** It is unfortunate that our CS is behaving---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Now, Senate Majority Leader, you have more examples to cite.

**Sen. (Dr.) Ali:** In a very unorthodox manner, claiming that when the locust become yellow--- That is just an adaptation. The worst part is that now these locusts have all laid eggs and very soon they will hatch. I am afraid that we will have another lot coming. It is not just going to be in Kenya alone, but other countries.

In the old days in Wajir they used Dichloro-Diphenyl-Trichloroethane (DDT) and other chemicals that were banned because of their dangerous effects.

Right now, there are planes that are being used by the Desert Locust Control for Eastern Africa, which is based at the Wilson Airport. When this problem affected Wajir County and other counties in northern Kenya, they did not do anything at that particular time.

Mr. Deputy Speaker, Sir, I hope that the Ministry will take this issue seriously. The Cabinet Secretary responsible should wake up from his slumber because right now,

from the way he is talking, he is asleep. He is not serious. You cannot tell us that locusts are going to die, and that is why they are turning yellow. This is a very unfortunate statement. Hopefully, when the Cabinet Secretary comes here, he should be prepared and do what he needs to do.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Well done. That was very brief. Proceed, Sen. Outa. I am told they are now in Nyanza.

**Sen. Outa:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance. I want to take the opportunity also to thank Sen. Wambua for bringing this Statement. Before, I thought this was a myth until today when I got the news from my county that these wild locusts have already invaded my county in large numbers.

We were not really prepared in Kisumu County. It is my appeal to the national Government, through the Cabinet Secretary for Agriculture, Livestock and Fisheries, to act with speed. This has come to reality. The locusts are destroying all our crops. If the Cabinet Secretary will not take quick measures, then the country must be prepared for starvation. Like Members have said, we do not want to take this matter as a joke.

Mr. Deputy Speaker, Sir, when I heard that you were using unorthodox methods of controlling these wild locusts, I thought that was just a myth within the Kenyan people who have now become very--- How do we call it? They are using the technology to spoil other people's names. But then, I saw it last week when even our own chiefs and police were using unorthodox means. This is serious. If the Cabinet Secretary cannot be summoned here tomorrow, then it will be too late. I am expecting you to give a strong statement to the nation because you have had an experience with these locusts. The Kenyans who are yet to be affected by these locusts, and I know from Kisumu they will be going to Western Kenya or Siaya County--- Let us do something as this House to save our people in future.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you. Colleagues, I know that every Senator wants to speak to this issue. Unfortunately, we have run out of time. Before I give my directives, I would just like to say – not that I owe any person any explanation - that until you come face to face with a live swarm of locusts, you can say all the things we are saying here, but will never appreciate how ferocious, terrible, traumatizing and devastating they can be.

In fact, I am shocked that we have not had cases of farmers losing their minds. When you watch them as I did--- I had gone to the village in the normal way and decided to go and inspect some of the farms where some damage had been reported the previous day. I had an encounter face to face with locusts. The sun blackened and the skies were dark. You cannot drive or move. Farmers are in a frenzy. Within five minutes, the kind of damage caused is so traumatizing. I had no option but to alight from my car and help my neighbours do what they were doing.

I could not have stood there as the Deputy Speaker of the Senate waiting for pesticides, which was ordered last year from Japan and are still on the way. As late as yesterday, I heard the Cabinet Secretary for Agriculture, Livestock and Fisheries saying that they will not spray those locusts; they are waiting for them to die through natural attrition.

Now because I think we are a country of fun and comedy as others have said, we will not waste any more time on this issue. I appreciate the input of every Senator. For

your information, Sen. Sakaja, some of the scientific information you are giving is correct. But I am advised by a few people, including Sen. Wetangula, which I believe it is true, that what you are saying is not correct; that locusts and grasshoppers are the same, so that you have to photograph one to identify it. Those are two different things. One works in solidarity and the other one is solitary, which is a big difference.

Colleagues---

*(Sen. Sakaja spoke off record)*

There is no point of order. It is the Speaker who is talking. So, where can there be a point of order and about what?

Proceed, Sen. Sakaja.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I did not say that they are the same, but they are from a similar family of insects. The locust is what is called *schistocerca gregaria*. That 'gregaria' is how they move in swarms and the grasshopper moves solitarily, but they look similar. In fact, that justifies what I was saying. Even what I have just said here has already been misinterpreted, and that is why we misinterpreted hon. Kiunjuri and hon. Munya. I have just clarified.

**The Deputy Speaker** (Sen. (Prof.) Kindiki: If you were not an elected Senator, I would say that you should be appointed Chief Administrative Secretary (CAS) for Agriculture, Livestock and Fisheries.

*(Laughter)*

**Hon. Senators:** Curse!

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

Thank you very much to those Senators who have contributed to this Statement by the Senator for Kitui County, Sen. Wambua.

The matter of locusts is of national importance and is threatening to wipe away the entire harvest in our country, not just in the 18 counties that are affected so far, but even in the remaining counties.

I find it a bit of concern that the county governments – considering that agriculture is devolved – are doing almost nothing about this. I want to take great exception because the counties and their governments should be at the forefront of trying to bring a solution to this very horrendous catastrophe.

As I have also mentioned, I expect the Committee on Agriculture, Livestock and Fisheries to have done something because it has been a few weeks since locusts were reported in our country. Why am I saying this? It is because this situation does not require blame game. It requires a concerted, urgent and immediate effort. I do not think there would be any other higher duty than the Cabinet Secretary for Agriculture, Livestock and Fisheries would be involved in that would prevent him from joining hands with everyone else, including this august House in trying to bring a solution.

Accordingly, I direct the Hon. Peter Munya, the Cabinet Secretary for Agriculture, Livestock and Fisheries to appear before the Committee on Agriculture, Livestock and Fisheries on Thursday this week at 9.00 a.m. Through the Committee on Agriculture, Livestock and Fisheries, every Senator who is a Member of this House is

invited to attend and make a contribution, so that on Thursday, we leave here with concrete proposals on how we are going to tackle it.

I direct further the Chairperson of the Committee on Agriculture, Livestock and Fisheries to issue a statement in the House on Thursday afternoon on what will have transpired on Thursday morning.

It is so ordered.

For the avoidance of doubt, the Statement by the Chairperson of the Committee on Agriculture, Livestock and Fisheries should be slotted in the Order Paper for Thursday.

Senate Majority Leader, we can dispose of the next orders in a few minutes.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, we have agreed with the Senate Minority Leader, who is my Secunder, that the business in Order Nos.8, 9 and 10 have absolutely nothing to debate about. So, I will move, he will second and then we vote and move on to the main business.

### PROCEDURAL MOTIONS

#### LIMITATION OF DEBATE ON MOTIONS

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion-

THAT, pursuant to Standing Order No.106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than 20 minutes for the Mover, 20 minutes for the Majority Party Official Responder, 20 minutes for the Minority Party Official Responder and 15 minutes for each other Senator speaking and that 15 minutes before the time expires, the Mover shall be called upon to reply.

I beg to move and ask Sen. Orengo to second.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I second the Motion.

*(Question proposed)*

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON ADJOURNMENT MOTIONS

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion-

THAT, notwithstanding the provisions of Standing Order No. 106 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than

15 minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of 30 minutes, and shall be confined to the question of adjournment.

I beg to move and ask Sen. Orengo to Second.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I beg to second the Motion.

*(Question proposed)*

*(Question put and agreed to)*

LIMITATION OF DEBATE ON MOTION ON  
THE ADDRESS BY THE PRESIDENT

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than 15 minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to 30 minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to 30 minutes each.

I beg to move and ask Sen. Orengo to Second.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, I beg to second the Motion.

*(Question proposed)*

*(Question put and agreed to)*

**MOTIONS**

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO  
THE OFFICE OF THE COUNTY ATTORNEY BILL  
(SENATE BILLS No.3 OF 2018)

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move the following Motion-

THAT, the amendments by the National Assembly to the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) be now considered.

This is a Procedural Motion that gives room for us to commit the amendments as transmitted from the National Assembly, so that at the Committee Stage, we can

consider. Suffice to note that this is what should always happen. This is a traditional that we need to keep, so that Article 110 of the Constitution is preserved.

I, therefore, ask my colleagues to concede to this request, so that tomorrow or at an appointed time, we can revert to the Committee Stage and pass the necessary amendments.

I have looked at the amendments and do not want to delve into them at the moment. However, they are reasonable amendments that we should relook at and incorporate the issues raised.

It is very good that finally counties will have a recognized office of county attorney if we consider this Bill.

I do not want to say much because this is a Bill that I moved here and replied to; we have debated and discussed it. Let us just commit it to the Committee and, thereafter, we will consider it, so that then we can come to the substance of the Bill, which is the amendments from the National Assembly.

I beg to move and ask the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I second and note that this is a welcome development; that a Senate Bill has found its way in the National Assembly, amendments have been made there too, and it is back in this House for consideration. This is how the two Houses of Parliament should work. I think that it is good that this matter now goes for consideration by the House Committee.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): This is a purely Procedural Motion. Let me first propose the question, then I will give further directions.

*(Question proposed)*

As I have said, this is a Procedural Motion on this House deciding whether or not to consider the amendments from the National Assembly. Therefore, perhaps, other than the respective Chairs to say just one or two things, I will shortly appoint the time and day when the amendments will be considered, in which case, you can make your contributions at that time.

This being a Bill that falls within the Committee on Legal Affairs, Justice and Human Rights Committee, Chair, would you like to say something briefly?

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir. Welcome back from where you were because there were some videos doing rounds that---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I hope that you are not going back to the issue of locusts, because you look suspicious like you want to revisit the locusts matter.

*(Laughter)*

**Sen. Cherargei:** Mr. Deputy Speaker, Sir, welcome back from your heavy duties during the recess.

Since this is a Procedural Motion, I want to say, just like my colleagues, the leaders in the House said, that this is a welcome move. As a Committee, we have waited for this for long and hope - now that the amendments have come from the National

Assembly - that when it will be committed to either of the Committees with directions from you, as a Committee we will be able to process it in the fullness of time to allow for Presidential assent.

This Bill will enable county governments to have a functional office of the county attorney, which will assist them to process most of their legal issues without a problem.

This is a welcome move. As the Senate Minority Leader has said, this is how we should work as the two Houses of Parliament, so that we process most of these Bills in the interest of Kenyans.

Thank you, Mr. Deputy Speaker, Sir.

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I do not know why you are not applauding your own success in accordance with the customs, traditions and precedence of this and Commonwealth Parliaments.

*(Applause)*

Order, Members.

As I had said earlier on, I direct the Committee on Justice, Human Rights and Legal Affairs to be prepared. I want to direct that this matter be considered on Tuesday next week. The Committee should be ready by that time to assist the House in processing the amendments. It is so ordered.

Next Order.

CONSIDERATION OF THE NATIONAL ASSEMBLY  
AMENDMENTS TO THE PETITION TO COUNTY ASSEMBLIES  
(PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move the following Motion -

THAT, the amendments by the National Assembly to the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) be now considered.

I beg to move and ask the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Orenge): Mr. Deputy Speaker, Sir, I second.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Similarly, I will first propose the question, but once I do that, I will give at least the same Chair again, Sen. Cherargei, if he has something to say.

*(Question Proposed)*

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir. Since the Petition to County Assemblies (Procedure) Bill (Senate Bill No. 22 of 2018) is a Procedural Motion, I want to commend the National Assembly for processing it, and now we have

amendments. I want to assure the House, subject to direction from the Chair that we will deal with this matter expeditiously, so that this Bill can be processed for Presidential assent, and then it can go into operation as a law. This will ensure that our Kenyan citizens in our 47 counties can have an opportunity to be presenting their Petitions, and it will become easy for our county assemblies to function.

This is one of the ways to strengthen and facilitate our county assemblies by ensuring that there are laid-down procedures, especially in terms of presenting and processing Petitions, and ensuring that the committees or even the 47 county assemblies are able to prosecute this matter.

I hope that as a Committee, subject to your direction, we will be able to conclude these issues and report back to the House so that it can be processed and concluded.

Finally, I want to call upon the National Assembly that whenever laws involving devolution go to them, they should expeditiously dispose of some of these things, so that we can continue strengthening devolution. This is because we have seen even in the Building Bridges Initiative (BBI) that Kenyans want devolution to be strengthened and become strong.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Cherargei, the Chairperson of the Committee on Justice, Human Rights and Legal Affairs.

*(Question put and agreed to)*

Similarly, I direct that the Committee on Justice, Legal Affairs and Human Rights should ready itself to guide and assist the House when this matter comes up for debate. I further direct that the matter be slotted for Tuesday next week. It is so ordered.

Next Order.

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS  
TO THE EARLY CHILDHOOD EDUCATION  
BILL (SENATE BILLS NO. 26 OF 2018)

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move the Motion-

THAT, the amendments by the National Assembly to the Early Childhood Education Bill (Senate Bills No. 26 of 2018) be now considered.

This Bill has stayed long in this House because from last term, the National Assembly never managed to pass it. Therefore, Sen. (Dr.) Langat – I thought he was here – should be very proud that we managed, this time round, to get it through the National Assembly, and it has come back here. I will urge him that if the amendments are not so consequential, he better agrees that we pass it rather than to go through another process, where you subject yourself to the National Assembly process.

We will look forward to their guidance; like I have seen the precedent the Chair has set in that direction so that we can conclude the Bill finally, and so that the county

governments can have a law that guides them in shepherding our children who we want to be in their early childhood education.

Mr. Deputy Speaker, Sir, I beg to move and ask the Senate Minority Leader to second.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Leader of Majority. Proceed, Minority Leader.

**The Senate Minority Leader** (Sen. Orenge): Mr. Deputy Speaker, Sir, I second.

*(Question Proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Chairperson or the Vice Chairperson of the Committee on Education, I can see you comparing notes, although in an unorthodox manner.

Sen. (Prof.) Kamar, you can say a few things on behalf of the Committee.

**Sen. (Prof.) Kamar:** Thank you, Mr. Deputy Speaker, Sir. We are very happy and relieved, as a Committee, that we are finally getting comments from the National Assembly on this Bill. The Early Childhood Education Bill carries a lot that will change the way we handle the small and young Kenyans as they are initiated---

*(Sen. Murkomen spoke off record)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Murkomen! Are you trying to give tuition to a professor?

*(Laughter)*

*(Sen. Murkomen spoke off record)*

**Sen. (Prof.) Kamar:** Mr. Deputy Speaker, Sir, they are both small and young, and they require a lot of care. We are not only concerned about the education bit in that Bill, but also looking at the care that is given to the children in our ECDEs. We are very happy that the Bill has come back. This House is going to appraise itself on how not to mishandle a young child, and we are looking forward to passing this Bill.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Langat; I thought that you gave up your right of audience.

Sen. (Prof.) Kamar, on the intellectual exchange you have had – although informal – with your student, Sen. Murkomen, I think he was right. This is because there was a learner in class one those early years who was 84 years old or thereabouts; he was not small! Is it not? When free education was declared, there was a fellow who went either to pre-primary or to class one at the age of 84 years, and I am sure he was not small. Was he?

**Sen. (Prof.) Kamar:** Mr. Deputy Speaker, Sir, he was neither young nor small. But the majority of our learners are actually small and young.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I agree.

**Sen. (Prof.) Kamar:** You will realize that when you look at the care that we want to give, it is not for adults. In the care section of the Bill, we are looking at the care for these young children. You will notice that for a very long time, nobody cared about the young. You will find that when you go to a school, the worst classroom belonged to the early childhood group. However, we are now saying that this should be reversed; that the best classroom should actually belong to the early childhood class. Unfortunately, the older ones who will be in that class will not even use the facilities. That is because the desks and toilets there will be completely designed to take care of the young children. Kenyans will be proud to have babies and let them go through these classes that we are designing now.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have acquitted yourself. Proceed, Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity, although my Vice Chairperson has already said a lot.

Mr. Deputy Speaker, Sir, I want to appreciate the Committee of Education and Research in the National Assembly, led by Hon. Melly; we have been sharing a lot. I have also read and checked on the amendments; they will help us to fast track the passage of this particular Bill.

In fact, Mr. Deputy Speaker, Sir, it has become very difficult to oversight early childhood education in this country. This is because of lack of a uniform framework that guides the structures of the building, the age limit for those who are supposed to be in the early childhood education, the curriculum and so on. This Bill will, therefore, provide that particular framework and early childhood education in this country will run very smoothly.

Mr. Deputy Speaker, Sir, I want to thank the hon. Members of this House for having assisted very much in the process. I am happy that it will see the light of day very soon.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Members, I will now go ahead and put the question. This is not a matter affecting counties.

*(Question put and agreed to)*

*(Applause)*

In the same manner, I direct the Committee on Education to ready itself to be useful and assist the House in processing the amendments of the National Assembly. I further direct that the matter be slated for Tuesday next week. It is so ordered.

## BILLS

*First Reading*THE REPRODUCTIVE HEALTHCARE BILL  
(SENATE BILLS NO. 23 OF 2019)

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I direct that the same be committed, pursuant to Standing Order No.140 of the Senate Standing Orders, to the Standing Committee on Health. In accordance to Standing Order No.143, the Committee has 30 days within which to scrutinise the Bill, facilitate public participation of the same and also bring a report. It is so ordered.

*(Order for First Reading read –  
Read the First Time and ordered to be referred to  
the Standing the Committee on Health)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us go to the next Order.

*First Reading*THE WILDLIFE CONSERVATION AND MANAGEMENT  
(AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)

*(Order for First Reading read – Read the First Time  
and ordered to be referred to the Standing Committee on  
Lands, Environment and Natural Resources)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us go to the next Order.

*First Reading*THE LAW OF SUCCESSION (AMENDMENT) BILL  
(SENATE BILLS NO. 1 OF 2020)

*(Order for First Reading read – Read the First Time  
and ordered to be referred to the Standing Committee on  
Justice, Legal Affairs and Human Rights)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The Committee is required to scrutinise this Bill, facilitate public participation, in accordance with Standing Order No.143(1) and table a report to this House within 30 days.

Hon. Senators, the Speaker had already directed that we defer Order No.17.

*Second Reading*THE LIFESTYLE AUDIT (NO.2) BILL  
(SENATE BILLS NO.21 OF 2019)*(Bill deferred)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us go to the next Order.

*Second Reading*THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL  
(SENATE BILLS NO.22 OF 2019)

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. M. Kajwang', are you ready?

**Sen. M. Kajwang'**: Mr. Deputy Speaker, Sir, since we are doing public hearings on this particular Bill---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You should have informed the Chair early enough.

**Sen. M. Kajwang'**: I beg your indulgence to defer it until we are done with the public hearing.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I will only indulge you because I have heard that locusts have gone towards your county. Perhaps that should have been the reason why you look distracted.

*(Laughter)*

The issue of public participation should have happened earlier. Committees have been at work since 1<sup>st</sup> February, 2020. Therefore, because of the incidental matter of the locusts, I will indulge you. When do you think you can conclude the public participation?

**Sen. M. Kajwang'**: Mr. Deputy Speaker, Sir, my apologies. Public participation is scheduled for the following week but I undertake that if this matter comes up tomorrow, I will be able to prosecute it. I am sorry---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Then, it is not the public participation that is holding you back. There are other things. I was trying to be of help to you by invoking the latest tragedy of the locusts.

**Sen. M. Kajwang'**: Mr. Deputy Speaker, Sir, I thank you for your indulgence. I assure the House that I will not be running after the locusts.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. M. Kajwang'! You have not been directed to run after them, unless you are insinuating other things.

**Sen. M. Kajwang'**: Mr. Deputy Speaker, Sir, I listened to you even though I was not in the Chamber. I am convinced that when you come face to face with a swarm of

locusts that blackens the sky and darkens the day, just like the biblical Moses was asked; what do you have in your hand and he pulled out his stick. That is why you had to ululate and run after the locusts because that is what you had.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You have acquitted yourself. I direct that this matter be put on tomorrow's Order Paper. It is so ordered.

*(Bill deferred)*

Next Order!

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I hope the Senate Majority Leader will not invoke the locusts because Elgeyo-Marakwet is not in the list.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, for your information, the locusts arrived in Elgeyo-Marakwet last week.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Good luck.

**The Senate Majority Leader** (Sen. Murkomen): Our mangoes in Kerio Valley and many other vegetation, livestock, grass and all that are threatened.

Mr. Deputy Speaker, Sir, I am ready to move this Bill. It is more or less a straightforward Bill.

*Second Reading*

THE SACCO SOCIETIES (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to move that The SACCO Societies (Amendment) Bill (National Assembly Bills No. 1 of 2018) be read a Second Time.

The country has been facing a difficult time in managing SACCOs. There is a man who calls himself a pastor. Nowadays, we have pastors not like the ones we used to have in the olden days. We have cases where people start their churches, ordain themselves and rise in the ranks up to bishop.

There is a bishop in Kiambu called Gakuyo. We all know the story of Gakuyo Real Estate. The Directorate of Criminal Investigation (DCI) had to call thousands of people to report plundering of resources in the SACCO at the DCI offices and it became a big spectacle.

There is a general feeling that SACCOs were structured in a manner which was meant to provide opportunity for people to save their money but also ensure easy access of the money by the members. Owing to that flexibility, there has been misuse. The SACCOs have now grown to become bigger and larger, providing resources and support for members. For example, Mwalimu National SACCO Society Limited is now rivaling the Cooperative Bank of Kenya because it lends and takes deposit.

We have the question of interest and the regulation of SACCOs *vis-à-vis* the Banking Act. The most important thing is to know the relationship between the bank and the customer. That relationship that is well defined in law and that has achieved a long

jurisprudence for many years is not found in the situation of the SACCOs because their regulations are not as tight as those of banks. Therefore, this amendment is meant to address that situation.

This Bill seeks to identify the SACCOs that take deposits and provide the labeling of the names.

If you are called the Law Society of Kenya (LSK) SACCO--- I know that is where you are a member, but I do not know about Sen. Orengo. I know Sen. Mutula Kilonzo Jnr. is a member because he and I guaranteed another colleague. We are now busy chasing the colleague to repay so that we also have room to continue borrowing.

Mr. Deputy Speaker, Sir, if you are an LSK SACCO member, it is meant to be LSK SACCO. If it is a deposit-taking institution, it will now be a DT-SACCO. So, LSK DT-SACCO. That way, we will identify all the deposit-taking SACCOs. The use of DT-SACCO is now recognised in law and punished if you misuse it. We want to know which SACCOs are deposit-taking and which ones are not.

That is the first responsibility of this Bill. If you look at Clause 2 of this Amendment Bill, first, you must label what is a deposit-taking SACCO. Two, within the commencement of this Act, those SACCOs that were deposit-taking must be given room within 12 months, to change and label themselves as a deposit-taking SACCOs.

Third, licensed deposit-taking SACCOs must notify the SACCO Societies Regulatory Authority (SASRA) prior to amending its registered by-laws or any provisions thereof. If they have many changes they are going to make, they must report to the oversight authority

Again, the law provides that:

“A co-operative society that has been registered or incorporated as a deposit-taking savings and credit co-operative society or SACCO society, shall, within one year of registration, obtain a license from the Authority to operate as a deposit-taking savings and credit co-operative society or a Sacco society.”

Mr. Deputy Speaker, Sir, within one year, you must get the relevant license from the SASRA. All these, as I said, is basically to bring the authority of a deposit-taking SACCO within being registered.

Before I come to the reasons for the second amendment which is related to the question of reporting to the credit bureau, Clause 3 of this amendment Bill amends Section 48 of the existing Act, so that it can provide for the determination of and suitability of a person seeking to serve in a deposit-taking SACCO. It means that the Authority will now not oversight just the SACCO itself. It will also oversight the people who are going to serve. These people must be vetted by the SASRA. It will determine whether those people are licensed and qualified to serve as the director, Chief Executive Officer (CEO) or as an officer of a SACCO society.

Mr. Deputy Speaker, Sir, in doing that vetting, the amendments provided here gives guidelines to the SASRA to look at certain things. This is the financial status or solvency of a person. That means such person must do some level of wealth declaration so that we know if he is capable of coming to preside over or he is a person who is insolvent.

Second is to look at the academic qualifications in relation to the functions they are going to perform in the SACCO itself. Three, is the status of any other licence or

approval granted to the person by any financial sector regulator; the ability of the person to carry out regulated activity competently, honestly and fairly; the reputation, character financial integrity and reliability of a person; and any other material information that the Authority may consider necessary.

Those are some of the qualifications they will look at when determining whether a person can serve in a deposit-taking. When looking at the suitability of the person, SASRA must take into account issues like whether that person has contravened the law; whether the person has been convicted before; whether he has been a director who has been involuntarily liquidated in another SACCO before; and whether he has participated in other business which is considered fraudulent or prejudicial to the interest of SACCOs in the country. Whether he has participated in any business practice which cast doubt on the person's competence and soundness of judgment. Whether he has acted in a manner that cast doubt on the person's competence and so forth.

Mr. Deputy Speaker, Sir, this is a straight forward amendment which is only four pages.

The second part of it is that minimum standards have been imposed on the SACCO, which includes continuous or minimum professional development cost training for all the staff that will serve; that is, the CEO or board member of the society as they continue serving in the society. They must meet those minimum qualifications.

Part II is the question of reporting. At the moment, under the Banking Act, banks are mandated to report all the credit performance of its customers without resorting to the customer or asking for permission from the customer. So, when you decide to be a customer in any bank, you have also decided for your information to be shared with the Central Bank of Kenya (CBK) about your credit worthiness and your ability to service loans that you have borrowed and so forth.

Section 54 of the Act is being amended with the insertion of Clause 54(b) which says:

“A SACCO society shall, in the ordinary course of business, exchange information on performing and non-performing loans as may be specified by the Authority and to such extent as may be prescribed through the regulations made under the Act.”

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

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

Madam Temporary Speaker, the amendment says that an institution licensed under the Banking Act, Microfinance Act or any other entity as may be provided for under any other written law, shall also have the opportunity to exchange information with the SACCOs. This information is also shared with the Credit Reference Bureaus (CRBs) which have been defined in the law which is the Banking Act or the Microfinance Act of 2006.

In essence, persons who have been borrowing from SACCOS are now notified that if these amendments become law, they will face greater scrutiny. There will be

greater accountability on their performance of their service of loans. In most cases, we know that many of the SACCOs have no mechanism of enforcing violations by customers who are unable to repay their loans. Under this law, it will be automatic. They will be reported and then their information will go to CRB and be declared a dangerous borrower in the sense that you cannot borrow from other institutions. Other SACCOs will know and your record will be known to the public.

Madam Temporary Speaker, I do not know if it is a good thing. I am not speaking as a customer of a SACCO. We have been defaulting. We must be very honest. You borrow and then you go for three to four months without paying. Since SACCOs are not as bad as the banks, you come back and repay - sometimes lump sum. It takes you a few more months. I do not know.

I think the Committee should advise this House whether we should actually be passing this law because most of us here who are borrowing from SACCOs have enjoyed the leniency of SACCOs vis-à-vis the punishment that comes with being reported to CRB. We should also look at after how long CRB should list you and for how long should someone be in the list of CRB in terms of the two issues.

Madam Temporary Speaker, this is a straight forward law which is doing just two things. One, is to ensure that DT-SACCOs are recognised and the people who serve in the deposit-taking SACCOs are vetted accordingly. The vetting criteria is provided for in the amendment and standards of service in the bureau, the qualification in the SACCO is identified.

Two, is to basically ensure that information is shared automatically with CRBs and the CBK will now have every information about everybody who borrows from a SACCOs and the performance of those loans within the SACCO.

I beg to move and ask Sen. Orengo to second. I also request all Members in the House to contribute to this important Bill.

Thank you.

**The Temporary Speaker** (Sen. Prof. Kamar): Sen. Orengo.

**The Senate Minority Leader** (Sen. Orengo): Thank you, Madam Temporary Speaker. This is a very straightforward Bill.

As we noticed, in the other Orders, there were Bills that were coming from the National Assembly for further consideration which originated from the Senate. This is a Bill coming from the National Assembly, and we have not hesitated giving consideration to this Bill.

Before talking about Savings and Credit Co-operatives (SACCOs), generally, the corporate society movement in Kenya has been a pacesetter in the continent, and even to the rest of the world. Kenya has been known for its corporate movement particularly in the field of agriculture. Over time, we have seen the growth of this sector, the SACCOs, which are a category of corporate societies as originally designed and contemplated.

This Bill is significant in the sense that it makes some certain changes which I think are critical in this growing and expanding industry. The Mover of this Bill, the Senate Majority Leader, has basically touched on the amendments, their importance, the reasons for the amendments and the consequence of those amendments.

I may not say more, save to add the following: Owing to the significance of this sector, the amendments that are proposed in Clause 2 of the Amendment Bill are critical

and important because it is a realization of the role that these SACCOs play. The amendment there which is going to come after Section 48 of the principal Act is quite clear because it lays out provisions for determination of suitability. This is so that we have the right people for the positions of the board members, and the Chief Executive Officer (CEO) in this growing and expanding sector, if I may put it that way. They should have certain qualifications and their financial status of sovereignty is a matter that should be considered.

All this is for good measure. There is an interesting one under Clause 48A (2) (d) which is:-

“The ability of the person to carry on the regulated activity competently”.

I think that this is a very important consideration. Many co-operative societies, as they were at the beginning, were destroyed by being managed by the wrong people. As I pointed out at the beginning, all these measures are to ensure that these societies are led by people who can manage these organizations. The issues of character and reputation, financial integrity and the likes are matters which have to be considered.

I know that even in the field of the trade unions, for somebody to qualify for the position of Secretary-General, one is required to not have been convicted of an offense involving dishonesty and fraud. I think that these amendments are also to that effect and very critical, if this sector has to grow.

The other amendment which I have found in Section 50 of the principal Act, which is also equally interesting and it says in Section 50 (8):

“The authority may impose minimum standards on significant members and officers of the SACCO society as prescribed, including a mandatory continuous or minimum professional development course, training and certification which every board member, Chief Executive Officer or an officer of a SACCO society shall undertake or attain before serving or seeking to serve as a board member, Chief Executive Officer or an officer of a SACCO society”

There is a process, not only at the beginning where you have the right qualification, but there is a continuous self-development in the areas that have been particularly--- as regards to board members and Chief Executive Officers, which I think are the category of leadership and management that are known as significant members and officers.

Madam Temporary Speaker, without further ado, I fully support this Bill and commend it to the House.

I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Prof. Kamar): Sen. Pareno.

**Sen. Pareno:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute.

I support this Bill, and I am happy that our leaders at the National Assembly have been able to work on this.

I think that the background under which these amendments are being brought is because of the history of co-operative societies that we have in this country. Initially, we had very successful and big co-operative societies with numbers of people investing. It

was meant for people to come together to invest and for prosperity, but for a long time thereafter, we ended up having these co-operative societies failing. There was a lot of squandering of people's money.

Madam Temporary Speaker, there was a time I was acting for a co-operative society, and every other day, they were being sued left, right and centre by their members. Most of them were trying to withdraw. In fact, I have personally represented several people withdrawing from co-operative societies because it was no longer valuable for them. As they withdrew, you would even give them the requisite notice that a certain person is withdrawing within the provisions of the by-laws, could they release the deposits of that particular individual?

It takes an individual whose money is lying in those corporative societies to go to court for them to get their amounts refunded in many of those societies. I do not want to say all of them. I am saying this because, as I said, I represented quite many members of societies trying to get back the money that they deposited with the societies.

Madam Temporary Speaker, I understand that with these amendments, we are cushioning the members of SACCOs from any losses by coming up with an authority that will check on the directors because too many SACCOs are cropping up nowadays and end up as pyramid schemes. People end up losing a lot of money to such schemes, so we need to these kinds of measures to cushion the citizens who believe in co-operative societies and come up with by-laws which they believe will run the co-operative societies.

It should be easy for an individual to join or exit a SACCO. This Bill is well intentioned. We are introducing the words deposit taking SACCOs because there are so many types of SACCOs. If a SACCO is not operating as a deposit taking SACCO, you cannot use that word. If you are operating as a deposit taking SACCO, then that is what you are because the name speaks for itself. The same should apply for those that are members of these SACCOs.

The amendment in Clause 3 of the Bill is meant to determine the suitability of those that can run a SACCO society. Section 48(2) states that the Authority shall, in determining if a person is suitable and proper to serve as a director or an officer of the SACCO society consider the following-

(a) the financial status of solvency of the person. That is relevant because you are going to handle people's money. If you are a broke person, I suppose this disqualifies you

(b) the academic or other qualifications or experiences of the person, having regard to the nature of the functions which the person shall perform; It is natural that you should know the kind of experience that this person has and whether he is suitable for that position.

(c) status of any other licence or approval granted to person by any financial sector regulator. This clearly shows that there is something missing that we need to address as a mischief. What we are addressing in this provision is so that you are regulated and vetted. The people who handle money should be experts in that field.

(d) the ability of the person to carry on the regulated activity competently. This spells out the competency of the person who will have to be a director of a co-operative society.

Madam Temporary Speaker, the amendments in Clause 3 are meant to tighten the rules that govern SACCOS. The new rules address the challenges that we have had in running societies. There was a time that pyramid schemes were sprouting left, right and centre and citizens ended up losing a lot of money. Business sank because of malpractices in the management of SACCOS.

I beg to support this Bill because it will help members of SACCOS societies.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Pareno.

Kindly proceed Sen. (Dr.) Mwaura.

**Sen. (Dr.) Mwaura:** Madam Temporary Speaker, I have just come in. I was going through the Bill but nevertheless, I would like to make my remarks.

I would like to congratulate Sen. Pareno for speaking ebulliently about how SACCOS are misused by many people to swindle Kenyans of their hard earned money. This is the case of Kiambu County where there were so many investors who were told that they were going to part of a SACCO society. Those people were given ridiculous amounts of money to invest in return for houses.

Kenyans are very desperate to invest and get a house, which is a basic necessity. I receive a lot of calls from poor people about Gakuyo Investment. I hope that the blind man from Murang'a who asked me to help him recover his Kshs20,000 from Gakuyo Investment is listening to me. He has been crying for justice because he has Prostate Cancer. He approached me, as a Senator who represent persons with disabilities, to help him recover the money for purposes of treatment. We all know that Kshs20,000 may not do much but that is all the money that he had invested and entrusted in Gakuyo Investment.

Madam Temporary Speaker, other people I went to school with were also victims of Gakuyo Investment. They were part of the demonstrators. A friend of mine by the name Eunice was also conned off her investment together with her husband. There are many people who invest in SACCOS which are nothing more than Ponzi schemes.

A few years ago, pyramid schemes defrauded Kenyans by telling them that they would benefit from their deposits once they become part of the pyramid scheme. Many people were conned huge sums of money. The late hon. Francis Nyenze was appointed to head the task force that looked into the issue of pyramid schemes which had become a national crisis. A former Member of Parliament (MP), hon. Paddy Ahenda, who was a Member then was accosted by the public because he was accused of engaging in the pyramid scheme. Pyramid schemes are based on selling nothing but greed to people.

We are in a serious rat race where people are looking for money and want to be better than their neighbours, people easily fall for such schemes in the form of SACCOS. I recently joined a church-based SACCO. While officiating the SACCO, the pastor was very clear that there should not be conning where members are unaware of how their money is being used.

Madam Temporary Speaker, this amendment is very important because people now fear SACCOS. However, the SACCO societies provide a good opportunity for people to uplift themselves from poverty because they are not taxed and they do not incur a lot of interest. It is a cheap way of getting loans that one can use for development. Parliament, for instance, has two main SACCOS; Bunge Co-operative Society (BUCOSO) and Parliamentary Savings and Credit Co-operative Society (PACOSO).

I do not know whether Members would ever survive without BUCOSO. The BUCOSO has been very useful to me because when I have an emergency, I go to Sen. (Prof.) Ongeru, who is older and wiser, so he is usually very generous, to sign for me as my guarantor. Thereafter, I go to my fellow comrade, Sen. Cherargei to sign the loan form as my guarantor. Lastly, I go to Sen. Pareno who always wants to know whether I can really repay the money. Within no time, the money ends up in my account and I am able to do what I need to do. We need to encourage the country by tightening the ropes with regards to SACCOs and ensure that we rope out people who try to look at SACCOs as opportunities for self-aggrandisement and self-enrichment.

Madam Temporary Speaker, the Youth Enterprise Development Fund (YEDF) was a very good initiative by President Kibaki. I was in attendance when the fund was launched at KICC in 2006. However, it has not yielded the results that it was meant to achieve. They require applicants to have collateral while the collateral in SACCOs is the social capital. It is about the people you know who can guarantee you. The SACCOs help many people who have good ideas to see their ideas off the ground.

Looking at this Bill, I am convinced that Parliament needs to have some oversight role on these SACCOs. I know that there is a Special Funds Committee in the National Assembly. This Bill ensures that there is more say for parliamentarians over SACCOs such that if there are complaints about the mismanagement of SACCOs, people can find recourse within the House of people's representative and the counties. This Amendment Bill should also ensure that we are able to delineate the roles of counties in terms of spurring investment and savings within those counties and county entities. That is one of the things that need to be looked into.

When I look further into this Bill, I see the issue of deposit taking SACCOs, for example, especially in terms of delineating the various types of businesses that can be done. The difference between SACCOs and shylocks--- The other culprit in this market is people calling themselves microfinance saving societies, but they are nothing more than shylocks.

SACCOs should be restricted to very low interest. The advent of online moneylenders, including *Fuliza*, *M-shwari*, *M-kopa* and others, are impoverishing our youth. If you look at the amounts of money being charged, they are operating in the ambit of SACCOs.

Madam Temporary Speaker, this Bill is important, but it needs to be very clear because we have to differentiate between a bank, SACCOs and financial lenders, the so-called microfinance institutions. We need to have a proper regulatory regime, so that we are not able to just transition and operate depending on will.

We know that Equity Bank started as a SACCO. Likewise, Cooperative Bank and Family Bank started as SACCOs. Therefore, we have a very good opportunity to build financial institutions such as banks from these SACCOs, but then there is a grey area. That is why most people lose their money. Remember banks like the Agrarian Bank that ran away with people's money.

Therefore, this is a good Bill. I hope that we will take time not just to debate it for the sake of approval because we need to get concurrence with regards to our sister House, but put meat into it. This is because this House has debated about online financial lenders

and various serious cases of fraud that have been petitioned through Statements and other means of engagement with this august House.

Therefore, let us take our time so that we inform this Bill to speak to the new realities of counties. I have just come from Kiambu County, and devolution is revolution. Because I have not had time, I want to thank the Senate, at this point of time, for making the people of Kiambu proud by ensuring they were able to stand with them by ensuring that the impeachment succeeded. That has sent a very strong message, that the Senate is not a rubberstamp House, but a House of repute which must be respected. We expect the same to be done with regard to this Bill, so that the National Assembly may know that we have that capacity to enrich Bills that speak to the residents of the 47 counties.

Madam Temporary Speaker, this is a timely Bill. In the same manner that we are expediting Bills from the National Assembly, because this the second day of our Session, the Bills that are pending in the National Assembly should also be fast-tracked. One of them is on the ward development fund that MCAs are waiting for so that they can have the money that we send to counties to be devolved further to their wards. There are many private Bills that have been pushed here by distinguished Senators, but which have not seen the light of day.

In fact, we have had a very bad record, going by the Second Senate, where most private members Bills--- I think it is only one or two that were assented to and became law.

In this regard, I think this is newfound camaraderie. The Senate is always very magnanimous. We are discussing the National Assembly Bill. We then expect that if today we are to look to at the Order Paper, that they are also discussing the Senate Bill so that we fastrack and do not create gridlocks around the bicameralism that we are practicing.

Madam Temporary Speaker, without much ado, since the French say that if you speak much--- In French, they say – allow me to paraphrase – “*parler comme une vache espagnole*,” which means you are speaking like a Spanish cow. I wish to leave it at that.

I thank the Mover and ask that the Senators support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Mwaura, we assume that you said nothing that is offensive to us, because we have not understood what you have said.

**Sen. Cherargei:** Madam Temporary Speaker, I thank you very much for giving me this opportunity to support the SACCO Societies (Amendment) Bill 2018 from the National Assembly.

Everybody agrees that in one way or another--- I have seen my friend Sen. (Dr.) Mwaura is still in a celebratory mood. He is still campaigning for something in Kiambu, and we wish him the best. However, he should be careful that the same people who ate his governors might eat him in the future. I can see that Sen. Pareno is laughing; I do not know why.

Madam Temporary Speaker, all of us know the role of the SACCOs in this country. The beauty about SACCOs is that they are owned and run--- It is an encouragement to allow Kenyans to have a saving culture. We realize that most Kenyans do not like saving, but spending. The beauty of SACCOs is in being run, owned--- One of

the principles of running SACCOs and societies is that it is generally open and voluntary. We should encourage that.

The vibrancy of SACCOs, especially in the early years of this country was well known. We have many societies, and in my local language, it is called *sosait*. Many people are encouraged to join milk cooperative societies. I have seen dairy SACCOs in my county such as Kabiyet Lelgi, Taleltany, Lelchego. Many SACCO societies that are being run and owned by farmers, and they offer financial services that assist farmers to access financial services without enduring the rigorous process as in the banks. If one wants a loan from the banks, they might need security, guarantors and the entire process. The beauty of SACCOs is that one is able to access the use of financial services without that rigorous process.

This amendment is one way of ensuring that it is like the banking institutions, where one uses deposit and withdrawal services. If this amendment goes through, we expect the SACCO Societies Regulatory Authority (SASRA) to ensure that they properly regulate this SACCO business. I think Karl Marx, if I am not wrong, said, "Religion is the opium of the poor." I saw a 'man of God' starting a SACCO; taking that Kshs5,000 or 10,000 from members; and the other day, we were told that he ran away with everything.

We also have a classical case where the Director of Criminal Investigations (DCI) is investigating Mr. Gakuyo of Ekeza SACCO Society, where Kenyans who were allegedly conned lined up along Kiambu Road to write statements in the famous Karura Forest.

The weak regulatory regime and the manner in which some of these SACCOs are run has exposed Kenyans to be vulnerable to some of these antics of street-smart conmen.

They are now even using the pulpit to con people. A good example is the preacher Gakuyo, who is a 'man of God.' I have seen him preaching, yet he used the pulpit to con ordinary Kenyans by promising them property and land. There was hue and cry after that, and I hope that the DCI will investigate it and ensure that there is prosecution with regard to the Gakuyo fiasco. He must do so to ensure that Kenyans get justice and stop anybody who would want to take advantage of innocent Kenyans.

Madam Temporary Speaker, Gakuyo comes from Kiambu County, just like my brother, Sen. Mwaura. When I see him commenting on national issues, I always wonder. It is interesting because the same person who can con people through the pulpit is purporting to lecture the people on the same. I hope that the DCI and the Office of the Director of Public Prosecutions (ODPP) will ensure they use the Gakuyo case and other cases of pyramid schemes to stop Kenyans from being taken advantage of.

Madam Temporary Speaker, I know people want to get rich quickly and that they do not want to be patient. They want to invest their money and get quick returns. But we should prepare a legal regime in running of our SACCOs. This amendment will, in one way or another, ensure that anybody who invests and who gets services from the SACCO is protected. Therefore, these people who have been masquerading in the country, taking advantage of Kenyans and purporting to run SACCOs; the DCI and DPP must ensure that they are prosecuted. We want to agree largely with most of the proposals that have been made in this amendment in ensuring that we amend this SACCO Societies Act.

Madam Temporary Speaker, despite the financial sector having its challenges, we must also make SACCOs competitive, because most of the SACCOs are still being run based on the laws that were there before, yet the banking sector is evolving daily. That is why we are even discussing about mobile banking. We are also talking about electronic use, and we now have apps where you can just go to your bank and borrow money from the app using your mobile phone.

Madam Temporary Speaker, it means that the financial sector is undergoing a serious revolution with the modern day technology. We are told that MPesa is one of the unique mobile banking apps that has ever been seen in the world. We should ensure that we also introduce this modern technology in SACCOs, such that people who are techno-savvy, like the young people, can be part of the SACCO conversation in this country. In the area where I come from, SACCOs have always been associated with the old, and with people doing agriculture in the villages.

Madam Temporary Speaker, the National Assembly Bill has been elaborated very well by the Majority Leader. Therefore, we should ensure that we put the necessary legal safeguards in place so that these SACCOs can be profitable to Kenyans. That will ensure that they are protected from the people who want to take advantage of them, and ensure we move forward.

Madam Temporary Speaker, we should see how counties can become part of the entire process. I know that the tea sector also has their own societies. In the area where I come from, they have their own SACCOs. We have seen what SACCOs can do. How can the national and the county governments ensure that they create a proper environment for SACCOs in this country, from now and going forward? I want to advise that even as we process these amendments, we should look at ways of ensuring that we tighten and fine-tune this Bill in order to give the county governments a proper role in this issue of SACCOs.

Finally, even as we think about reforming the banking sector, we should also cushion it. The process of liquidation in banking and SACCOs is almost similar when they go under.

We should reform the banking sector and ensure we have a deposit protection fund. We should also cushion SACCOs so that its members can have an opportunity to be part of the banking system. This is something that we should support.

Madam Temporary Speaker, as we debate the BBI, the centre of it should be based on how to make sure that Kenyans have economic power by ensuring that we have revolutionary financial institutions.

The major lifeline for our people is farming. How do we transform farming from agrarian modern farming to a more techno-savvy one which is more profitable? It does not make sense to have 20 cows and have 20 litres of milk. You can have two cows and have around 50 litres of milk. That is the revolution we are looking for.

Most milk SACCOs in my county were selling milk at Kshs15 per litre. However, the President stepped in and said that he will add more money to avoid milk glut in the market. How do we ensure that these SACCOs are profitable? How do we cushion and make them vibrant? The banking sector has forced us to think that financial institutions only deal with banking. Therefore, if you do not bank with the banks, you are a failure. It should be a complementary role. The financial sector should be reformed in a way that

Kenyans can be empowered economically. If we have a conversation about the BBI without the economic empowered of our citizens using SACCOs and others sectors, it will not have a necessary impact.

Madam Temporary Speaker, I can see the director of Orange Democratic Movement (ODM) elections is smiling. She agrees with me, because she comes from a pastoralist community. We also want livestock to become a source of economic empowerment. We do not only want to be politically and democratic empowered, or have women and youth empowerment; we also want economic empowerment through the agriculture sector. Therefore, we must create a way to ensure that we have strong SACCOs.

Madam Temporary Speaker, in the formative years of the country, where you come from, people used to drive brand new Peugeot 504s with zero mileage. This is because at that time, the SACCO sector was working seamlessly and people could get loans within minutes.

I agree with Sen. Mwaura that if the Parliamentarians SACCO Society Limited was not there, I do not know how Members would survive. You and I know that it is our lifeline. If we can make SACCOs work, the way the Parliamentarians SACCO Society Limited works, we would revolutionize Kenyans.

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Pareno, what information do you have?

**Sen. Pareno:** Madam Temporary Speaker, he said that he saw me smiling. I was smiling because when you talk of livestock, it is the livelihood of the Masaai and the rest of the pastoralists. Our livelihood, livestock, land and milk is part of our agenda for the BBI.

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is out of order?

**Sen. (Dr.) Mwaura:** Thank you, Madam Temporary Speaker---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Please make reference to what is out of order.

**Sen. (Dr.) Mwaura:** Madam Temporary Speaker, I stand here pursuant to Standing Order 1, on traditions---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Mwaura, Standing Order 1 does not give any authority to a Member; it gives authority only to the Speaker.

**Sen. (Dr.) Mwaura:** Madam Temporary Speaker, that is exactly the point. When I listened to Sen. Pareno, who has talked a lot---

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is out of order?

**Sen. (Dr.) Mwaura:** Is she in order to insinuate that only those people who have livestock have a stake at the Building Bridges Initiative (BBI) because of the number of cows that they have? Is she in order to associate the BBI to livestock?

**The Temporary Speaker** (Sen. (Prof.) Kamar): Now you are very clear. Sen. Pareno, is BBI equivalent to livestock production?

**Sen. Pareno:** I just gave information that for us, the Maasai who had a meeting – we have been having several meetings on the BBI – actually resolved that livestock, including land, are going to be issues in the BBI, and that we are going to make proposals

to the BBI team when they visit. I, therefore, only gave information as to what we are doing, as the Maasai people, who are pastoralists and keepers of animals.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Pareno; you are clear and so informed.

Sen. Cherargei can now continue.

**Sen. Cherargei:** Madam Temporary Speaker, she said “among other issues,” and we will attend that rally in Narok. I hope that they will also push for the arrest of the biggest land barons in this country who have disenfranchised many Kenyans of their land. I will be happy to see many people being arrested for stealing land from Kenyans.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Cherargei, you are supposed to address the Speaker. You do not address a Member on issues concerning yourselves.

**Sen. Cherargei:** Madam Temporary Speaker, I am sorry for that.

In conclusion, Madam Temporary Speaker, to create vibrancy, we will support and ensure---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Pareno, you are not trying to respond to what I ruled him out of order for; that he should not be communicating to your directly.

Thank you.

Proceed, Sen. Cherargei.

**Sen. Cherargei:** In conclusion, I would want to see SASRA trying to give us an innovative way to revolutionize the SACCOs. This is because from where we come from, farming is important, and we are encouraging farmers to join societies to allow them to have the financial muscle and economic empowerment. I look forward to quicker expedition of this amendment so that Kenyans can continue to benefit.

Thank you, Madam Temporary Speaker, for this opportunity.

**Sen. (Prof.) Ongeri:** Than you, Madam Temporary Speaker, for giving me this opportunity to also contribute to what I consider as the most important amendment that has come from the National Assembly to the Senate, touching on matters of the cooperative societies or the SACCOs, as we know them today.

One of the most fascinating elements is that this is operating at the grassroots level. It touches on many lives of very basic and simple people, who go about their businesses but have no financial capacity to handle their day to day activities; or, for any matter, are unable to increase any chances of prosperity within the areas of their operations. They have the intentions and goodwill, they want to make progress and advance in their businesses, however small they may be, but unfortunately they cannot get the financial support from either the normal standard banking systems or the micro finance institutions that are available. This may be because of many conditionality's that put a stop to their borrowing ability and capacity.

Therefore, these SACCOs came as a blessing in disguise. There are many good things that you can discuss about them. They cut across the spectrum of life; there are those who operate the *boda bodas*, and they are in many SACCOs. There are also the *matatu* operators, the Early Childhood Development (ECD) to secondary school teachers, nurses and various public health workers; all these are in many SACCOs.

There are those who go for speculation of businesses, particularly land purchasing opportunities. Such people go for these types of SACCOS. There are women groups who form SACCOS by performing daily simple tasks to ensure there is food on the table for the families.

There are also SACCOS for vendors, and we have various types of vendors. We have vegetable vendors and those who sell dry goods in Gikomba and other markets in local or county government settings. They form SACCOS and sell their wares together.

There are those who have ventured into high speculative land purchasing SACCOS, where they put their resources together. If you survey what is going on, particularly in urban centres, you will realise that many buildings are coming up. People with little savings and small means put money together, and it grows if you have proper establishments. If people keep accounts properly and do not do any other chicanery or steal from the members, you will see those SACCOS growing. I have witnessed that in urban centres like in Nairobi, Mombasa, Nakuru, Kitale and other towns. I have seen many successful ventures coming up because of people who are organized and who have come together. They have put up development housing estates where they earn a living without having to steal.

In essence, the good that encompasses the SACCOs is something that we must jealously guard, because there are fraudulent characters that cheat the citizenry of this country who want to make an honest living. They cheat them and take away their money. That is why this new amendment seeks to take care of that aspect of life so that people can be shielded or protected from fraudsters, because Kenya is not short of fraudsters.

There are many people who want to live on other peoples' sweat. There are many people who have been corrupted to an extent that they defraud the ordinary earnings that people have put together through hard sweat. These are the fraudsters that this Bill must take care of, since they can make life impossible and miserable. That is because normally they take each and every cent that has been earned.

There are those who come up with some sort of a SACCO, but in effect it is an individual or family SACCO. They persuade other families to join, thinking that they are joining a genuine SACCO. At the end of the day, these people fold up and disappear.

I have seen SACCOS being formed for purposes of education and helping the children go to school. Some are formed with the intention of helping people pay school fees or children go to universities, and people are asked to make some payments. When the time comes and they want to have recourse to getting that money to send their children to school, they cannot locate those individuals because they disappear into thin air, and you will never locate their offices. There are also SACCOs that have been formed as employment bureaus for people seeking for jobs at county, national or international levels.

When I was the Minister for Foreign Affairs, I witnessed a very sad situation, where poor little girls who wanted to look for earnings in some of the Middle East countries were defrauded of their small little savings by very crafty and ruthless individuals, who took away every single saving. Saving is a good thing to do, because it promotes deposits and creates a habit of keeping money for a rainy day, particularly for small earners.

Those who have the means to borrow can borrow a lot of money from banks because they have collaterals. However, these simple individuals have no collaterals to give to anybody. Therefore, SACCOs become a point of entry for any development, whether it is social or actual development that occurs within that family, locality, county, nation or even internationally.

Even we, as Members of Parliament, we are benefiting greatly from our own SACCO. You can see the ease with which you can access resources in order to attend to a problem which is confronting you at that particular moment. SACCOs in this country are run efficiently. The message that is coming through this amendment is that we now want to tighten their management in this legislation, so that we do not leave any loopholes for anybody to defraud Kenyans.

This morning, I was talking to a *boda boda* chairman from one of the sub-counties in my county. He expressed to me how they have already spread their organization in Kisii County. I want to encourage them, because when they are orderly, they are able to purchase their motorcycles through their SACCO. They are also able to maintain them and to have good drivers who can keep the safety of their clients as they ride on those *boda bodas*. This would increase the mobility of goods and persons from point 'A' to point 'B.' This will bring about efficiency in doing business without being sluggish.

Some of our road networks or infrastructure may not be up to date. The only means of transportation is through these *boda boda*. Therefore, we need to strengthen these type of SACCOs to be efficiently run, so that they can help this important social sector that many of these other funds are unable to reach.

When you have a sick person and you have a transport system that is reliable, safe, and which is also properly insured, then you will know that that particular individual will reach a health facility safely. You are also sure that they will be able to get the treatment in a timely manner and, therefore, we would save lives at a time when we need it.

Today, we were talking about the locusts, which are a menacing element. This is an emergency. When these locusts land on land, they sweep out everything. Consequently, one of the things that we anticipate is hunger. When you have hunger in a family and people do not have the means, the only recourse they can have to, is anybody who has any saving and that they can reach that saving to help them to tide over the period where there is a crisis.

That is why earlier on this morning, I insisted that the Government should take it up as a matter of priority, and as a national emergency so that they can alleviate the pain, trouble and struggle that the ordinary citizens are going to go through as a result of the locust invasion in this country. It is not a joke that the only thing that can help them is that if they had any savings of this type, that would be able to help them to come through with those savings.

This amendment is telling us that SACCOs must be properly registered. They must be a deposit taking SACCO so that people who are working have proper qualifications and that the board must be efficient. We do not want to people to serve in the board who will defraud depositors and take away their hard earnings.

It is very important to insulate people working in these SACCOs. They must be properly qualified. First of all, it is their registration. This amendment seeks to amend the principle Act of the SACCO so that SACCOs becomes deposit taking SACCOs. SACCOs have a chance to be able to make the normal necessary amendments to their existing SACCOs. Any new SACCOs must take into account this new provision, that they must be a deposit taking SACCO.

They have been given 12 months to bring in line all these amendments so that nobody can blame any authority because of the new rules that have come in. Obviously as a result of these amendments when they become law, they will then be expected to comply with the law.

Madam Temporary Speaker, one of the things that I have carefully checked is Section 3 of this Amendment Act. The principal Act is amended by inserting the following new section immediately after Section 8. It says-

“The authority shall determine the suitability and propriety of every person seeking to serve as a board member.”

This is very important because we are people who masquerade as experts in microfinances. It is only too fresh in our minds that some of the microfinances that have folded up are as a result of people who just pretended that they were masters in that area, took deposits and then institutions collapsed. As a result, Kenyans suffered.

Therefore, there are qualifications that are attendant to this kind of arrangement. When you appear to take a job, one of the conditions is the financial status and solvency of that person, because you do not want masqueraders to come around and say that they are experts in this, only that they want to get an opportunity to steal people's money or savings. These people must have very credible credentials; academic credentials and qualifications along those lines. They must also have the status of any license or approval granted to the person by any financial sector regulations that when they make regulations, they can easily pass the test of time. Therefore, this particular amendment is able to insulate SACCO members from being defrauded.

I like this inclusion; the ability of the person to carry on the regulated activity competently. We do not want people who can just come in and watch the balance. When the balance is fat, they just run away and cart away the money without much ado.

Madam Temporary Speaker, you will appreciate that one of the things that is happening in this country today is that people are losing confidence in what is going on in some of these SACCOs. Now, you can imagine even a good operator like the M-Pesa; how many fraudsters do you find on the line wanting to know your Identity Card (ID) number? Before you realise it, they deplete your account and get away with the money. These are the kind of characters that we want to weed out from our society because they mean no good for anybody.

Co-operative and credit societies can create immense wealth amongst people. They can create and conserve wealth within families and communities. They can preserve the lifestyles of people because people of means can use resources available to them to conserve those means, particularly in the management of our forest reserves and dairy cattle. I agree with Sen. Pareno when she says that as for the *Maa* communities, one of their major businesses that they insulate and ensure it thrives is their animals, farms and everything they are carrying out.

Madam Temporary Speaker, this is one of the most important amendments that have been brought before this House. As Senators, this is a test; that we have been able to pass this amendment in the Senate. Therefore, the National Assembly are equally obligated to look at some of the Bills that are lying on their desks, which have a direct bearing and will touch on the prosperity of Kenyans. For example, the Bill on ward funds, that was passed in this Senate and is lying there. There are many other agricultural Bills that are lying in the National Assembly touching directly on the lives of people, and they will do better if they were amended.

With those few remarks, I beg to support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you.

Majority Leader, only one minute is remaining. Otherwise, you have 20 minutes.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, I will use that one minute. I thank all the Senators who made tremendous contributions to this very important Bill.

I know that you were a member of the Moi University SACCO, like I was. I hope that with these kind of processes, we can protect such SACCOs. If they reach out to you, please, we need to also deal with the situation of the Moi University SACCO. I have seen adverse publicity meant to scare many investors and members of the SACCO. We need to protect these SACCOs because they take care of many of the resources of persons who have contributed to immense growth in our country and in the academia.

I beg to reply, and pursuant to Standing Order 61(3), request you to defer putting of the question to a later date.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senators. I, therefore, defer putting of the question to a later date.

*(Putting of the question on the Bill deferred)*

### ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 19<sup>th</sup> February, 2020 at 2.30 p.m.

The Senate rose at 6.30 p.m.