

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 2nd June, 2020 – Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 10.00 a.m.*

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

PRAYER

PAPER

THE SEVENTH PROGRESS REPORT OF THE *AD HOC*
COMMITTEE ON COVID-19 SITUATION IN KENYA

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Chairperson of the *Ad Hoc* Committee on COVID-19 Situation in Kenya. The Chair is not there. Let us proceed.

(Laying of the Paper deferred)

Next Order.

NOTICE OF MOTION

ADOPTION OF THE SEVENTH PROGRESS REPORT OF THE *AD HOC*
COMMITTEE ON COVID-19 SITUATION IN KENYA.

Proceed, Chairperson, *Ad Hoc* Committee on COVID-19 Situation in Kenya. The Chair is not there.

(Notice of Motion deferred)

Next Order.

STATEMENTS

STATUS OF FLOODS AND DISASTER
PREPAREDNESS IN THE COUNTRY

Sen. Loitiptip: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity.

I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on National Security, Defense and Foreign Relations on the status of floods and disaster preparedness in the country.

In the Statement, the Committee should-

(1) Explain the measures the Ministry of Interior and Coordination of National Government, in collaboration with the county governments, have put in place to cushion vulnerable families in the wake of the heavy rains being experienced in the country

(2) Explain the intervention the Ministry has put in place to ensure that all the displaced families have a shelter over their head especially in Lamu County.

(3) State measures that both national and county governments have put in place to ensure that whenever disaster occurs, there is prompt response.

I thank you.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I am raising a point of order for your direction.

A similar Statement was raised by Sen. Outa on the status of floods. I am wondering whether that Statement was responded to because it would answer the very important question raised by the Sen. Loitiptip, so that these issues can be combined and we understand whether Government has taken action on the deaths that occurred and are occurring in Nyanza and Kakamega Counties and the former Western Province, generally.

This is so that we do not have to repeat the same thing if it has already been addressed.

Sen. Pareno: Mr. Temporary Speaker, Sir, I just have a point of concern. You note that this Statement is talking about floods that occurred at the time this Statement was being raised. At this time in those areas, the floods are no longer there; they have come, killed, destroyed and gone. Maybe we need to ensure that these Statements address real-time issues so that we then raise Statements.

Sen. Loitiptip could have raised this Statement sometimes back when there were floods. Right now, they have subsided in some parts of the country. Maybe we should find a way of addressing these Statements as and when they come so that we do not refer to stale matters or those that have already been dealt with and how they have been dealt with.

Sen. Khaniri: Mr. Temporary Speaker, Sir, I add my voice to my colleague who has spoken. This is a very important issue. It is high time that the Executive took the sentiments of this House more seriously. It is difficult for me to understand the thinking of our Executive.

We have spoken about this issue of floods year in, year out and yet, when they come annually, it looks like a new thing. They behave as if it is a totally new thing and

yet it was expected. When it rains, instead of harvesting the water to be used during dry time, the water causes havoc and people are displaced. We raise those issues here but nothing is done. All they do is to come up with knee-jerk reactions.

We have to hold the Executive to account. They have a responsibility to ensure that the families that were affected are assisted. The Senator for Kisumu County, Sen. Outa, raised this matter very passionately. I do not think anything has been done. It has not been addressed. It is high time the Government took this House seriously.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Zani, proceed.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. The specificity of the location and place for this Statement is very critical. This is from Lamu County within the coast region. I support Sen. Loitiptip for bringing this Statement. Flooding might occur in different regions but there are effects and repercussions, based on the county Gross Domestic Product (GDP), response and familiarity with such disasters.

As Sen. Khaniri has said, there are certain regions where over the years we hear the same problem recurring. In others, the specificity especially for Lamu County puts it into specific context. As we know, most of the people in Lamu rely on the ocean for their living, fish and most of their economic activities. The level of income generation is not very high. The understanding that even the floods can occur in Lamu might not be very familiar to many people.

Mr. Temporary Speaker, Sir, this specificity adds value to the previous Statement that had been raised by Sen. Outa. If all these Statements could be combined, then it is important to expand the macro-approach.

By Sen. Loitiptip bringing this into focus, it means Lamu County, therefore, contextualizes itself into that discussion and discourse of how this can be solved.

As Sen. Khaniri said, I add that even with the proposed National Disaster Management Authority Bill, it has not seen the light of day. We need to get to a point where we can even pre-empt these floods and various disasters and be preventative rather than reactive to them.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Ochillo-Ayacko, proceed.

Sen. Ochillo-Ayacko: Thank you very much, Mr. Temporary Speaker, Sir. There are aspects of this Statement that are still important. As we speak today, there are people and families nationally that have been affected by floods. In my county, there are places like Nyora, Modi and Got Kacholla where thousands of families have been displaced. There is no indication or hope from the Government that there will be intervention. They do not have homes, food and intervention for COVID-19 disease.

The aspect of this Statement that is asking the Government to show a plan in respect of which it is designed to intervene and mitigate the adversities of flood is very relevant. Even though the floods have receded, the homeless and destitute people have not had any intervention. Sen. Outa's question was very specific. This aspect also augments and adds up to the concerns that Sen. Outa had raised.

Mr. Temporary Speaker, Sir, I laud the Senator for Lamu County and ask; where is the Government? Kenyans are suffering. The Government is only seen when bludgeoning people during curfews and when jailing people. Where is the merciful face

of Government in this time when the people of Kenya in Lamu, Kisumu, Nyatike, and Busia are destitute and starving without food? Why do we only see an ugly face when we are talking about Government? Where is the merciful, caring and loving face of Government?

This is what the Statement is about; it is not about intervening in future, but it is about intervening now. The people in Lamu, Migori, Kisumu, Busia, Siaya, Elgeyo-Marakwet counties and all the flooded places have no food and medication. We are asking where the Government is.

Is this Government a government that abdicates when Kenyans are suffering? That is the question.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Outa, proceed.

Sen. Outa: Thank you, Mr. Temporary Speaker, Sir. I want to echo the sentiments of my colleagues in this House.

I want to engage the Government of the Republic of Kenya. Previously I had brought a Statement here and it is like it fell on deaf ears. We challenge the Government that there are a lot of people who are suffering outside there, especially in Kisumu, if you come to a place like Nyando, people are still camping in various schools where they have no houses or food and they are in a desperate situation.

Since this Statement that I brought here a month ago, we have not even heard about the Government responding or intervening. That is why I laud the Senator for Lamu County for bringing additional scope to this matter. I challenge the Government that time is running out and they have a responsibility to protect their people.

If the Government will not see the situation in various places in this country and come up with speedy interventions, then we leaders who are elected to come here and represent them, might be seen to be doing nothing about it.

Mr. Temporary Speaker, Sir, therefore, I urge you to rule that this matter should not be delayed any more. The Statement should be brought here as soon as possible and even the Cabinet Secretary (CS) should be summoned to this House to explain what they are doing to intervene in all these places where people have been affected by the floods.

We cannot come here every day, raise Statements and there are no answers. The Executive must understand that we are not here to be heard and just bring Statements. We want answers in this House to mitigate the problems in various places that we have come from. We cannot raise matters here and ask for Statements every now and then and yet the Government is not intervening or responding.

This House has powers and I believe we can summon the CS in charge to come here even as soon as tomorrow to explain why the Government has not intervened in all these affected areas.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Madzayo.

Sen. Madzayo: Asante, Bw. Spika wa Muda. Kwanza, nataka kumshukuru sana ndugu yangu na jirani, Seneta wa Kaunti ya Lamu. Hii Taarifa ina umuhimu wake hususan katika nchi nzima. Miaka nenda miaka rudi, tunaona ya kwamba ni lazima kuwe na gharika ambayo itapoteza binadamu. Tumechoka kupoteza Wakenya kila mwaka kwa sababu ya gharika.

Ni jambo la kusikitisha kuona nchi zingine hazina maji lakini ukulima wao ni bora. Nchi kama hizi ni Israeli na Misri ambazo ziko katika jangwa na maji ya mvua

huwa ni kama baraka kutoka kwa Mungu. Wanajua vile wanavyoyatega na vile yanawapatia mazao. Lakini ukija Kenya, nchi iliyobarikiwa na Mwenyezi Mungu na mchanga wake ni ule ambao watu wanaweza kupanda na kuzoa mazao ambayo yatawaangalia katika maisha yao ya usoni. Mtihani huo Serikali yetu imeanguka.

Bw. Spika wa Muda, yale mafuriko yanaweza kutengenezwa kwa njia ambayo tuko na mabwawa ambayo yanaweza kuyatega yale mafuriko, lakini tunawacha kutega haya maji na yanakuwa gharika. Gharika inafanya mito kufurika, kuharibu mimea na kupoteza maisha ya binadamu. Haya ni mambo ambayo tunaona na ni aibu.

Kila mwaka tunajua kwamba, itakapofika mwezi wa pili, tatu, na nne ni lazima Wakenya watakufa kwa sababu ya mito kufurika na maji kuwa mengi na mazao yatapotea. Wakulima katika upande wa Kitale na kila mahali katika Kenya yetu wameathirika ajabu.

Zaidi sana nikiongea habari ya Lamu, ni kwa wale ambao wana shida. Hivi sasa kule Lamu ni kama ambako kumesahauliwa kana kwamba, si Kenya tena. Hi ndio sababu watu wa Lamu wanateseka. Wengi wamewahi kupoteza maisha yao.

Ninasema hivyo kwa uchungu kwa sababu katika Katiba ya Kenya, ikiwa wewe ni Mkenya, ni jukumu la Serikali kuangalia uhai wako. Tunaona makosa kama haya kule Lamu, Kilifi, upande wa Magharibi na sehemu mbali mbali. Watu wameathirika sana. Ni jambo la aibu katika ulimwengu mzima kuona kwamba Wakenya wanapoteza maisha yao kwa sababu ya mafuriko.

Ni lazima Serikali iwajibike kwa upande wa kuangalia mambo ya mafuriko. Ufisadi upo katika maofisi ambayo yanatakikana kutengeneza *dams*. Inafaa waache kufikiria matumbo yao badala ya kutengeneza vipeo ambavyo vinaweza kuzuia maji kusiwe na *mudslides*, mafuriko, ama mito kuvunja viungo vyao. Hata madaraja yetu yote yameharibiwa na mafuriko.

Bw. Spika wa Muda, la mwisho ni kwamba, lazima Serikali yetu iwajibike kwa sababu Wakenya wamechoka kupoteza watoto, akina mama na familia zao kwa mambo ya mafuriko kila mwaka.

Asante.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir. I also want to support my colleague, the Senator for Lamu. This Statement is still very relevant because of the fact that the weatherman has already said that rains will continue into June and July. In other words, we still expect to find more floods and even mudslides.

Many times, we have asked for an Implementation Committee in this House, so that they would be following up on some of these Statements. It is quite unfortunate that we have many of our people losing their lives. Right now, well over 1,000 people have been affected while others have already died.

Mr. Temporary Speaker, Sir, I was able to see the houses of the people around Lamu surrounded by water. Those people have been taken to schools and lack the very basic amenities such as food and sanitary items. We know that right now, we have the challenge of the Coronavirus Disease (COVID-19) in our country. We are talking about social distancing and yet I saw people mingling amongst themselves without thinking about COVID-19 anymore, because what is more important right now is to obtain food and shelter.

I think that very soon, another disaster is in the waiting, particularly in those areas. I do not know how long our Government will wait to solve these issues. We have been talking about issues of disaster management for a long time. While we have the Bill, I think that we need to implore the Government to ensure that they take up this issue as a matter of urgency, because more people are going to be affected very soon.

Those people need food, security, shelter and to be protected from being affected from other diseases. I think that there will be a cholera outbreak as well, because there is lack of toilets in those particular areas.

Mr. Temporary Speaker, Sir, these two Statements from Sen. Outa and Sen. Loitip are very important and should be addressed as a matter of urgency.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Orenge.

The Senate Minority Leader (Sen. Orenge): Thank you, Mr. Temporary Speaker, Sir. I also join my colleagues to appreciate the request for this Statement by the Senator for Lamu.

I am taken aback talking about Lamu, because it is now a double tragedy. Lamu has constant problems of insecurity, and, therefore, movement for people and even the security personnel is very important for purposes of managing the security challenges in Lamu. When it is compounded by floods, it means that people cannot move, which makes the situation very difficult. Also, even movement for the security personnel from one area to another becomes extremely difficult.

The last time I went to Lamu, travelling from Malindi to Lamu was a big challenge, even in fair weather. Moving from Garsen to Lamu is extremely difficult. I call upon the Government to ensure that there are measures that can be taken to deal with that situation.

Mr. Temporary Speaker, Sir, I just came in when the Senator for Kisumu was also giving his contribution. As you know, this is an annual and perennial problem in Nyando area of Kisumu, Budalangi, places along River Nzoia, River Yala, and even up to Kakamega. There are floods, particularly this year.

Whereas there are measures which can be taken that require a lot of capital, like building dams - the Government would probably plead lack of funds on that - what amazes me is that, these perennial problems in areas along the Sabaki, Nyando and Nzoia rivers do not come as a surprise. Every year in April, May and June, floods are always there.

If you see the way the Government reacts, it is as if it is a new thing. For example, when floods are experienced in Bangladesh or India, where they have to deal with typhoons - which are vagaries ten times the weather we realize in Kenya - warning systems are sent well in time and measures taken to take people into camps.

If you go to areas in Budalangi, people are taken to primary and secondary schools, where there are no facilities. The Government should have proper tents and temporary toilets in place in such facilities, such that when there are floods, people are taken to camps where tents can be erected.

I remember when I was going through Usonga in Alego, people really appreciated the fact that they could get tents because they were assured of some privacy. Having 20 or 30 families staying in classrooms is extremely difficult.

I think that this Statement calls for action and seeks for permanent solutions. When I was going round River Nzoia two weeks ago, people were talking about permanent solutions, because they are tired. Every year, their leaders and Government personnel have to go to the same areas, trying to deal with the same problem. The people were asking for a permanent solution as opposed to temporary remedial measures, which cannot really deal with the human tragedy that comes about as a result of floods.

Mr. Temporary Speaker Sir, talking about my county - I said this last week - an old bridge between a school known as Ambira High School, connecting Ugunja Constituency and Ukwala in Ugenya Constituency up to Luambo and Budalangi in Busia collapsed. It was an old and very strong bridge that was probably built by the colonial army. This time around, it was swept away by floods. There was a demonstration around that area with people calling for action because there is a bridge that is being constructed and has taken a long time.

Let the Government do something about these perennial floods. If they cannot offer permanent solutions, we expect that next time we have these floods, there should be proper facilities on the ground, like proper tents, amenities, water, sanitation and even medical facilities, so that waterborne diseases and other diseases that ravage us at this time of COVID-19, do not complicate our situation.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Dullo.

Sen. Dullo: Thank you, Mr. Temporary Speaker, Sir. I wish to join my colleagues in congratulating Sen. Loitiptip for this worthy Statement.

We are losing direction as a country. We sing about this issue of floods year in, year out without any solution. Whenever we have rains in Tana River, Nyanza region and many other parts of the country, there are floods. Unfortunately, we have never gotten it right on how to control the floods and return the river to its course.

Mr. Temporary Speaker, Sir, Kenyans are facing many challenges. There is the issue of Covid-19, insecurity, unemployment and many others. Those who are supposed to take care of this particular responsibility are failing in their duties. If funds are allocated for this problem and it is not solved, it means that we are not getting it right.

Floods are now destroying and causing havoc. However, two months down the line, we will be crying because of drought. We are unable to harvest water which would have been useful, especially in pastoral areas. A good example is my county which has two areas that are normally flooded whenever River Ewaso Nyiro bursts its banks. This are Iresaboru and Garfarsa.

We have a problem of insecurity in our county which is now coupled with floods. Our people are always told to move to a higher area yet they cannot afford to build structures in those upper areas. Recently, they were advised by the county government to move to upper areas. Unfortunately, because of insecurity from our neighbouring counties, they are unable to move to those areas. Generally, whenever there are floods, there are many diseases because people use pit latrines. We have failed this country. The relevant Committee of this House needs to look into this.

This morning, I went to the Ministry of Water and Sanitation to check whether there is any preparation meant for rivers in Isiolo County. Unfortunately, the Ministry has no plan for Isiolo County. This means that nobody knows what is happening on the

ground, yet we have Government representatives to check areas that are affected by floods.

I urge the Committee that will look into this Statement to consider Iresaboru and Garfarsa in Isiolo County.

Sen. Malalah: Asante Bw. Spika wa Muda. Kwanza ninampongeza ndugu yangu Sen. Loiptip kwa kuleta Hoja hii.

Mambo ya mafuriko katika nchi yetu ni shida ambayo imekuwa ikitokea kila uchao. Hii sio mara ya kwanza Kenya kuwa na mafuriko. Tangu niwe mtoto mdogo hadi sasa hivi, kila mwaka tunalia kwa sababu ya mafuriko ambayo yanaangamiza watu wetu.

Ni lazima sisi viongozi tuwajibike na tuwe na mikakati ya kuhakikisha tumekomesha maswala haya ya mafuriko ambayo yanakuja kila mwaka.

Bw. Spika wa Muda, kwa mfano, eneo la Magharibi, hakuna bwawa hata moja katika Mto Nzoia, ilhali kila mwaka tunalia kwamba, Budalangi, Matungu, Mumias West na Likuyani kuna mafuriko.

Mimi kama Seneta wa Kaunti ya Kakamega ninapendekeza wakati tunatengeneza Bajeti ya kitaifa ni lazima tuangazie maswala ambayo yatasaidia mwananchi wetu. Itakuwa makosa kwamba Bajeti ya mwaka 2020/2021 ikose bwawa katika Mto Nzoia. Tunajua vizuri Serikali inafaa iwajibike kulinda wakaazi wa Mkoa wa Magharibi.

Kwa hivyo, ninahimiza kwamba watu ambao wako katika nyadhfa za kuhakikisha wamepeana raslimali za kutosha, watenge pesa za kutosha kuweka bwawa katika Mto Nzoia ili mwaka ujao, mafuriko yasiangamize watu wetu.

Viongozi katika bunge za kaunti wanapotengeneza makisio ya bajeti ya 2020/2021, ni lazima waangazie mikakati ya kuchochea uchumi wetu. Kwa lugha ya kimombo tunaita *economic stimulus projects*. Zile bajeti wanazozileta katika bunge za kaunti zinafaa kuangazia maswala ambayo yatasaidia mwananchi wa kawaida baada ya janga la mafuriko na *Coronavirus*.

Bw. Spika wa Muda, tuko na uhakika ya kwamba, mafuriko haya na janga la *Coronavirus* yamefanya vijana wetu kupoteza ajira na wamama kupoteza biashara zao. Kwa hivyo, ni jukumu letu kama viongozi wa Bunge la kitaifa na bunge za kaunti, kuhakikisha kwamba makisio ya bajeti 2020/2021 yameangazia mambo ya kuimarisha uchumi wa Kenya.

Kwa mfano, makisio ya bajeti ya 2020/2021 katika Kaunti ya Kakamega hayajaangazia kikamilifu mapendekezo ya kusaidia watu ambao nyumba zao zimebomoka. Wametenga Kshs3 milioni kuangazia familia ambazo zilitoka katika boma zao.

Ningependa bunge za kaunti ziweke pesa za kutosha ili wasaidie wananchi ambao wanahitaji pesa za kujenga. Shilingi milioni tatu hazitoshi. Ningependa waakilishi wa bunge za kaunti na wale wanaohitajika kuweka pesa katika sekta ya kusaidia familia ambazo zimeathirika waweke pesa za kutosha. Serikali za kaunti zinafaa kubuni njia ya kuhakikisha vijana wamepata kazi.

Tunashukuru Wizara ya *Devolution* ikiongozwa na *Cabinet Secretary*, Wamalwa kwa kuleta chakula cha kutosha Kakamega na maeneo mengine, lakini chakula pekee hakitoshi. Watu wanahitaji matibabu ya kutosha na fedha katika mifuko zao.

Serikali Kuu ilitoa pesa kwa wale wasiojiweza. Lakini, ningependa walioadhirika na mafuriko wakuwe katika mstari wa mbele kupokea pesa hizo. Wale ambao wako

Shibale Primary School, Mumias, ndio wanafaa kuwa katika mstari wa mbele kupokea pesa kutoka kwa Serikali. Wale ambao wanaishi kwa nyumba zao wasipate pesa, ilhali wanaoishi kwa mashule na makanisa kwa sababu ya mafuriko wanakosa pesa. Ninaomba Serikali iangazie watu ambao wanaishi Likuyani Primary School ili wapate pesa kwanza ndio tuanze kugawia watu wengine ambao wanaishi katika nyumba zao.

Ninapongeza ndugu yangu Seneta wa Kaunti ya Lamu. Watu wa Lamu wako na kiongozi ambaye anawasikia na kuwakilisha. Ningependa aendelee kufanya kazi yake vyema na kuwakilisha watu wake ambao wameadhirika kwa sababu yewe alichaguliwa kufanya kazi hiyo. Ninampongeza pia Seneta wa Kisumu ambaye amezoea kutetea watu wake.

Kipengele 96 Cha Katiba yetu kinasema kwamba ni jukumu letu kuwakilisha wananchi wetu katika Bunge hili. Mimi kama Seneta wa Kaunti ya Kakamega nimesimama leo hapa kuwakilisha watu wangu. Ni lazima Serikali itume pesa kuhakikisha ya kwamba familia hizo ambazo zimeathirika katika kaunti yangu na Mkoa wa Magharibi kwa jumla wamefaidika.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Is the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations in the House? What about the Vice Chairperson?

Any Member of the Committee? I am made to understand it was Sen. Outa and Sen. Loiptip who raised the Statements.

Sen. Dullo, kindly, proceed.

Sen. Dullo: Mr. Temporary Speaker, Sir, I will take the responsibility to ensure that this Statement is dealt with and the issues raised by the hon. Senators responded to.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Mutula Kilonzo Jnr., Kindly, proceed.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I do not think it is enough to say that it will be dealt with without giving further details. The Senate Committee on COVID-19 has proven that we can get reports every week on a continuous basis. This is an emergency. The case of Kisumu is one month old. By now, the Committee should have issued even an interim Statement.

Hon. Senators raise these Statements expecting immediate responses. This week, particularly Senators who have Statements have been given special advantage to come and sit in the House. Therefore, it cannot be casual that Senators can raise Statements and we just brush them off.

Mr. Temporary, Speaker, Sir, crack your whip.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I am made to understand that there are two Statements, Sen. Outa's and Sen. Loiptip's Statement. The Committee is ordered to report progress, or make response to those two Statements within the next one week.

Next Statement from Sen. (Dr.) Musuruve.

STATUS OF SALARY DEDUCTIONS TO KUSNET

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to raise my Statement.

I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on Education concerning salary deductions of about 570 special needs education teachers and remitted to the Kenya Union of Special Needs Education Teachers (KUSNET)

In the Statement, the Committee should-

(1) Explain the legal basis for the unconsented deductions being made on salaries of the special needs education teachers and remitted to KUSNET.

(2) State when the unconsented deductions so far made on the salaries of the said teachers, will be refunded in full and unconditionally.

(3) Elaborate and authenticate the services so far rendered to KUSNET since its inception.

Mr. Temporary Speaker, Sir, Article 36(1) of the Constitution states:

“Every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind.

(2) A person shall not be compelled to join an association of any kind”

Mr. Temporary Speaker, Sir, it is a perturbing issue that special needs teachers have been complaining in the mainstream media about their money being deducted and remitted to an association they have not prescribed to. They have not registered to join this association known as KUSNET. They have persistently informed their employer to stop these deductions, but the TSC has not honoured their plea. That is why I am seeking for answers from the TSC. The TSC should clearly state the basis for these deductions.

Mr. Temporary Speaker, Sir, the TSC has been having issues with special needs teachers. Many a times TSC has been summoned here to explain why they have continued with these unconsented deductions.

The Temporary Speaker (Sen.(Dr.) Lelegwe): Order, Sen. (Dr.) Musuruve! You have already raised issues with your Statement. Give an opportunity to Members to raise other points that you have not raised. You have already made your point.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for the opportunity.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Malalah, kindly proceed.

Sen. Malalah: Thank you, Mr. Temporary Speaker, Sir. I want to join my colleague and a Member of my delegation, Sen. (Dr.) Musuruve, on this issue of special needs education teachers who have been subjected to an illegal union.

Mr. Temporary Speaker, Sir, in December 2019, the same teachers were deducted Kshs723. We have about 1,500 teachers across the country. They do not know where the deductions are being remitted to.

It is sad that there is a person by the name Mr. James Torome who is the Secretary General of KUSNET. He has got no physical office in this country. That union has never called for a meeting for special needs education teachers.

Mr. Temporary Speaker, Sir, it is sad that a Commission like TSC can deduct monies from salaries of special needs education teachers and remit it to a non-existing union. Therefore, I call upon the TSC to come out clearly and tell us who this person is. Where is his physical office? When these teachers raised this issue with the TSC, they were advised to do a letter through a lawyer. That is absurd. When your client complains to you of an illegal deduction, you should move with speed and stop it.

As we speak right now, thousands of teachers in special needs education institutions are being deducted monies every month. The sad part about it is that, I made a search of the said Secretary-General and I realised that he is not a special needs education teacher. This is sad. You cannot purport to be advocating for doctors and you are not a doctor. You cannot purport to be advocating for veterinary doctors and you are not a veterinary doctor.

It is essential that when such unions come up, we have a body to ascertain who mandated them to represent the said people.

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

Sen. Halake: On a point of Order, Mr. Temporary Speaker, Sir. Is Sen. Malalah in order to mislead the House and say that you cannot represent a person unless you are in that profession, yet he is representing all the doctors, physicians and teachers in Kakamega?

Can we be factual? Is that in order?

Sen. Malalah: Mr. Temporary Speaker, Sir, she understood me, but in the wrong context. I was speaking in the context of unions. You cannot be a union leader of *boda boda* riders and you are not a *boda boda* rider; you cannot represent them.

I insist that special needs education teachers need to be represented by special needs education teachers. You cannot be a doctor and represent teachers in a union because they do not understand the special needs of those teachers.

My point and focal attention of my submission today is that we should stop deductions from special needs education teachers and remittance to that union until this matter is cleared up.

Secondly, recruitment of members to such unions should be voluntary. This is because you cannot force members to get into unions. Members of this special needs union were forcefully recruited to that union, and it is not fair. The Constitution and the laws are very clear on how one should be recruited into a union.

Therefore, we need speedy answers on the raised question by Sen. (Dr.) Musuruve. However, the Teachers Service Commission (TSC) in the meantime, should stop any deductions of money from special needs education teachers to that union.

Thank you.

Sen. Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir. Let me start by informing Sen. Malalah that the rules of being a member of a union depends on the articles of association or its constitution. Therefore, if the members want non-members of that profession to represent them, it is their democratic choice.

I want to thank Sen. (Dr.) Musuruve for raising this concern. We are a Government of law, and the TSC is mandated to follow the law. The Constitution is very explicit on this matter that you cannot compel anybody to be a member of anything that they do not want to be a member of.

They are now compelling these people to be members of a union they do not want to be members of, and on top of that, they are taking their money. If they want to make them members of that union, then they should pay it. They should tell the people that they have formed a union for them, they are paying for it and if they have any issues, they should join that union.

However, if you are making people to be members of a union and forcing them to give you money, I think that is impunity and theft that cannot be countenanced by law abiding people, like our disabled people.

The matter you are seeing here is symptomatic of what is happening in TSC. TSC is at war with all unions; they have crippled the Kenya National Union of Teachers (KNUT), they are fighting Kenya Union of Post Primary Education Teachers (KUPPET) and all the unions. What is this magnanimity that they are coming up with by creating another union, yet they are not listening to other unions?

All over this nation, KNUT is not getting remissions that members have voluntarily subscribed and asked it to be remitted to their branches. KUPPET too is not getting remissions from TSC. They have now created another phantom union with a phantom person, and they are taking money from disabled members of the TSC or the teaching fraternity.

I think the overall objective is to weaken the impact of unions, and that cannot be countenanced. What must be done and on top of asking for refund, I think it is criminal and somebody from TSC must take responsibility for this. This faceless criminal person who is not a teacher cannot be allowed to do this.

Lastly, and this is very important. A union is an organization that earns mandate and support from members. You cannot effectively represent anybody if that person has not mandated you to do so. You cannot speak for them with authority unless you share the same feelings, sentiments and concerns.

Therefore, anybody purporting to represent the disabled fraternity must have been elected by them, and must be regularly accounting to them. How can their money go to a person they do not know, they did not elect, and that was created by an employer who is not sensitive to other unions? I think this is the height of impunity and must be fought by all means.

Thank you.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir. This case from Sen. (Dr.) Musuruve is a very sad case. In fact, the Standing Committee on Labour and Social Welfare has been dealing with retirement of special needs education teachers who have been retired before the age of 65 as stipulated by law.

It is quite unfortunate to be told right now that there is a union that is purporting to be dealing with special needs education teachers. TSC is a very special Commission mandated to recruit, enumerate, discipline and protect teachers. However, it is quite unfortunate that we are being told that they are deducting teachers' salaries and remitting to a union, the Kenya Union of Special Needs Education Teachers (KUSNET). I am sure most of my colleagues are hearing of this union now for the first time.

There is also another union called Kenya Women Teachers Association (KEWOTA). I think these are what we call briefcase unions. In any case, such briefcase unions should not be allowed to meddle around with teachers.

Mr. Temporary Speaker, Sir, these special needs cases need more protection than any other teachers. As I said, we have a case about special teachers and we were wondering who to approach to assist us because we thought of KNUT, but we noticed that this case does not fall there. It is high time that this union is taken to a court of law.

Unions were formed in 1947 to assist teachers whose rights have been violated. However, we do realise that unions are now becoming a form of business because they have been split over time; with the aim of achieving the goal of “divide and rule”. KNUT, which was a very powerful union, was split into KUPPET. We now have KEWOTA, this KUSNET and very soon, we shall have another union.

This is a way of weakening unions so that teachers’ rights cannot be dealt with. In most cases, looking at all these unions, we have a challenge in terms of labour laws because none of them manages various cases and that is why we have so many cases about teachers right now. That is why we have been having strikes year in, year out.

Issues of salary deduction should be a concern of someone. Article 36 (2) of the Constitution states as follows:

“A person shall not be compelled to join an association of any kind.”

Actually, it speaks to the fact that no salary shall be deducted without the consent of the teachers. It is unfortunate that the Kenya Union of Special Education Teachers (KUSNET) has not clearly shown who their members are and how come they went ahead to deduct salaries? For a union to begin deducting salaries, it must have a very clear structure that is displayed for all to see. In this case, there must be consultations to that effect and inform members how much is going to be deducted so that teachers are not subjected to challenges.

Mr. Temporary Speaker, Sir, I support this Statement and I think that the Teachers Service Commission (TSC) should be compelled to remit the deducted amount of salaries back to the teachers. The leadership of this KUSNET has a case to answer.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Temporary Speaker, Sir; first, I want to agree with Sen. Ochillo-Ayacko about the leadership of the union; it can be led by anybody, provided that the members agree.

Secondly, if what Sen. Malala has said is true, then it is a very unfortunate incident because there is no union and there is no law that mandates anybody to deduct or to force somebody to be a union member even if there is a union in that company or any association. Joining a union is voluntary.

Third, deduction of salary is also voluntary. Which means that you have to sign and accept. However, more fundamentally, this is advice to Sen. Musuruve and possibly to the Committee, this is a very unfortunate incident; that both Article 36 and 41 where the trade unionism is formed is under the Bill of Rights. This is the only chapter in the Constitution that allows any person to seek an order on a threat, not the actual action. The threat that somebody can deduct your salary and force you to be in a union is enough for you to seek the attention of the court under Chapter 5.

Sen. (Dr.) Langat is here; an injunction should be issued and the Committee can, in fact, on its own motion, even before they bring a Report, advice the Union and the employer on those articles of the Constitution. The violation thereof is a very unfortunate incidence,

Thank you, Mr. Temporary Speaker, Sir.

Sen. Mwaruma: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to add my weight and ride on the Statement by Sen. (Dr.) Musuruve about

the illegal deductions of monies to a trade union, ostensible representing the teachers teaching in disability schools, KUSNET.

I think that this is a bigger scheme by TSC as others have alluded to, to fragment the unions, namely; the powerful unions like the Kenya National Union of Teachers (KNUT) and Kenya Union of Post Primary Education Teachers (KUPPET). They want teachers not to have a strong union to represent them in their rights. I think that I agree with Sen. Mutua Kilonzo Jnr. that we need to injunct and stop the illegal deductions of the money taken to Kenya Union of Special Needs Education Teachers (KUSNET) and Sen. (Dr.) Milgo has also talked about Kenya Women Teachers Association. It is illegal to have somebody contribute money to a union, which he /she have not subscribed to. It requires convincing, somebody to consent into joining a particular union.

I would like the Committee on Education to work and reprimand the Teachers Service Commission. If there are any people in TSC who are working in cohorts with KUSNET, they should be brought to book and punished. It is illegal because people have not signed to join KUSNET. That money should be refunded to the teachers whose money has been deducted. It is very clear that there is a scheme by TSC to kill trade unionism within the teaching force and service. This is something that we really need to condemn.

I will be waiting for the report of TSC to come and answer those very strong questions that have been raised by Sen. Musururu. I wish that the Committee on Education can invite us to also ask similar questions to TSC.

Thank you, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Langat: Thank you, Mr. Temporary Speaker, Sir; I just want to say that this is a very weighty matter and I think that our Committee will address it effectively. We shall bring a Report to this House.

Sen. Malalah: Mr. Temporary Speaker, Sir, because this is a weighty matter, I would like the Chairperson of the Committee on Education to tell this House as to when we will be expecting answers from his Committee. We need to be definite about this matter.

The Temporary Speaker (Sen.(Dr.) Lelegwe): Chairperson, be specific on the time that we will expect the Report.

Sen. (Dr.) Langat: Give us one week, then we shall bring a Report to this House.

STATUS OF ICT INFRASTRUCTURE CONNECTIVITY AND E-LEARNING IN THE COUNTRY

Sen. (Dr.) Mbiti: Thank you, Mr. Temporary Speaker, Sir, pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Education regarding the status of Information and Communication Technology (ICT) infrastructure for connectivity and delivery of e-Learning in secondary schools in the country.

In the Statement, the Committee should -

(1) State the number of schools that have ICT infrastructure as well as measures put in place to ensure that all schools have connectivity including access to e-Learning software, applications, programs and digital content.

(2) Elucidate the Government's plan to address the apparent capacity gaps among teachers on how to engage ICT tools in education especially now that the country is experiencing challenges brought about by the Covid-19 Disease that necessitated the closure of schools.

(3) Outline the measures put in place to ensure that schools benefit in other teaching modes like online learning as well as synchronized and unsynchronized learning.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Nyamunga: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I would like to add my voice to the Statement that has been requested by Sen. (Dr.) Mbiti.

The problem that we have in education is enormous. I do not think that it is something that we would be fair to say that Kenya is in a position to do e-Learning. When I heard that being announced, that in the presence of Corona virus, we should now revert to e-Learning; then, I do not understand what e-Learning is all about.

I remember when I was young, we used to have radio lessons. I think that during those days, the number of schools were also limited but with the number of schools all over this nation now and lack of infrastructure that we have in terms of transportation, roads and infrastructure in the schools. Also taking into account the rains that have ravaged this nation of late, most classrooms are not accessible, leave alone any other thing that we can be talking about.

So, when we talk of e-Learning and we want to believe that learning is going on irrespective of the Corona virus pandemic that we have not only in Kenya but all over the world, I do not think that we are being true to ourselves or fair to our children. There are so many children in the rural schools and public schools that do not have classrooms and teachers cannot access schools because of lack of roads. On top of that, it is just not possible to do e-learning. I do not know what it is when we say that we should now revert to e-Learning.

I think that the Ministry of Education should come out very clearly and give a very comprehensive Report on what they are doing. It is not just a matter of talking of radio or TV and saying that education is going on. It is not going on. I do not think that it is going to go on until we put our House in order.

It is important that we do not cheat the citizens of this country because if any Cabinet Secretary or any official can stand in a public place and say that we go to e-Learning and they know very well that that is not possible, we have cheated our children and people.

It is unfortunate that there is a big disparity between the haves and the have-nots in the education system, yet they do the same exams and learn the same material. The facilities that are given to our children are very unfortunate.

Mr. Temporary Speaker, Sir, we need a proper report on e-learning. We want to know what the Government is doing. Now, they are telling us that the rains are coming again. The COVID-19 pandemic is here and they are telling us that long rains will be experienced in June, July and August, and that they will come with floods and landslides, yet we have done nothing so far. The people who lost their houses in the rural areas are

still at large and have nowhere to turn to. We cannot be talking of another season and education going on, when we have done nothing.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Ali, followed by Sen. Iman from the extended chamber.

Sen. (Dr.) Ali: Thank you, Mr. Temporary Speaker, Sir. Those of us who are in the private wing have a big problem coming here. You have to queue to request to talk.

I wish to contribute to the Statement by Sen. (Dr.) Mbito. In most of the arid areas, students are suffering. We have stated here severally that the children there do not have data bundles and there is no Safaricom or Airtel networks. How do you expect these people to study? Given the way things are going, chances of students going back to school are very low. If it continues this way, they might lose the whole year. It will be unfair for children who have been in school for four years to waste another year.

I want the Committee to look into issues of how these students can do the exams even if it is early next year, but have enough learning hours. We were told that there were computers. This Government has failed in many issues. When you look at the Ministries concerned, the Cabinet Secretaries think they can say whatever they want when they do not know what is going on at the ground.

I urge the Cabinet Secretary concerned to look into these issues. When it comes to teachers in the northern region, the Teacher Service Commission (TSC) always wants to transfer them, but what are they doing about these things? They should be helping the Ministry. Even if the policy is from the Ministry of Education, Science and Technology, the teachers and the TSC know how these things work. I do not know what the Ministry of Information Communication and Technology (ICT) Innovation and Youth Affairs is doing. The President released the first loon internet balloons. I do not know whether they are for the 5G signal coverage. What is the importance of all these things to the children who live in the remote areas of this country?

The Ministry of Education, Science and Technology should wake up and make sure that these pupils are able to study properly during this time of the COVID-19 pandemic.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Iman, Sen. (Dr.) Zani and Sen. (Prof.) Kamar in that order.

Sen. Iman: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute on the Statement by Sen. (Dr.) Mbito.

I was hearing the Statement from the extended chamber, and was really touched. When it comes to e-learning, I have got four children in school. I struggle when they are doing their homework or trying to catch up with the many subjects they are doing. Each one of them has to do five to six subjects using the same gadget. I feel sorry for the disadvantaged people, especially in north eastern Kenya, where they have been hit by the *Al Shabaab*, who destroy internet and telecommunication masts.

I urge the education sector, the Ministry of Education and other stakeholders to come up with mechanisms for the children, especially the disadvantaged ones to be on the same page with the rest.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Zani, proceed.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. I thank Sen. (Dr.) Mbito for bringing this Statement. This is the key issue even as we battle with the

COVID-19 pandemic and how to get to the new normal, and go on with our educational system. This is very critical for us because it is what everybody is asking.

The ICT Policy of 2016 says that ICT is a development tool that should be widely accessible and utilized across the general population. This is the hope, but even in that policy, issues are raised about rural/urban disparity in internet use and social and economic context of ICT. This is what the Statement is bringing to the core. If this is going to be a widely used tool for education, then it is very important to ensure inclusivity at all levels.

I want to briefly add to the question about the data being sought from this Statement about the schools that have capacity in terms of ICT for its educational need. Apart from stating the number of schools, we need to hear from the response the schools that do not have ICT facilities. What about schools that do not have connectivity? What will be done and what is being done from now up to the time that it is fully implemented, to ensure they are not left behind?

At the various levels of education, right from primary to university, learners are struggling with e-learning. Some students have come on board quickly, while others have not been able to because of different reasons. If this is the direction, then it is a policy matter and we have to handle it in such a way that all students can be included in the ICT connectivity for them to reap the rewards of ICT.

I thank you, Mr. Temporary Speaker, Sir, and congratulate Sen. (Dr.) Mbito. As a Member of the Committee on Education, this will come to us and we will do our best to articulate and raise the issues, so that we can get the right answers to this House.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Prof.) Kamar, followed by Sen. Omogeni, Sen. Sakaja, then Sen. Halake. Members, this is to inform you that we have a Statement pursuant to Standing Order 51 (1) (a) that will be issued by the Chairperson of the Committee on Education, regarding the status of education in Kenya.

We want you to limit your contributions on the Statement by Sen. (Dr.) Mbito, so that you can contribute later on that Statement by the Chairperson.

Sen. (Prof.) Kamar, proceed.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir. I will be very brief on this one because I am also a Member of the Committee on Education. However, the issue that has been raised by Sen. (Dr.) Mbito is very important, and I want to thank him for that.

The idea of having e-learning in this country started a long time ago, especially for our primary and secondary schools. It is very important that we take stock at this time. The COVID-19 pandemic has only reminded us that the agenda of the laptop programme was a noble one. If we had fulfilled it, then the problems we are facing now would not be there. The education sector is the most affected by COVID-19 and we must be very conscious of the fact that we could lose a whole generation of people who are not receiving the education they deserve and are not moving in the age set they belong to. If schools close until January, then everybody loses one year, including pre-unit, primary, secondary and university students. If we had the infrastructure, it would have been a very easy thing to do.

Mr. Temporary Speaker Nowadays, we are enjoying *Zoom* meetings as the Senate. In fact, in our Committee on Education, we are of the view that the *Zoom*

meetings seem to be giving us better quorum, just like any other. It appears to be a nice new norm that we might adopt beyond the COVID-19 pandemic. That is where we should have been if the laptop project was continued.

It is unfortunate that we have invited the Cabinet Secretary several times, but he has not come. I hope we will get him around this time, so that we share. He is losing a lot from a Committee that has two former Ministers of Education. He could have learnt the challenges that those Ministers faced and how they managed to surmount them during their time.

If the laptop project was on, the next thing we would be asking ourselves is the connectivity issue. If during this period of the COVID-19 pandemic the enablers of internet were encouraged, I am sure we would have covered the whole country with internet.

As we think of reopening schools, we cannot do without the right infrastructure to enable teachers to have the least contact with the students, so that students can learn on their own. In fact, I hope the Ministry is thinking of reactivating the laptop project, especially for Form Four students and Class Eight pupils, so that when they go back to school, they are able to learn being in contact with the teachers and also on their own wherever they are. Assignments can be given to enable students to learn even during this time of the COVID-19 pandemic.

We will be aggressive as a Committee. My Chairperson is here and I am sure we will come up with something that will make this country proud. We only urge the Cabinet Secretary to give time to the Committee. As the Committee on Education, we have invited and even asked him to attend via *Zoom*, but he has not done that. The ideas are many and good.

I thank Sen. (Dr.) Mbiti. This is going to be another opportunity for us to seek the attention of the Cabinet Secretary, so that we finish this agenda.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Omogeni.

Sen. Omogeni: Mr. Temporary Speaker, Sir, first, I appreciate Sen. (Dr.) Mbiti who has raised an important issue before this House. Under Article 94 of the Constitution, we are the peoples' representatives and we know the true position of what is happening on the ground.

It is not possible for the Cabinet Secretary to achieve the so-called e-learning because the people we represent do not have phones with internet connection. Some do not even have power. If I were to be honest with him, it is like he is living on the Ozone Layer, because he does not understand the people he is presiding over as the Cabinet Secretary.

The simple truth and reality is that it is not possible to conduct e-learning. Even if I offered to take him to the four constituencies in my own County of Nyamira, to take stock from the people, he will realise that the number of pupils who can afford to log into the internet and have e-learning are less than 20 per cent, leave alone the county where Sen. (Dr.) Ali comes from. That includes the county of my friend, Sen. Malalah, and all of us. So, this is just living a lie.

Despite the COVID-19 pandemic, we need to summon the Cabinet Secretary to this House in Plenary, to tell him the truth, so that we do not speak lies to Kenyans. We

should not lie to the people we represent. When you go to the county, people ask why we are pushing that we should have e-learning when they do not have phones, internet connection and money for buying bundles. It cannot work and will not work; that is the reality.

Mr. Temporary Speaker, Sir, we need to have the Cabinet Secretary summoned by the Committee on Education, so that we agree on the way forward as leaders. It is not about imposing his views on us, as representatives of the people.

I am happy that the Chairperson of the *Ad Hoc* Committee on COVID-19 Situation in Kenya is here. He knows that we have had these issues deliberated in the Committee. We have serious and enormous challenges in terms of availability of gadgets to enable us have a successful e-learning programme.

Mr. Temporary Speaker, Sir, I fully support the issue that has been raised by Sen. (Dr.) Mbito.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Temporary Speaker, Sir, the issue of e-learning is like a blind man in a dark room trying to find a black cat. It is impossible.

When the Jubilee administration proposed the laptop programme, the reality was that we are living in a world driven by information powered by technology. The essence of it was to equip our children with skills of intuitively using devices, not necessarily to teach them primarily through those devices, because those are the tools being used throughout this world. They can even use the applications when they are at home. We have applications like *Mathway* and *Seesaw*, but those are not the primary channels through which education should occur.

I think I am saying this for the third time now. The candid discussion this country needs to have is that during this time of the pandemic, education is on hold. There is none that is going on. We need to be realistic and practical.

I thank Sen. (Dr.) Mbito for his Statement, but in reality, schools having ICT infrastructure is one small part of the spectrum. The schools could have the infrastructure, but students may not have the devices.

Secondly, why is there an assumption that the content is being delivered from schools because teachers are also at home? There are schools that have been trying to do it. Even for schools where our children go to, you can see that they are just struggling because they do not know how to use the devices.

Education must remain how it is supposed to be traditionally, with the teacher and student looking at each other, and the teacher seeing the concentration. The devices are supposed to be supplementary tools for further exercises. Once you teach the children the concepts in a classroom, whether it is Mathematics, English or Science, they can do exercises on the applications at home.

Mr. Temporary Speaker, Sir, on that question, what should be added is the issue of how many children are able to access these devices. We said that there should be no mobile phones in schools. Therefore, in many households, the owner of the mobile phone is the parent who does not stay at home with the child. Even if you do world-class ICT infrastructure in schools, if the students are not in the school, nothing will happen.

There is another issue that Sen. (Prof.) Kamar has alluded to, which is, the Cabinet Secretary for Education not attending to the Committee on Education. Last week,

I said that we had invited him to the *Ad Hoc* Committee on the COVID-19 pandemic, but he has dodged twice. If he fails to attend this last invitation, we will issue summons.

There is a letter that purportedly came from the Attorney General, which the Cabinet Secretary is using to state that he has been advised not to appear before the Senate, apart from on issues of Early Childhood Development Education (ECDE) and pre-primary education. That is an ill-informed position.

The Constitution is clear that every Cabinet Secretary is accountable to Parliament, which includes the National Assembly and the Senate. Therefore, delaying is not a tactic. This House has the authority to summon anyone or anybody within the territory of this country to answer to issues of concern to the people.

The Cabinet Secretary must know that he is not special because all other Cabinet Secretaries have attended meetings of the *Ad Hoc* Committee on COVID-19 pandemic. Sen. Halake is here and she will confirm that. Therefore, we will get him.

Realistically education is not happening this year. This is because the quality of the pupils in Class Seven this year is not the same as last year. The quality of a Standard Eight pupil this year and the one for last year is not the same. I like what he said before; that a child being alive at home is better because dead children cannot do examinations.

In our Committee, we have been told in the most modest projections, that if we continue with these restrictions, in February next year, there will be two million Kenyans asymptomatic with COVID-19. There will be 300,000 Kenyans in hospital; 200,000 moderately ill and 100,000 critically ill. It is clear that if you open up schools, it is the quickest way to spread it. Every other day our children bring us flu and so on.

In reality, if you go down just five minutes from Nairobi City County, there is really no lockdown because businesses are going on. We have only closed schools, churches and disco venues.

Now, that needs a candid and realistic discussion, so that we give candidates expectations. We have Class Eight and Form Four students who are anxious; they do not know whether or not they will do the national examinations. That anxiety is bad and it is affecting the mental health of our children. Therefore, we need to give them clear answers. I hope that can be loaded upon on Sen. (Dr.) Mbiti's Statement.

In reality, e-learning is a myth. Electronic devices, internet and technology are supposed to supplement and not replace the real education that our children should be getting from their teachers, just as we got.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Halake.

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I will be brief. If e-learning, as Sen. Sakaja has said, is a myth even for the well to do schools, you can imagine schools in northern Kenya, like those in Isiolo County. As it were, we have rudimentary education, health and energy systems in place that are not supporting any form of education. I would like to congratulate teachers and parents of Isiolo County who came together and decided to reorganise themselves and do radio learning at least to help children not forget schools, if nothing else.

Mr. Temporary Speaker, Sir, if it is not even available here in Nairobi City County and is below optimal, you can imagine where we do not have even the basic 2G network coverage.

I would like to congratulate Sen. (Dr.) Mbiti for bringing this Statement. As you assign it to the Committee on Education, I encourage you to ensure that the CS for Information, Communication and Technology (ICT) is also brought on board to explain why the digital learning programme did not take off in most schools.

Mr. Temporary Speaker, Sir, the CS should also explain why the billions of shillings of the Basic Universal Service Fund (BUSF) have not been utilised or deployed during this COVID-19 times, to ensure that hard-to-reach places and underserved places in northern Kenya, like Isiolo and Marsabit counties, are covered with even the basic 2G or 3G network coverage to enable remote learning.

The access, protection issues and non-fulfillment of Article 43(1) (f) of our Constitution will be a major issue. As it is, we have talked of many having years of marginalisation. However, it is now going to be an accelerated form of marginalisation, lack of access and denial of the right to education for our children. We will see this coming up in the next few years, where then we will have not just stunted growth in terms of nutrition, but also in terms of education capacity for our children.

Mr. Temporary Speaker, Sir, if you combine our children and the young adults who are now in the universities, that is more than half the population. If we joke with this and the Cabinet Secretary (CS) for Education takes this lightly, I do not know what else we should be talking about.

This House should take this seriously and bring the two CSs to tell us more because there is nothing else we are doing if we are not making it easy for our children to access education. This is because our children's and country's future is at stake. Our fulfilment and protection of our children is also at stake. Let us pay attention to this, especially in northern Kenya, where not even all the necessities are there.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Lastly, Sen. Ochillo-Ayacko and then Sen. (Dr.) Musuruve in that order, and then we proceed to the next Statement.

Sen. Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir. I laud Sen. (Dr.) Mbiti from Trans Nzoia County for raising this matter.

This is the highest order of rigging. Life is being rigged now, and the effects of this rigging will be seen in future. It is not just about schools, but also the access to information or empowerment of our people in terms of accessing knowledge all over the world. Knowledge has become global, as we know about globalisation. In order to access it, you need to access ICT or Information Technology (IT), if you like.

What we are not observing or addressing in this question is that since 2013 when the Jubilee Administration came to power, there was the hype about access to IT all over the nation. In 2013/2014 and 2015/2016 Financial Years, money was allocated in the budget. Even the current Budget has an IT component.

The question that must accompany the response here is: How much money has been put in the entire IT budget and how has it been shared?

I represent a place called Ntimaru and Motemorabu in Kuria; Migingo, which Ugandans are trying to run away with; and, Agolo-Muok at the border of Migori and Kisii counties. There are other places in South Mugirango. The children and Kenyans living in those areas will compete in future with other Kenyans in Nairobi City, Nakuru, Mombasa and Kisumu counties. How will they compete when they cannot access IT?

The pertinent question that must also accompany the response that we are seeking is how we have shared our IT cake since 2013 in constituencies and counties. We can then know if the sharing is not rigged.

I have an inkling and attended another meeting that certain counties keep getting money as others keep swallowing saliva when resources are shared. IT is the future. If you do not access it, I can assure you that you are in deep trouble. Your people cannot research or access knowledge.

I request Sen. (Dr.) Mbitio to also include in the Statement how we have shared the money allocated for IT in schools from all those years. This should be stratified in terms of constituencies, so that we see the equality of sharing of access to information and knowledge for the empowerment people, particularly our young people.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. (Dr.) Musuruve and then I will give one last chance to Sen. Seneta from the extended Chamber.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to add my voice. First, I congratulate Sen. Dr. Mbitio for coming up with this Statement.

Information and Communication Technology (ICT) may be the way to go, but at what level? I was a lecturer at Kenyatta University (KU) and Jomo Kenyatta University of Agriculture and Technology (JKUAT). While there, I was instrumental in coming up with ICT modules that would be used. These modules are relevant. Even when I am not there, students still use them.

When we talk about ICT, we must have modules and content that is relevant, so that whether people are there or not, learning goes on. It is working well at the university level.

As we talk about ICT, we do not have content at lower learning and secondary school levels. There is no way you can implement ICT without content. Universities are able to come up with content and ensure that learning is going on, and learners are self-taught at that level. Learners do not even complain. In fact, they are always asking for modules. The same case should then apply to lower, upper and secondary schools. You cannot talk of embracing ICT when you do not have content.

Kenyans must be serious when it comes to issues of education. We cannot joke around with education. It is education that brought us to this House. Education is instrumental in ensuring that we come up with all rounded persons. Why should we joke with the future of this nation? There is need for the Senate Committee on ICT to work together with the Senate Committee on Education to ensure that we are now serious on issues of ICT.

Mr. Temporary Speaker, Sir, although we are talking of buying laptops, they are not knowledge, let Kenyans know that. Let us give knowledge and knowledge is power only when it is relevant and shared. Let us be very fair to our students and other learners of this country, by giving them what they deserve. We were given what we deserved, and that is why we are here. Therefore, we cannot take our learners ten years back.

Learners with disabilities are right now ten years behind. When one goes to the classroom, no learning is going on. Learning through ICT is going on in other places, while learners with disabilities are disadvantaged because content is not there.

There is need for the Ministry of Education to come here and talk to us. We need to work as partners; we are not enemies. The Cabinet Secretary (CS), Prof. Magoha, should know that we want to work as partners for the sake of the children of this country. We are not going to play the proverbial ostrich in this country.

Sen. Seneta: Thank you, Mr. Temporary Speaker, Sir, for also giving me a chance to add my voice to this very important Statement. I thank Sen. (Dr.) Mbito for having brought it to the Floor of the House.

The issue of ICT in our secondary and primary schools in some parts of this country is an issue that should concern every stakeholder in education. Education is an equalizer. It is access to information and knowledge. If students in our secondary schools will not be able to join the rest in learning, then that is marginalization of some people in our country at this time when we need to access information.

Going forward, after the pandemic period, we need to look into the infrastructure and connectivity. How many of our schools are connected and how many can do e-Learning? How effective and efficient is this? Today, we have some students who cannot even listen to the radio programmes or the e-Learning that is going on because of connectivity. Possibly, there is no power or network. The issue of ICT is one that the Ministry concerned should move fast and see how they can improve not only during this pandemic time, but going forward, in order for our students to be equal in all parts of this country.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Kang'ata.

Sen. Kang'ata: Thank you, Mr. Temporary Speaker, Sir, for according me this opportunity to contribute to this Statement. I support my colleague for having filed this Statement.

Currently, schools are closed. I hold the view that we need to reopen them as soon as possible, preferably, Class Eight, Form Four, and also for university students who are about to do their final examinations. I hope that once the Committee will deliberate on this issue, they can consider taking that direction.

I am aware that the Coronavirus disease (COVID-19) is on an upward trajectory, but so far, it appears that young children are not being impacted vis-à-vis the older generation.

Mr. Temporary Speaker, Sir, when you look at what we are losing as a country by continuous closure of schools and the possibility that we can still observe the so-called health protocols when we have fewer learners in school like candidates--- We can achieve both by ensuring that the problem does not escalate and our education calendar is not negatively impacted.

The point I am trying to bring out is that as the Committee retires to deliberate on this issue, I am sure the issue of closure of schools may arise. Therefore, I hope they can take this into consideration.

The Temporary Speaker (Sen. Dr.) Lelegwe): Sen. (Prof.) Onger, proceed.

Sen. (Prof.) Onger: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to also ventilate on a very important issue on Information Communication Technology (ICT) versus the COVID-19. The COVID-19 pandemic has brought a very unique opportunity, although it is a disaster in itself. It has brought a unique opportunity

for us to look at the greater element that would constitute proper and adequate learning for all our learners.

Admittedly, there is what should have happened in the past. When I was Minister for Education, Science and Technology, we had made some bigger strides to increase the number of ICT centers in schools. When the programme changed midway, it should have been the responsibility of the Ministry of Education to ensure that the ICT learning was properly put in the hands of our young learners, whether they are in primary, secondary or university. That was never to be.

Mr. Temporary Speaker, Sir, now with COVID-19 pandemic, we have a real problem in our hands. I admit that it is a very delicate balance to be done by the Ministry of Education. As our President did indicate yesterday, we need to look at the various protocols that will be put in place to address this unique problem. What is at stake at this stage is the accessibility to the ICT services for children in remote areas where there is no electricity. I would have thought that part of the investment during this period would be on solar energy, to provide access to ICT materials by some of the young people in those remote areas.

We have also another unique problem of our children within the urban centers that are in the informal settlements. They do not have adequate light and facilities or equipment to deal with this problem. That presents a unique problem. We have a rural problem where there is inaccessibility of power and other things. We have urban centers where we have the concentration of populations in informal settlements and, therefore, they have none of these facilities available.

Mr. Temporary Speaker, Sir, the third element, even if we have to go through the broadcasting system, is the question of interfacing between the Kenya Institute of Curriculum Development (KICD) transmission centers. I assure you because I am the one who set up that center at the KICD that it is extremely digital.

It can broadcast anywhere within the confines of Kenya using the transmission masts of the Kenya Broadcasting Cooperation (KBC). Unfortunately, the KBC has been analogue for a long period; I do not know whether they have transited to the digital level. Therefore, with the interface between the KICD transmission center and KBC, with their masts all over the country, it would help the children to access Information Technology (IT).

When there is e-learning, they will be able to access the materials through the television broadcasting system. Currently, it can only do a radius of 120 kilometers and no more. Therefore, the other outlying districts will be affected a great deal. Of course, improving the signal for this--- I belong to the Committee on Education and believe that this is a matter that will probably be prosecuted when we are seized of it.

We have done part of this, and I think that we need the cooperation of the Ministry of Education to help us, so that all of us, together, can reach an agreeable system. We need to put in place protocols that are workable and can bring back our children to a learning situation, whether remotely, through virtual learning or normal contact in normal classes, with social distancing and sanitation processes in place.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): The Chairperson of the Standing Committee on Education.

Sen. (Dr.) Langat: Thank you, Mr. Temporary Speaker, Sir. This is also a very serious and urgent matter affecting our children in the education sector during this particular critical moment of the Coronavirus Disease (COVID-19). Most of these concerns are what we have been discussing in our Committee.

We have requested the Cabinet Secretary (CS) for Education to come. Maybe he would have come, but he was also addressing the same issues at the National Assembly. However, because of the seriousness of the matter now, we are going to make a requisition for him to come to our Committee again, so that this particular matter is addressed alongside others that are also within our Committee.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, we proceed to the last two Statements, Statements by Sen. Dullo.

Sen. Dullo, you may read your Statements in that order.

STATUS OF FUNDS ALLOCATED TO COUNTIES TO FIGHT COVID-19

Sen. Dullo: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Health regarding the COVID-19 response funds given to county governments through budgetary allocations from the national Government, donors, as well as other support in the form of Personal Protective Equipment (PPEs).

In the Statement, the Committee should -

(1) Provide a breakdown of all COVID-19 response funding through budgetary allocations from the national Government and other donors in all counties.

(2) Confirm PPE support extended to all county governments and indicate how they were distributed.

(3) Provide details of expenditure by counties in relation to all COVID-19 response funds for the national Government and donors.

SMUGGLING OF MARIJUANA FROM ETHIOPIA

Mr. Temporary Speaker, Sir, if I may proceed to the second Statement. I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the smuggling of marijuana from Ethiopia that is subsequently transported throughout the country, particularly in Isiolo County.

In the Statement, the Committee should -

(1) Ascertain the magnitude of the problem of smuggling of marijuana across the border from Ethiopia to Kenya.

(2) Explain how the drug is finding its way into the country, particularly in Isiolo County, with numerous police roadblocks along the main highway. Recently, it actually found its way to Murang'a. That is where they were arrested.

(3) Recommend measures to urgently address the problem to rescue our youth.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Cherargei, then Sen. Halake, in that order.

Sen. Cherargei: Thank you, Mr. Temporary Speaker Sir, for this opportunity. I want to comment on the Statement by the Senator for Isiolo on the issue of COVID-19 pandemic funds.

Yesterday, during the virtual Madaraka Day celebrations, I saw the Chairman of the Council of Governor, Gov. Oparanya, speak about the disbursement of Kshs5 billion. I am aware that close to Kshs10 billion in aggregate has been allocated by counties to address the issue of the COVID-19 pandemic in my county and across the country.

Mr. Temporary Speaker, Sir, it is very important that even we borrow from donor partners, this money must trickle to the counties, so that we can address the issue of the COVID-19 pandemic across the nation. If we have noticed, there are rising cases of COVID-19 infections across the country. It is being projected that we are yet to reach the peak season of infections across the country. Therefore, it is important that we address the issue of the healthcare system across the counties.

On the issue of the allocation of funds, we are aware that many counties have disbursed funds. In my county, the county government has failed to distribute masks and sanitizers. There are no proper mechanisms in Kapsabet County Referral Hospital and donations to cushion the underprivileged families and people living with disabilities. People living with disabilities should be aware that counties are doing little, yet money has been allocated. We are aware that many counties have redirected their funds to support them.

I ask the CS in charge of the National Treasury and the CS in charge of Health to disburse Kshs5 million that was meant for counties. Do they want people to die or infections to skyrocket for them to give out the money?

The President released eight stimulus points to jumpstart the economy. One of the key issues he addressed and gave attention to is proper healthcare. Also, one of his Big Four Agenda is universal healthcare. If the CS for National Treasury and the CS for Health will not release the Kshs5 billion, how will we hold our counties accountable, yet most of the counties have re-addressed their funds to support COVID-19 preparedness?

This is a critical issue, and I thank Sen. Dullo for bringing it to the attention of the House. The Senate must come up with mechanisms of proper audit. For example, we should be told how we will audit the Kshs5 billion that will be sent to Samburu County, where you come from, or in Nairobi City County, which I am not sure whether it is run by the Nairobi Metropolitan Services (NMS), the military or county government.

I am happy that last week Members of County Assembly (MCAs) from Nandi County questioned the County Government of Nandi on the issue of distribution of masks, sanitizers and food donation for many people across Nandi County.

Therefore, I call upon the Chairperson of the Committee on Covid-19, my good brother, Sen. Sakaja. As we push for more funds to be allocated to counties, the *Ad Hoc* Committee should come up with a process to ensure that counties are held accountable in terms of disbursement of Kshs5 billion. We must liaise and create a link with MCAs across the country, so that governors are not given a blank cheque. This is dangerous.

We know that people are happy that there is the COVID-19 pandemic. We might have COVID-19 corruption scandals skyrocket in the next one year. Therefore, the

Chairperson should assist us to build a link between the MCAs, to ensure that we look into the re-directing of many budgets to the fight against COVID-19 pandemic.

Mr. Temporary Speaker, Sir, we are only a few days to the end of the financial year. Therefore, we need to release the Kshs5 billion to counties, so as to assist them. For example, Uasin Gishu County did not have any COVID-19 infections, but now they have 11 infections. As we try to address the challenges, we must give power and resources to counties.

As I conclude, I do not know why in this county, there is always an allergy of releasing resources to counties. People want to stay with money in Nairobi and I do not know why they want to do it. The other day, there were landslides in West Pokot and Elgeyo-Marakwet counties, just imagine *unga*, blankets and other items were bought in Nairobi by the Ministry and taken to villages in those counties. Why are we not devolving some of these issues?

Mr. Temporary Speaker, Sir, we, as a Senate, need to ensure that we push for proper devolution. Proper devolution will not happen if we do not follow the functions with resources. My appeal is to the Cabinet Secretaries (CSs) in charge of the Ministry of National Treasury and Planning and Ministry of Health to kindly release the Kshs5 billion to counties so that they prepare in advance because we are seeing a surge in the community of COVID-19 cases across the country.

I thank you, Mr. Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Halake, kindly proceed.

Sen. Halake: Thank you very much, Mr. Temporary Speaker, Sir, for giving me the opportunity. I would like to congratulate my Senator and the Senate Deputy Majority Leader, Sen. Dullo for bringing these two very key issues to the Senate.

I will not add much on the issue of the budgetary allocation. However, I would like to urge the Committee that will be assigned to look into this matter to not only analyse the budget from the national Government, but also look at county budgets have allocated to the COVID-19 response.

I am a Member of the *ad hoc* Senate Committee on COVID-19. In this Committee, we have been looking at our scheme to make sure that there is transparency in the way the COVID-19 funds are used both at national and county levels. In the last check, we were told by CoG that counties have not received funds from the national Government. My Chairperson is here and, probably, he will elaborate on that.

There are substantial amounts of money that the county assemblies have also allocated to the COVID-19 response. This is where we need to make sure that, we not only look at the transparency issues, but also push through our Committee for the Kshs5 billion to trickle down.

Mr. Temporary Speaker, Sir, moving on to the issue of smuggling of marijuana from Ethiopia into our counties, Isiolo has now become some sort of conduit through which this is coming. We are wondering why it is coming all the way from Marsabit and along the routes where there are so many roadblocks. It is not being intercepted and it is being consumed in Central Kenya, particularly Murang'a County. The issue of drug menace, not just in our country, but especially in Isiolo is becoming a big concern to us.

This is how a few years ago, people in Mombasa and the Coastal Belt started relatively with less lethal drugs and moved on to injecting themselves hard drugs. In

Isiolo County, for example, many of the youth are becoming zombies because of infiltration of drugs. It is about time that we did something both at county level and national Government level to ensure that the drug menace does not infiltrate. Already there is a dire situation in Northern Kenya, where unemployment is so high and the youth are so susceptible to use of drugs and other escape mechanisms that seem attractive to them.

Mr. Temporary Speaker, Sir, if I travel through Isiolo all the way to Moyale, I will be stopped so many times. I will keep saying I am a Member of Parliament. At each one of them, I will be, probably, be questioned. How is it that a big truck or a Landcruiser transporting marijuana worth Kshs5 million can pass all these roadblocks and police barriers, not only during this COVID-9 period where there is so much cessation of movement, but also during the normal times?

Mr. Temporary Speaker, Sir, I think our police force and the Inspector General, Mr. Mutyambai needs to tell us how it is that illegal goods can pass? Northern Kenya is suffering from insecurity because of small arms being in wrong hands. This is exactly how these illegal contraband like drugs are brought into the country. This must be relooked at.

I thank Sen. Dullo for ensuring that this is highlighted and I hope it will be acted on with the urgency it deserves.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Let have Sen. Sakaja, Sen. (Dr.) Langat then Sen. Ochillo-Ayacko.

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir.

Thank you, Sen. Dullo for both Statements. However, I will comment on one because I am not competent on issues of marijuana. I am not aware of that issue, but your concerns are valid.

As a country, our counties are not prepared at all. The Kshs5 billion we are talking about is a drop in the ocean and they have not even received it. My Committee had interactions with Kenya AIDS Vaccine Initiative (KAVI) from the University of Nairobi. The projections they gave us county by county in terms of the needs and preparations is appalling. In fact, following that we have commissioned an independent analysis on county readiness that is to be done both by the Office of the Auditor-General and an independent consultant to tell us the actual needs. KAVI tells us that this is the worst case scenario. They gave us the best case scenarios after they did county risk maps.

Because of underlying issues, a weighting formula weighted counties and their risk profiles which incorporated the prevalence of certain risk factors. Number one is age above 60 years, diabetes, HIV/AIDS, hypertension and then they adjusted the weighting to the population density per county. About 57 per cent of the national requirements for the resources are needed in 15 counties. For example, they told us Nairobi, Kiambu, Meru, Machakos, Nakuru, Kakamega, Siaya, Murang'a, Homa Bay, Kitui, Makueni, Kisumu, Kilifi, Bungoma and Nyeri counties are at highest risk.

Mr. Temporary Speaker, Sir, while we are saying this, there are 27 counties today without a single Intensive Care Unit (ICU) facility; not a single ICU bed. I will share with Members the analysis so that we understand the gravity of the issue because it is important for Members to know. For instance, let me pick Sen. Dullo's county. Isiolo

County will need 822 ICU beds and 2,549 hospital beds. Are you even a quarter way to that?

Kisii County, I can see Sen. (Prof.) Ongeru here, will need 3,326 ICU beds and 10,318 hospital beds. Are we close to that? This is because these county weight and resource needs have been done properly. This is the best case scenario where in February 2021 we are talking about two (2) million asymptomatic infections, 300,000 in hospital with 100,000 of them being critically ill.

As the Senate, once this Report is out, we need to analyse resource in each county and say what we need to do. We cannot rely on county assemblies to do re-assignment of budgets. They put budgets where they know something follows.

If you go to Kenya Medical Supplies Agency (KEMSA) today, their stores are full. County governments are not going to collect - we have a report on KEMSA, which we shall bring next week - They went to the President and said they need to procure directly because they will do their deals. However, those stores are full, yet in the counties like Isiolo, Nairobi and Bomet, there are no Personal Protective Equipment (PPEs) kits and masks. Yet, the Government agency charged with that has stores in Embakasi and Industrial area full of that equipment.

Mr. Temporary Speaker, Sir, just expect us to bring that Report. I know that you have directed this to the Standing Committee on Health. Its Chairperson is a Member of my Committee. We will bring a substantive Report on county preparedness, the use of that Kshs5 billion and what we need to do going forward to the next financial year up until February 2021.

Sen. (Dr.) Langat: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support the Statement by Sen. Dullo.

All over the country, Kenyans are watching Senate to see how it is addressing itself to the COVID-19 pandemic because our counties have lost hope in the national Government. This is because day in, day out, we hear a lot money being spent on this pandemic only in Nairobi City County. If it is not spent in Nairobi, then we are wondering where it is being spend. The little help that we have seen in our counties came from the Women Representatives who distributed some food and other items

The villagers are wondering because they heard Senate contributed Kshs200 million, but they have never felt the effects of that particular money in their villages. What Sen. Sakaja has told us is a bit of what raises a lot of concerns in the village. We request our *ad hoc* Committee to do more on this particular area.

Yesterday, we heard the Governor for Kakamega County, Hon. Oparanya, requesting counties be assisted in preparedness. It was very interesting to all of us because COVID-19 has been with us for about three months now and nothing has ever trickled down to our counties. Our counties are never prepared. At first, we could see in the boundaries of two counties some test of temperatures taking place.

People in Nairobi have gone back to their normal lives. If you go to offices at the Ministry of Health, people are operating normally, oblivious of this disease. At night in Nairobi, protocols are no longer adhered to. For example, curfew hours are not being observed.

We are actually sitting on a timed bomb because our people are not observing restrictions by the Government. Their behaviour will drive this country into a more

dangerous situation. We expect the Committee to be very strict; give us data, day-to-day improvements, follow the Government to see to it that the money reaches our counties and we should oversight the same.

As Sen. Cherargei was saying, governors might see another opportunity to abuse this particular funding. We still have to be very strict on this and protocols must be seriously be observed. We should stop dancing with this deadly disease.

I support this Statement and we need to be very strict on this.

Sen. Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir, for this opportunity again to address this very serious matter.

First, I want to congratulate my sister, Sen. Dullo, and for the record, Sen. Dullo and I, were in the same masters class at the University of Nairobi. I am proud of the issue that she has brought, which is an issue of national concern and a matter of life and death.

Allow me to react to some statistics that have been availed by Sen. Sakaja. He has highlighted a few counties that, in his view or that of his Committee, are the neediest. It is not possible to talk about Homa Bay, Kisii, Nyamira, Narok, Kisumu and Siaya counties without talking about Migori. We are the same people. If it is the prevalence of diabetes, hypertension and sickness, we share the same environment and suffering. The gravity of the matter in Kisii is as grave as elsewhere in Kenya. I want to correct that it is important to devolve resources as quickly as possible, so that people in far-flung areas do not suffer.

Mr. Temporary Speaker, Sir, when I visited Migori County and interacted with the people before the invasion of COVID-19, they said that it is a Chinese problem. They then modified the statement and said it is a Nairobi problem, which seems to be what the Government is hearing. As we deal with Nairobi and the urban areas, our areas of vulnerabilities are the border cities or towns. For example, the COVID-19 will keep entering or exiting Kenya through Busia and Malaba border points. If you look at Migori, we have border places like Muhuru Bay, Kopanga, Isebania, Motemurabu, Ntimaru and many other places are vulnerable.

The infections we get in Migori are from those places. As we talk about allocation of resources to deal with COVID-19, which is the question my sister has raised, are we investing in those places of vulnerability?

The COVID-19 pandemic will continue coming into Kenya through Tanzania. It will invade us through Namanga, Isebania and the places I have mentioned. It will invade us through Lunga Lunga. Are we sending money or how much money has been sent to protect us from our vulnerable spots? We may be progressing in terms of looking at how to deal with people in Nairobi, but just like the people of Migori were saying that COVID-19 is a Chinese problem, Kisumu, Busia, Taita-Taveta, Kwale, Kilifi, Mandera and Isiolo counties are places of vulnerability. Resources to those counties should have been send like yesterday.

In the response to this Statement, we want to know how much money have been sent to ensure we are secure in Migori, Mandera, Taita-Taveta, Kajiado and Busia counties. We may hide in Nairobi thinking that we are safe, but what about those people when they get infected? They will come to Nairobi, go to Kisii, Homa Bay and all other places. Nobody is safe. COVID-19 is a disease that does not respect cities, status, tribe or

anything. The more we want to deal with it, we must do so from the distant vulnerable places, which is not being done.

Lastly on the issue of marijuana. Marijuana is not just a problem in Isiolo or Mandera, but also in Migori. Most of the marijuana comes to Kenya through Tanzania, where it is grown in large rural parcels of land. We, in Migori, would also like to know how the Government is dealing with the porosity in the borders. The borders are porous. Some criminal *boda boda* people and other traffickers who come to Kenya are known, but no action is being taken, as Sen. Dullo has said. Large vehicles are transporting these items and they are not being searched or stopped. The same is happening to Migori and the marijuana that is consumed in the neighbouring counties of Kisii, Narok and Nairobi come from such far-flung areas.

In response to the issue that has been brought up by my very good sister, we would also want to know what is being done to ensure that the porosity of the border in Migori in terms of illicit trafficking of items such as drugs, which is a very serious criminal offence, is being handled. We do not want to see our children and other people becoming addicts and be of no value to us as a society.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. Allow me to congratulate Sen. Dullo for coming up with these two important Statements. I will quickly comment on them starting with the one on marijuana.

The issue of marijuana is not new. It is something that has always been there and it has a lot of negative impact on our youth. The Senator has said clearly that it is being smuggled from Ethiopia, but that could not be the case. It could be an arrangement where people and even police officers are aware of the lorries carrying marijuana.

There is need to do a follow up to find out how many people have been apprehended so far regarding such illicit deals. If none has been apprehended at all, then it means that the police officers are colluding with those who bring in marijuana. They are not smuggling it because it is an arranged activity.

It is unfortunate that our youth can lose direction because of marijuana. Marijuana has a lot of negative impact on health. We have been talking about issues of mental health where the youth forgot what they are supposed to do because of engaging in illicit drugs. As a result, sometimes they even become insane. You can imagine dealing with an insane person. Insane people can cause a lot of havoc. However, when they are taken to court, sometimes they are pardoned.

There is need for us to see how to arrest the issue of marijuana entering our country. It is not only from Ethiopia, but as Sen. Ochillo-Ayacko has said, it is grown in many parts of this country. Even when you go to Vihiga, you will find the youth who take marijuana. As legislators, we have to find a way of intervening, so that the issue of marijuana is brought to an end.

I also want to comment on the issue of food donations that Sen. Dullo has talked about and money to cushion people during this pandemic. When you go the counties, you will find that the most vulnerable people do not even have masks and food. It is unfortunate.

There is need for accountability---

The Temporary Speaker (Sen. (Dr.) Lelegwe): Senator, kindly summarise your contribution on the two Statements, so that we proceed to the Procedural Motion.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, there is need to have accountability of the money and donations going to the counties to cushion the most vulnerable because they are known in the counties. People can tell you which family has a Person with Disability (PwD). So, they should not lack essentials that are necessary during this period of COVID-19 pandemic.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I commit the fourth Statement to the *ad hoc* Committee on COVID-19 pandemic and the fifth one to the Committee on National Security, Defence and Foreign Relations.

Hon. Senators, I defer Statement (B) pursuant to Standing Order No. 51 (1) (a) to this afternoon.

STATUS OF EDUCATION IN KENYA
DURING THE COVID-19 PANDEMIC

(Statement deferred)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Let us go to the next Order.

BILL

First Reading

THE EQUALIZATION FUND BILL
(NATIONAL ASSEMBLY BILLS NO.43 OF 2019)

*(Order for First Reading read – Read the First Time
and ordered to be referred to the relevant Senate Committee)*

MOTION

ALTERATION OF THE SENATE CALENDAR FOR
THE 2020 SESSION

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Poghio): Thank you, Mr. Temporary Speaker, Sir. I beg to move-

THAT, pursuant to Standing Orders 28 and 29, and the Resolutions of the Senate made on 27th February, 2020, 17th March, 2020 and 14th April, 2020 regarding the Senate Calendar, the Senate resolves to alter its Calendar in respect of Part II and Part III, to continue holding one sitting in each week on Tuesdays, beginning 9th June, 2020 until Tuesday, 16th June, 2020, and thereafter, to adjourn and resume sittings on Tuesday, 7th

July, 2020, and proceed with the sittings as set out in the Calendar approved on 27th February, 2020, subject to the Resolution to sit once a week on Tuesdays.

Mr. Temporary Speaker, Sir, this is a straight forward Motion that this House can alter the Calendar by resolution. We are meeting only once a week to allow Members to complete some urgent business that cannot wait. We can then resume and do two more sittings. We are only asking that this changes for two more sittings.

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

Sen. Dullo: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, if there is no interest, I will proceed to put the question.

Sen. Pareno: There is interest.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Pareno, proceed.

Sen. Pareno: Thank you, Mr. Temporary Speaker, Sir. I thank the Senate Majority Leader for this Motion. Basically, being almost a procedural Motion, it is good to say this is just to give us room to work within the rules and situation in which we have found ourselves with this COVID-19 pandemic. I do not think we can do any better than what we have already done.

This is a Motion to allow us, not to really sit back at home, but enable us to see what is happening within the country. You will note that throughout the Session, we have had a report on the pandemic and we get an update on daily basis of what is happening in the country.

To me, it is good enough. We cannot do more than what is already provided because we have to sit within the health rules that are provided for us to perform. It is like we cannot really sit at home, but we cannot operate as normal.

I support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Malalah, proceed.

Order, hon. Senators. I call upon the Senate Majority Leader to reply.

The Senate Majority Leader (Sen. Poghio): Mr. Temporary Speaker, Sir, as I said, it is a Procedural Motion and straightforward. I beg to reply.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, it is now 12.35, time to adjourn the House. The Senate, therefore, stands adjourned until today, Tuesday 2nd June, 2020 at 2.30 p.m.

The Senate rose at 12.35 p.m.