

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

**Tuesday, 23rd June, 2020 – Morning Sitting**

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

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

#### PRAYER

#### PETITION

#### ACQUISITION OF KARARE LAND IN MARSABIT COUNTY BY KDF

**The Speaker** (Hon. Lusaka): Hon. Senators, I wish to draw the attention of the Senate to the following-

I hereby report to the Senate that a Petition has been submitted by the Rendile and Samburu community representatives concerning acquisition of Karare land by Kenya Defense Forces (KDF).

As you are aware, Article 119(1) of the Constitutions says-

“Every person has a right to petition Parliament to consider any matter within its authority including enacting, amending or repealing any legislation.

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

(a) THAT in the year 2019, the KDF expressed interest in acquiring land in Saku Sub-County of Marsabit County totaling to 2,500 acres.

(b) THAT following meetings between community leaders, the County Commissioner and KDF representatives the community objected to the acquisition of Karare Land and suggested alternative land at Kubikalo for acquisition by KDF.

(c) THAT while the community is aware of the legal basis for compulsory acquisition of land by the Government, they take issue on the acquisition of Karare Land by the KDF on the basis that it poses an existential threat to the livelihoods of the predominantly pastoral Samburu and Rendile communities as the land is a dry season water catchment area for Marsabit County, including communities living in Karare, Songa, Loblorgo, Kaboyolwe, Laisamis, Kaigi and Kor.

(d) THAT the community has on several occasions been coerced into accepting the acquisition of Karare Land by the KDF, but have not obliged citing the centrality of the land for sustainability of their environment and livelihoods with over 150 camels,

215,000 sheep and goats and 85,000 cattle dependent on Karare ecosystem during droughts.

(e) Further, that a total of 98,000 people who depend on the livestock would lose their livelihoods if Karare Land is compulsorily acquired.

(f) THAT considering that in the past the community has lost over 150 acres to the Lake Turkana Wind Power Project, their dry season grazing pasture has been significantly diminished and, therefore, the acquisition of Karare land would exacerbate their plight.

(g) THAT owing to their minority status and weak representation in Government, the Rendile and Samburu communities of Marsabit fear that they could lose the land despite their objections and having failed in petitions to the County Commissioner, County Governor, Cabinet Secretary for Interior and Coordination of National Government and the National Land Commission for redress all of whom have never responded.

(h) The Petitioners, therefore, pray that the Senate intervenes and undertake an investigation with a view to halting the process of compulsory acquisition of Karare land for the benefit of the Rendile and Samburu communities residing in the area and make appropriate recommendations on the matter.

Hon. Senators, pursuant to Standing Order 231, I shall now allow comments, observations and clarifications in relation to the Petition for not more than 30 minutes. You can request by pressing your buttons.

Proceed, Sen. (Eng.) Hargura

**Sen. Hargura:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to comment on this Petition.

I am aware of this situation since I come from the same community. This is an issue which is very live in the community. I also thank the community members for having trust and faith in the Senate. This is because these are issues that need to be addressed. I hope, when it goes to the right Committee, which is the Standing Committee on Lands, Environment and Natural Resources, which I am a Member, we will take it up on behalf of the Senate.

Mr. Speaker, Sir, it is true that we have been losing our land; like the 150 hectares, which was given to Lake Turkana Wind Power Project, where we still have the case in court for the past six years. We have found it to be a very tall order. Once community land is acquired, to get it back is difficult. As the Senate and the Standing Committee on Lands, Environment and Natural Resources, we will endeavour to look at all the prevailing situations; the land status and any other outstanding issues, so that we deal it fairly.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. This Petition that has come from the Rendile and Samburu communities is a very valid Petition. Since it has come to the attention of the Senate, we are here with a cause and purpose to represent the counties and the interest of the counties.

It is very clear from the Petition, that this community has tried to reach to the National Land Commission (NLC), but it has not responded. It is in the interest of the common good of the residents of Rendile and Samburu that they are listened to, so that they do not lose their livestock and what they have really cherished for a very long time.

They have also been in the community for so many years. It is unthinkable that one day, they will just wake up and find that they do not have their land.

There is need for the Committee to look into this issue very critically, so that there is justice done to the residents of Samburu.

I support this Petition.

I thank you.

**The Speaker** (Hon. Lusaka): Sen. (Prof.) Onger, like I said, you can request using your buttons.

Kindly, proceed, Sen. (Prof.) Onger.

Give him the microphone. You are on.

**Sen. (Prof.) Onger:** Thank you, Mr. Speaker, Sir. The issue of land is an emotive issue since Independence. The two contesting groups is the KDF and Samburu and Rendile people.

For people to be able to make that kind of Petition to this House, they have sought various avenues in trying to address this issue through the National Land Commission (NLC) and other relevant authorities within that area.

Mr. Speaker, Sir, if you may notice, this is an area which is prone to a lot of insecurity. To add injury to this insecurity, if there is a conflict on the matters of land, this House, in its wisdom, should be able to listen to this Petition, inquire into this Petition and see how to reconcile both the KDF, which is the Government and also the habitants of Samburu and that region. If left unattended to, we may see more and more insecurity.

So, we are more interested in the peace-making arrangements between the warring parties there. At the same time, we are more interested in peace-making efforts between the residents of that region and the Government. This is because each has a claim to some land for purposes which are very specific. We also need to have a security operational corridor there in order to be able to safeguard the livelihoods of the residents who are staying in that region.

For those few remarks, I think this is a Petition well put before this House. We should address ourselves on the issues of trying to bring harmony and understanding on the usage of land in its various capacities.

I thank you.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I wish to congratulate the Petitioners for this Petition. As my colleagues have said, matters of land are actually very sensitive and emotive.

I believe there is a similar Petition before the Standing Committee on Lands, Environment and Natural Resources, on KDF in Isiolo County. In fact, we even went to Isiolo with the Committee to listen to the complaints raised by the communities living in those affected areas. For example, Isiolo is sandwiched between several camps owned by KDF. The majority of the people living in Isiolo are pastoralists. Unfortunately, it looks like when this land was being acquired for KDF, the community participation was not done, both in Isiolo, Marsabit and other parts of this country.

The Constitution is very clear that the communities must be involved and compensated when this land is acquired, but the current scenario is that KDF is just coming on the ground, telling people to move out, this is our land, we have been allocated many years back. This is really unfair.

In a case in Isiolo, people who have lived there for almost 30 years are being told to move out. Where are they going to go to? So, I hope the Committee will be able dispense this matter as quickly as possible. Even the one before the Committee, the Cabinet Secretary (CS) is playing hide and seek game to come and give information to the Committee.

I hope the Standing Committee on Lands, Environment and Natural Resources - if the Members are here - will actually summon the CS to come and explain what is happening. This is because the hide and seek game does not help Kenyans. These are people whose rights need to be protected.

I thank you.

**The Speaker** (Hon. Lusaka): The Senate Minority Leader, followed by Sen. Shiyonga. Kindy, proceed.

**The Senate Minority Leader** (Sen. Orenge): Thank you, Mr. Speaker, Sir, I also join to support this Petition.

Mr. Speaker, Sir, the land question in Kenya has been a very difficult and controversial question. The enactment of the Constitution was supposed to resolve some of these burning questions in relation to land. Of particular concern, were areas in the northern part of Kenya where land tenure cannot be on the basis of the kind of single title or individual title tenure that we have in the rest of the country.

In the northern parts of Kenya, there are a lot of considerations that must be put in place. This is because water is a very essential commodity in some of these areas. Corridors must be established for people who graze land, to move miles and miles in search of water, so that if there is an acquisition that interferes with movement of people and the animals, between grazing land and water catchment areas, creates a lot of difficulties.

In Samburu, particularly in Laikipia, Marsabit, Wajir, Mandera and the whole of that region, it is very important before the Government acquires any land, for any purpose, to get the green light from the communities. This is because, if that is not done, it creates a lot of suffering.

I support this Petition and hope that, in the future, KDF which is one of the Government bodies or agencies that keep on acquiring land in some of these arid and semi-arid and the Agricultural Development Corporation (ADC), which also has got some land in these regions, before they do that, the first priority should be the communities' interests.

There is no reason why the KDF should own many square miles of land when the local communities are suffering. It is by itself a basis of creating conflict and injustice which can lead to insecurity.

I support this Petition and hope that the concerned Committee will come back with solutions, and put the KDF, Ministry involved, department and the National Land Commission (NLC)--- Particularly, the NLC is not responding to the historical and constitutional responsibility placed on it in addressing land injustices, not just historical, but even current land injustices.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Shiyonga, proceed.

**Sen. Shiyonga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Petition. I would like to start by congratulating the petitioners for bringing this Petition to the Senate.

Land related issues are increasing by the day. With population growth in the country violent land disputes are being witnessed amongst our communities. We have the NLC and the Ministry of Land and Physical Planning, which needs to solve this matter without letting people with land disputes lose their lives.

Mr. Speaker, Sir, lately, we had a land dispute in Kakamega where lives were lost. The Samburu and the Rendille people have a right to occupy their land. The KDF is a respected institution in Kenya. It owns vast pieces of land around the Republic which are not utilised. The Committee handling the issue needs to resolve it before lives are lost. The KDF is an armed institution and can handle issues without controversies. They need to respect people who own ancestral land.

I support the Petition and hope that the Rendille and Samburu people will get the justice they deserve.

**Sen. (Prof.) Ekol:** Thank you, Mr. Speaker, Sir, for giving me the chance to say something about this Petition. I support this Petition forthwith. The question of land, as my colleagues have said, is a touchy issue. Somehow, the Ministry of Lands and Physical Planning has not stepped in to solve some of these problems. There are boundaries that were put in place by the colonialists. These are what is cutout and what we call counties today, yet, the Ministry is not showing this clearly, so that we can avoid some of these squabbles. The squabbles are as a result of the boundaries not being defined.

This problem is not only between Samburu and Rendille communities, but everywhere in the country. Even international boundaries are being threatened. I thank Sen. Dullo for standing up for her people in Isiolo. We had this problem before where KDF is claiming large tracts of land in Isiolo and pushing out *wananchi* who own the land. The land does not belong to KDF, but the *wananchi*. They should be given preference when it comes to who occupies the land.

We have the same problem between the Turkana and their neighbours in Kapedo. This has been a sticky issue for a long time because the boundaries are not defined as to which part belongs to Turkana and which one goes to Baringo. The same thing applies to our neighbours in West Pokot. We have boundary issues and the Ministry is doing nothing about it. The same thing is happening between us and Uganda. Uganda is moving into Kenya and claiming parts that we know belong to Kenya, but the Ministry is not doing anything to say, 'this is Kenya and this is Uganda'.

The same thing is going on in South Sudan. When are we going to get a rest? The Government is supposed to step in and solve some of these problems. Otherwise, we will keep on losing lives because the people who are fighting do not even know where the boundaries are. They are fighting based on traditional knowledge, because they say, 'this part has always been Samburu,' and the Rendille say, "no, this has always been Rendille." It needs an independent body like the Government to come in and say, "Samburu ends here and Rendille begins here." Otherwise, this will continue forever. When is the Ministry going to stand up and solve the problems of the people of this country?

Mr. Speaker, Sir, I support the Petition and hope that the Committee of the Senate that this Petition will be referred to will take this matter seriously and find a lasting solution to these squabbles.

**The Speaker** (Hon. Lusaka): Sen. Mwaruma, and then Sen. Ochillo-Ayacko.

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir, for this opportunity you have given me to weigh in on this Petition that has got to do with Government institutions taking away land from communities without due consideration of the law.

We have a similar situation in Isiolo. I am in the Committee on Lands, Environment and Natural Resources and we visited Isiolo. When we were asking questions to the KDF on how they acquired land belonging to residents of Ngaremara, they told us that there is a gazette notice or the Government gazetted land and gave it to the KDF. I have been asking myself whether that is the only way the Government can acquire land from people; using a simple gazette notice. What about the residents who are living there? What is their plight? Where do you expect them to go? There is a law guiding compulsory acquisition of land by Government institutions. That law is there and must be followed.

The plight of the people must be addressed. In Isiolo, over 50,000 people are facing eviction because KDF has acquired land from people. The same applies to the petitioners who have just petitioned. Even in my county, we have the Prison Service gazetting 900 acres of land and giving it to the prison department without the due consideration of the people who are living around there.

The Committee on Lands, Environment and Natural Resources, where I sit, must work very hard to assist the petitioners get their right to land. If they are not going to remain there, then they should be given alternative land.

My only problem is that the Cabinet Secretary for Lands and Physical Planning and the Cabinet Secretary for Defence are playing hide and seek. They and the NLC are not answering to our questions. The NLC is mandated to protect community interests.

I support this Petition, and from our Committee, we will work hard and apply ourselves judiciously to make sure that the people who have petitioned get their rights.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Ochillo-Ayacko then Sen. Farhiya.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir. I want to state that I support this Petition because Land is the foundation of all rights. Human existence is founded on land. You cannot exist in space, but on some land.

It is clear that both the Government and the KDF are becoming a threat to the Rendille and other people in these counties. These people have no other way of existing and operating without operations and production that must be done on land. The committee to which this matter will be referred to has a herculean task of protecting the people who occupy those parcels of land.

There is a distorted view that is not conventional that you can only own land if you have a title deed. Ownership of land is using that land. If people have to traverse land to look for water or go to forests for the activities, it does not matter how many kilometres those forests and water sources are from where people are settled. They must go to forests in order for them and their animals to survive.

The notion that when you see large parcels of land in Samburu, Turkana, Isiolo, Mandera and Wajir and think that they are not occupied is distorted because those people have to travel several kilometres to access other ways of sustaining their livelihoods, which must be protected by the Government.

In fact, the first question that the Government must address at all times is how these people will survive before even thinking of the KDF. The KDF is of no use if it is a threat to the livelihood of people. It might as well operate in the sea or in the lake where people do not live, because it has nobody to defend if the very people it is supposed to defend have to be extinct.

There is no government without people. We all know of the Convention of 1933 that describes nation states as land, people, territory and government. Without people, there is no need for the KDF.

I urge the committee responsible for this to ensure that we start by looking at the existence and survival of people, then how to protect those people. If we are a threat to the existence of those people, then there is nothing to protect.

I thank you.

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. In pastoral communities, land is communally owned by many people because it is used for grazing.

Sometimes when people see fallow land, it is construed that it has no owner. The land is divided into sections. There is a section that is used during wet seasons and another one they migrate to during the dry seasons. Those people also have another problem of conflict from the neighbours or inter-clan clashes because of scarcity of resources such as land and water.

I heard that there is land that the community wanted to give to the KDF and get alternative one. That is fair because it means those people are willing to settle somewhere. However, the land being taken is where they graze. This matter needs to be looked at carefully. Otherwise, if that land for grazing is taken, a lot of people who are self-sustaining will go back to poverty.

Around the border areas such as Marsabit, Moyale and Wajir that border Ethiopia and Somalia, there are points where there is a lot of insecurity due to terrorism and other threats. The community is more than willing for the KDF to settle there so that they get a buffer from the enemies. Such are some of the land they should target and not where people graze because livelihoods will be threatened.

Due to climatic changes, the grazing lands are reducing every year because of desertification. If this is not addressed, many people will become destitute and wiped out by drought. Therefore, these are issues we cannot afford to take lightly. As the Government, we need to protect our own people and their lives and livelihoods.

I think the petitioners are hoping that the Senate is the last resort to get justice. Let them get the justice they deserve. The committee should prioritise land issues.

**The Speaker** (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No.232(1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Lands, Environment and Natural Resources.

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

I thank you.

*(The Petition was committed to the Standing Committee  
on Lands, Environment and Natural Resources)*

Let us go to the next Order.

### PAPER LAID

#### THE NATIONAL GOVERNMENT BUDGET IMPLEMENTATION REVIEW REPORT FOR FY 2019/2020

**Sen. Dullo:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 23<sup>rd</sup> June, 2020:

The National Government Budget Implementation Review Report for the First Nine Months for FY 2019/2020.

I thank you.

*(Sen. Dullo laid the document on the Table)*

**The Speaker** (Hon. Lusaka): Hon. Senators, before we proceed to the next Order, which is Notices of Motions, I have a communication to make.

### COMMUNICATION FROM THE CHAIR

#### NOMINATION OF HON. RACHEL AMESO AMOLLO FOR APPOINTMENT AS A COMMISSIONER TO THE PSC

**The Speaker** (Hon. Lusaka): Hon. Senators, on Tuesday, 16<sup>th</sup> June, 2020, the Vice Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights laid on the Table of the Senate the Report of the Committee on the Nomination of hon. Rachel Ameso Amollo for appointment as a non-member Commissioner to the Parliamentary Service Commission.

The tabling of the report of the Standing Committee on Justice, Legal Affairs and Human Rights was done in fulfilment of Section 8 of the Public Appointments (Parliamentary Approval) Act, and Standing Order No.71(1) and (3) of the Senate, following the submission to the Senate by the Parliamentary Service Commission of its report on the appointment of a Commissioner under Article 127(2)(d) of the Constitution and Section 9 of the Parliamentary Service Act on Tuesday, 2<sup>nd</sup> June, 2020.

Hon. Senators, after the tabling of the report of the Standing Committee on Justice, Legal Affairs and Human Rights on the nomination of hon. Rachel Ameso

Amollo for appointment as a non-member Commissioner to the Parliamentary Service Commission, the Vice Chairperson, at the Order of Notices of Motions on Tuesday, 16<sup>th</sup> June, 2020, gave notice on adoption of the report in the following terms -

“That the Senate adopts the report of the Standing Committee on Justice, Legal Affairs and Human Rights on the approval of hon. Rachel Ameso Amollo for appointment as a non-member of Parliament Commissioner to the Parliamentary Service Commission, laid on the Table of the Senate on Tuesday, 16<sup>th</sup> June, 2020, pursuant to Standing Order No.71 and that pursuant to Article 127(2)(d) of the Constitution and Section 9(2) of the Parliamentary Service Act, approves the appointment of hon. Rachel Ameso Amollo as a Member of the Parliamentary Service Commission.”

Hon. Senators, by a letter dated 22<sup>nd</sup> June, 2020, Sen. Mutula Kilonzo Jnr., MP, who is also a Member of the Standing Committee on Justice, Legal Affairs and Human Rights brought to my attention an error in the Notice of Motion issued as aforementioned, whereby the Notice of Motion given and the recommendation in the report of the Standing Committee were not congruent.

The Senator explained that the error in the Notice of Motion arose from reliance on documents which had been prepared beforehand by the Standing Committee in readiness for laying on the Table, but which the Standing Committee had not made its final determination on. The Senator concluded by seeking the Speaker’s approval for the Motion to be moved in an amended form.

Upon verification of the claims by Sen. Mutula Kilonzo Jnr., the Committee, at page 21 of its Report, recommends that the Senate does not approve the appointment of Hon. Rachel Ameso Amollo to the position of Member of Parliamentary Service Commission (PSC) under Article 172(2)(d) of the Constitution. As such, therefore, it is clear that the Notice of Motion given on Tuesday, 16<sup>th</sup> June, 2020, by the Standing Committee for consideration and determination by the Senate, and the Standing Committee recommendation contained in the Report, are at cross purposes.

This situation needs to be remedied before we proceed with the Motion on the Standing Committee Report. Having considered the matters raised by Sen. Mutula Kilonzo Jnr., and the totality of the circumstances, I have granted approval pursuant to Standing Order No. 1, as read together with Standing Order No. 55, for a new Notice of Motion to be given in the terms set out in the Supplementary Order Paper, to correct the anomaly. Upon the new Notice of Motion being given, the earlier Notice of Motion stands withdrawn within the meaning of Standing Order No. 56.

I now direct the Clerk to call out the next Order.

### NOTICE OF MOTION

REJECTION OF PROPOSED APPOINTMENT OF HON. RACHAEL  
AMESO AMOLLO AS A MEMBER OF THE PSC

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion-

THAT, taking into consideration the recommendation of the Standing Committee on Justice, Legal Affairs and Human Rights in its Report on the proposed appointment of Hon. Rachel Ameso Amollo as a Member of the Parliamentary Service Commission, laid on the Table of the Senate on Tuesday, 16<sup>th</sup> June, 2020, pursuant to Standing Order No.71, and cognizant of the provisions of Article 127(2)(d) of the Constitution, Section 9 of the Parliamentary Service Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate rejects the proposed appointment of Hon. Rachel Ameso Amollo as a non-Member of Parliament Commissioner to the Parliamentary Service Commission.

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

## STATEMENTS

### BIODIVERSITY PROTECTION IN REALIZATION OF FOOD SECURITY

**The Speaker** (Hon. Lusaka): The Senator for Trans Nzoia County is away. We will hear from Sen. Were.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I rise to make this Statement on behalf of Sen. (Dr.) Mbito, the Senator for Trans Nzoia County.

I rise pursuant to Standing Order No. 47(1) to make a Statement on an issue of general topical concern namely, biodiversity protection as key in the realization of food security.

The ecosystems of our planet produce a wealth of nourishing food ranging from grains, which are harvested from its plains and steppes, valleys and terraces. All these are possible due to biodiversity as the root of this plenty. These varieties of crops and food on which human civilizations have grown and depend on is possible because of the tremendous variety of life on earth.

In order to achieve human development, food security is among the ingredients that are vital in driving the growth of our workforce. Therefore, there is need to start rethinking the way we use biodiversity in order for it to feed us, but first and foremost, we must protect biodiversity from the challenges facing it.

The need to feed the increasing population has made intensive farming the most practical action to take by many Governments. This has led to farming and encroachment into biodiversity important areas and sensitive habitats such as forested areas, wetlands and riparian areas. Competition between food crops and wild biodiversity and also loss of indigenous crop diversity has been brought about as people seek to grow high value crops that give fast short term cash gains. Recent findings show that, recent abrupt land changes like deforestation or intensification through agriculture, fragmentation and loss of habitat can cause even more impactful and long-lasting damage to biodiversity.

Kenya's economy is highly dependent on natural resources, meaning that recurrent droughts, erratic rainfall patterns and floods will continue to negatively impact livelihoods and community assets. Climate change has adverse impacts on the country's

economic development and threatens the realization of vision 2030 goals, which is a pillar of creating a competitive and prosperous nation with a high quality of life. The rapid, manmade climate change speeds up the process, without affording ecosystems and species the time to adapt.

Environment and natural resources in Kenya are valuable national assets that must be sustainably managed for present and future generations. They offer a range of benefits and opportunities for local and national economic development, improved livelihoods and provision of environmental goods and services. It is time that we enact policies that will control poaching, overfishing and over-harvesting which contribute greatly to the loss of biodiversity.

I thank you

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I support the Statement brought on the Floor of this House by Sen. (Dr.) Mbito.

The life of every form matter and that includes the life of all animals and plants, each species has a role to play in its own unique way in this universe. They should be given a chance to play their role. There is need for enhanced sustainability of all forms of life. Since time immemorial, human beings have always coexisted with plants. There is need for us to rethink of how our ancestors lived with the animals and plants. When I was young, we never went to hospital for malaria treatment. My grandfather used to recommend a certain tree called *Mwarubaini* which is medicinal. We would also take roots like *Mukombero* which have medicinal value. Nowadays, people do not know the value of such plants. We should rethink of ways of sustaining our biodiversity because they have some pharmaceutical benefits and they are also a source of food.

People die due to lack of food yet some animals and plants can be used as food. When I was young, we used to eat white ants with *ugali*. Those insects are a source of proteins and fats. Therefore, we should protect our biodiversity because of the role that it plays. Some fish species are threatened due to overfishing. We have to look for ways of enhancing our biodiversity for us to benefit from the natural food that God gave us. How can we ensure that we are benefitting from the natural foods that God has bequeathed us?

Even as we coexist with animals, there is need to protect human beings. We do not want to see them mauled by animals or bitten by snakes. Some snake venom has medicinal value. We need to strike a balance to ensure human beings coexist with wildlife.

Mr. Speaker, Sir, I support this Statement by Sen. (Dr.) Mbito. As I support it, I urge him to develop it into a Bill. We will support it in this House.

Thank you, Mr. Speaker, Sir, for this opportunity.

**Sen. (Prof.) Onger:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to talk on a subject that is so close to my heart. Biodiversity is the livelihood of individuals and species in the world. These elements of biodiversity are in the air, soil, seas and oceans. The ecosystems balance in such a wonderful way that humanity was bequeathed to conserve it for sustainable use for their livelihood.

I was Kenya's Ambassador to the United Nations Environment Programme (UNEP). One of the conventions that I successfully negotiated was the Convention on Biological Diversity. One of the elements that stood out quite clearly at that time was the

indication that the whole world was moving towards biodiversity because of its inherent wealth that was imbedded in biodiversity products. The so-called developed nations were able to patent some of the ingredients that had been derived from the biodiversity products for their own use. These medicinal products were then sold back to the third world countries at very exorbitant prices. They were out of reach for anybody to use for their own sustainable livelihoods.

One of the areas that has been, unfortunately, exploited and polluted to the extent that it has been denuded by the researchers of the developed nations are the biodiversity elements in Africa, the Congo and Amazon forests.

Biodiversity is a balance between the rich and the poor. However, as a result of human activities and natural disasters, biodiversity is under threat. We can easily already note that one of the recent elements has been flooding. If you see flooding all over the country; whether it is in Nyando, Trans Nzoia, Budalangi, North Eastern, Coast Region and other areas, it involves the loss of biodiversity. We cannot afford this because this is a result of climate change.

On the patterns of climate change, again, I had the singular honour of negotiating the framework of conventions on climate change, especially desertification in Africa. Again, this constellation of events has denuded the environment to the extent that even the ordinary *mwananchi* cannot sustainably use these elements.

Mr. Speaker, Sir, we also have pollution of water in the world. Therefore, this Statement is asking us whether the air that we breathe is full of good oxygen that can resuscitate us in moments when we are in a very bad environment or not. Tree planting and conservation of forests is a key factor in ensuring that the ambient oxygen that we breathe is clean.

If the climate changes, then we will have difficulty in getting clean drinking water for our livelihood. Water is life. For those of you who did not know, 80 per cent of your body mass is water. The 20 per cent is made up of bones and tissues.

Biodiversity for food production is another very important area. How do we produce food for survival, particularly in poor nations and countries? How are we using the God-sent products? We have destroyed them and created disasters in all those areas.

Biodiversity is source of fuel. Most of our families do not have electricity. Therefore, they use biodiversity products as their fuel.

Mr. Speaker, Sir, I can speak volumes on this subject, but the question is: Are we looking after our climate or are we going along the way of climate change? That is what the Statement is trying to bring to our attention to. Are we sustainably conserving biodiversity for food consumption? The answer is 'no.' Are we sustainably conserving clean drinking water? The answer is 'no.' Are we sustainably holding together the things that need to be held together for our own survival and livelihood? The answer is 'no.'

Mr. Speaker, Sir, it is now time that we went into greater depth to understand how this biodiversity for our livelihood and sustainability, for alleviation of poverty, medicinal purposes, our own enrichment, and many others, do to us.

Mr. Speaker, Sir, I support this Statement. Whoever will get this Statement, I will be interested to know how it will be developed into a law for our future use.

I thank you.

**The Speaker** (Hon. Lusaka): Thank you very much. I do not see any more interest. The next Statement is from Sen. (Eng.) Hargura.

GENERAL STATE OF SECURITY IN MARSABIT  
COUNTY AND ITS ENVIRONS

**Sen. (Eng.) Hargura:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 47 (1) to make a Statement on a matter of countywide, inter-county, national and international concern, namely the general state of security in Marsabit County, the neighbouring counties and the neighbouring country, Ethiopia.

Mr. Speaker Sir, there has been serious escalation of attacks and loss of lives mainly between residents of North Horr and Saku constituencies around the area of Orodere. To date, these attacks have claimed not less than 33 lives along that particular area. There have also been attacks along the Kenya-Ethiopian border at Forole and Elegimtu area, which claimed not less than 12 people and many other injuries.

Recently, within June, 2020, the conflict has occurred between the residents of Moyale Sub-County and Wajir County. In this conflict, not less than 10 lives were lost, and about 400 camels stolen.

Mr. Speaker, Sir, I would like to thank the leadership from both counties, Marsabit and Wajir, for the speed with which they moved to contain the situation and reconcile the communities, which is still an ongoing process. I hope that it will not escalate.

Mr. Speaker, Sir, on 8<sup>th</sup> June, 2020 at around 6.00 p.m., four youths from the Rendille community who were on their way from Marsabit Town coming back to Songa were killed in cold blood between Songa and Badasa. They were two university students; one Kenya Certificate of Secondary Education (KCSE) candidate and a *boda boda* operator. They were killed at close range. It was done in a manner to incite the community because the youths were unarmed.

I am told the university students had gone to Marsabit to send their assignments to their lecturers. It was done in a very heinous way because each one of them had not less than 10 bullet wounds on their heads and chests. It was not a normal killing.

I asked to make this Statement last week. However, between last week and now, two other incidents have occurred. Around Loiyangalani area, some herdsmen from the Rendille community were attacked, one was killed, and two are still in hospital. The last incident occurred yesterday where two secondary school students aged 16 and 17, who were on their way to town from Badasa were killed. A primary school student was injured and is in hospital.

Mr. Speaker, Sir, these kinds of killings have been on for a long time in this county, but there is nothing being done. I urge the communities to restrain themselves from taking any other action because this will lead to more bloodshed; there will be revenge, killing and we will not get out of it.

The conflict in Marsabit has been recurring between different communities for a long time. We are all aware that we lost all our elected leaders in a plane crash on 4<sup>th</sup> April, 2006 while they were on a peace mission. These kinds of attacks were there back then; we are all aware of the Turbi Massacre of 2005. The leaders who lost their lives

were on their way to address these issues. Unfortunately, we lost of all them and we seem not to have learnt from that.

We know that Moyale Constituency had experienced serious fighting between 2012 and 2014 which resulted in Kenyans becoming refugees in Ethiopia and houses being burned. This has been recurring.

The conflict in Marsabit has been documented and analysed over a long period of time. In my short study of the conflict, I have come across not less than 10 documentations. When you go through them, they have all analysed and noted that the causes of conflict are the same and the reason why it is recurring is the same. However, because of it not being addressed by the national Government, this recurrence has been there.

In fact, reports are so clear and they will tell you that the causes of these conflicts are political. Devolution, which is supposed to be a blessing to us the people from marginalized areas, is now becoming our undoing. What is there is ethno-political in the sense that communities are fighting each other to gain control of resources. First, it is formation of political alliances to gain control, people being incited against each other and the expansionism tendency of some people due to acquiring more land.

From the reports, they are saying that there is some urban cause of conflict in terms of when you have the governor, then the issue of who gets the contract and the money comes in. Therefore, you have to make sure that the governor in place is from your community, and it is becoming another urban source of conflict. That is what we are experiencing.

Mr. Speaker, Sir, with all these problems, I would like to thank the Marsabit Interfaith Council; a group of religious leaders from churches and mosques who have come together and tried to address this issue. In September, 2018 when this thing started around Orodere, they came in and called all the leaders. We called the clan elders of the communities involved and tried to talk to them.

The Interfaith Council members have gone as far as risking their lives, going to the warring communities whereas they come from the other community. They had to risk their lives to go to a community which is warring with their community so that they can preach peace.

Unfortunately, I know that some people have questioned the credibility of the Interfaith Council. Naturally, if you are from the church or the mosque, you are from that community within the county. Some people have said that they do not trust them because they are biased, but I have faith in them.

I hope they will not lose heart because of that, and they will continue with their work, so that we can sit down and see how we can bring the warring communities together. We have to understand that we have a short time to live in this world and we cannot take anything anywhere. Everybody will end up in a small grave.

People should not be fighting over land. People should not be killing each other because somebody wants to access power. Unfortunately, what is going on is politicians trying to sustain this fight, so that when it comes to politics they say: "This guy has not performed and I need to replace him" while they have been playing dirty games keeping the guy busy trying to solve security issues.

I would like to urge my fellow politicians and leaders from Marsabit County on the Floor of this House to take the lives of our people seriously. Let us not make our people fight each other, so that we can show that somebody has not been performing, so that we use that as a basis of campaigning. Unfortunately, that is what is happening.

The expansionist aspect is also there, but it is being sustained by the fact that the national Government is not ready to come and set out the constituencies and administrative boundaries. There was a case where we asked the District Commissioner (DC) to explain where his boundary ends, and instead of telling us, he asked the chief to explain. There is laxity by Government officers to put facts straight.

Mr. Speaker, Sir, the drivers of conflict are well known by the national Government, which has a security mandate. They need to take it seriously to conclusively investigate. One of the reasons the conflict in Marsabit is recurring is because the national Government is not investigating anything.

In a report that was referred to: *“Inadequate, ineffective, insensitive, partisan and half-hearted action of the national Government”*, the security apparatus is the one that is driving or emboldening these criminals to continue with this.

In the case of the four students who were killed two weeks ago, on 8<sup>th</sup> June, 2020, the County Commissioner called in the Northern Rangeland Trust (NRT) which had sniffer dogs who tracked the killers to a particular farm which is known and it has an owner. Instead of arresting people in that farm, we are being told that investigations are going on and nobody has been arrested.

There was a case in 2017 during the election time where two children from the Rendille community who were herding their animals next to the village in Songa were hacked. One died, but the other one survived. The *panga* which was used and had blood stains was collected, but they could not follow up from there to establish the fingerprints to know the culprits. Therefore, what is going on is a situation where the Government has let the communities to sort out their issues. Due to lack of Government presence, the communities have resorted to arming themselves. This is what is going on. There are a lot of illegal firearms there because the Government has failed the communities.

Mr. Speaker, Sir, some time back in the early 1990's, when insecurity started to escalate, the Government recruited the Kenya Police Reservists (KPRs) to provide security to herdsmen when they were moving from one place to another because the police presence was only within towns. In the presence of illegal firearms, these Kenya Police Reservists (KPRs) have assisted to control that because they are locals. If there is an incident like this, they will follow up.

**The Speaker** (Hon. Lusaka): Senator, you need to conclude.

**Sen. (Eng.) Hargura:** Mr. Speaker, Sir, I am concluding. I am at the last paragraph.

Sometimes last year, the Cabinet Secretary for the Ministry of Interior and Coordination of National Government called leaders from Marsabit, Samburu and Laikipia counties to Nanyuki and had a meeting with them. He made his decision that one of the drivers of conflict are the KPRs, so disarm them while knowing very well the conflict is caused by the illegal firearm holders. Instead of disarming the illegal firearm holders, he disarmed the KPRs whom he can disarm. Now the illegal firearm holders

have a field day and they are killing people left, right and center. The police cannot match them because they lack will. That is why these incidents are escalating.

In light of the above, I would urge the Cabinet Secretary for the Ministry of Interior and Coordination of National Government to ensure that the KPRs are armed after proper vetting. When we asked the county security team, they told us they have done the vetting and submitted the names. That was two years ago and it is still lying here and people are killing each other. For example, in the Songa area, there used to be ten KPRs who used to patrol that small route where people are killed. Up to now, you can see six killings have occurred in a period of one week. This is because the illegal gun holders know that there are no KPRs and no security escorting these people.

Mr. Speaker, Sir, I would like to end by saying that at the list, the KPRs who used to patrol between Songa and Badasa, Huluhula and Karatina need to be rearmed. This is so that we can control security along those roads while we see what to do with the bigger picture of the other National Police Reservists (NPRs). It is not a small number. Maybe over 2000 NPRs used to be within the whole county and used to supplement security within the community.

Now, we are at the mercy of the illegal gun holders with all those guns gone. That is my request. I also urge the people of Marsabit County to restrain themselves from being pulled into these conflicts by whoever is driving it. The Gabras and Boranas have been fighting and the Rendiles are being pulled in. What they want is that all the communities will now be fighting and by the time of elections, you will not know who is fighting who.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Ochillo-Ayacko, proceed.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir. This is a very serious matter. My heart goes out to Sen. (Eng.) Hargura for the losses and conflict in his county. We were in Parliament, I remember with Sen. Khaniri, Sen. Orengo, Sen. (Prof.) Ongeru and other Senators here including the Senator for Embu when we lost our colleagues because of attempts at getting peace for the people of that county.

I am sure those who read history remember with nostalgia, Dr. Bonaya Godana, Dr. Gulachi Galgalo, Mr. Titus Ngoyoni and the late husband to our colleague, Sen. Naomi Waqo. These conflicts are very serious and deadly. If you go to a place where conflicts of this kind take place, you will find women and children killed, maimed and raped because there is nobody paying attention. The whole community is rendered destitute. You will find houses burnt, animals stolen and a lot of suffering. In fact, when you visit such areas, you will think you are in Lebanon or in the Middle East. You will think that human beings are bestial in behavior.

Mr. Speaker, Sir, what Sen. (Eng.) Hargura is raising is a very serious issue and requires attention. We had similar conflict between my former constituency of Rongo and South Mugirango Constituency. Women and children would camp in churches and our homes. We would not have resources to feed or take care of them. Similar conflicts continue going on between Migori County among the Abakuria Community and the Maasai Community of Narok County. This is a matter that requires serious attention.

One of the areas where I noticed the shortcomings of Government is that it does not get justice for the victims. You have heard that young people such as university

students have been killed and the children continue being killed. The anger of communities gives birth to the desire for vengeance. You will find that communities arm themselves in a bid to revenge or avenge the killing of their loved ones. This thing snowballs from one crisis to the other until we have a situation that is so dire.

Mr. Speaker, Sir, I plead with the Government, if you are a Government truly concerned with peace and truly loving all Kenyans, kindly find justice for the people who are affected by this in Mandera, Wajir, and wherever these conflicts are. We already are at the mercy of poverty and Coronavirus disease (COVID-19). We do not need to entertain or encourage any other situation that will render majority of Kenyans destitute. We do not need to entertain a situation that will lead to leaders taking time that they would have used to serve people to go to such places to try and arbitrate. We lost loved and good leaders on this peace mission, and enough is enough. We want our Government to act and bring solutions to this.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Milgo, proceed.

**Sen. (Dr.) Milgo:** Thank you, Mr. Speaker, Sir. Let me also contribute to this Statement by Sen. (Eng.) Hargura.

Issues of insecurity are a major challenge not only to Marsabit County and the eastern part of Kenya but also all over the country. Issues of insecurity have claimed youthful lives that would have contributed to our economy in the future. As we have had, Form Four students and Standard Eight pupils were killed.

That is not the only issue. We have had old people also being killed. We heard recently that there was a very powerful business man in Bungoma who was killed in cold blood. We have also had even others being attacked. For example, recently we had a lady who was attacked in Olenguruone area in full glare of the security people where she was tied to a motorbike and dragged around in a most inhumane way. In this case, that lady suffered a lot of injuries.

Mr. Speaker, Sir, issues around insecurity have been blamed on radicalization and issues around resources. In some cases, houses have been burnt, cattle stolen and, in this case, there are issues of politics. Even recently we have been having insecurity issues between Narok, Bomet and Nakuru counties. This form of insecurity has been there since time immemorial. It is high time the department concerned with security should stand up and face the challenge. We are losing many people particularly with COVID-19 where we have people being killed even way beyond the curfew time. In this case, we are asking ourselves: Who is killing these people? We have armed people moving around this country and destroying the livelihoods of our people.

We have had several Statements in this Order Paper coming to this House. In this case, the Committee concerned should implore upon the department of security to act to solve this issue once and for all. We have lost people many times. How many more people do we want to lose before we take action especially right now that we are losing people to COVID-19?

We do not want to lose more lives to issues of insecurity. There are many other people roaming around this country past curfew time. I blame the security department squarely because I wonder why they allow people to move around past 9.00 p.m.

Mr. Speaker, Sir, this is an important statement. The Committee that will look into this issue should not only look into the incidences affecting Marsabit County, but all areas facing insecurity across Kenya.

I thank you.

**The Speaker** (Hon. Lusaka): We have many more statements; I will give opportunity to two more Senators but I urge them to be brief.

Kindly proceed, Sen. Cherargei, followed by Sen. Kinyua.

**Sen. Cherargei:** I thank you, Mr. Speaker, Sir, for this opportunity. My heart goes out to the people of Marsabit County. We have been seeing the degenerating security situation in that area and that is disappointing.

Because of the interest of time, Article 29 of the Constitution provides for the freedom and security of the person.

The Ministry of Interior and Coordination of National Government has failed on their part. It is clear under the Bill of Rights that security of persons and freedom is critical. Lives are being lost and property is being destroyed because of insecurity in Marsabit County. I would like to challenge the Government that even as we investigate these criminalities, I call upon the Government to compensate the affected families. I hope that the Senator for Marsabit County, "Sen. (Eng.) Garura", will come out---

*(Laughter)*

**The Speaker** (Hon. Lusaka): It is Sen. (Eng.) Hargura.

**Sen. Cherargei:** Mr. Speaker, Sir, my apologies. I meant Sen. (Eng.) Hargura. People from my area sometimes have a problem with pronunciation.

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

**Sen. Sakaja:** On a point of order, Mr. Speaker, Sir. I am concerned because my brother, Sen. Cherargei, had an accident which I hope did not affect faculties in his brain. I am concerned that he may not be knowing my name. Is there a way when a Member has such an accident to clarify the aptitude that he is back? I am concerned that he will start calling us all manner of names.

Sen. Cherargei, it is good to see you back. I recently saw a cartoon of you in one of the dailies where I had held you as a baby. I hope that was just a slip of the tongue and that you are properly in order and 100 per cent in your faculties.

**Sen. Cherargei:** Mr. Speaker, Sir, Sen. (Eng.) Hargura's office is next to mine at the KICC Building so I know him very well. I would like to assure the House that I am fully recovered. I do not have a problem in my capacity to think and speak.

I challenge the Senator for Marsabit County to come up with a law or an amendment to existing law so that when we lose people through such senseless killings, and negligence by state agencies they can be compensated. There is provision in law to pursue civil suits where such victims can get compensated. I challenge Sen. (Eng.) Hargura to come up with other legislative proposals.

Mr. Speaker, Sir, finally, I implore the relevant committee to look into the issue of insecurity in the country. A place called Tabolwa at the border of Nandi and Kakamega County has been having very erratic tribal clashes. I sought a statement on the killing of Mr. Kevin Kipchumba and Mr. Bonface Kiprotich over the tribal clashes but I have not

received response yet. I can see some Members of the Committee on National Security and Foreign Relations. I urge them to give us feedback on the status of statements sought. I say that because I saw the Police Commandant of Nairobi County issuing reports that since the curfew started, the level of crime has gone down. We need to get justification on that allegation because there have been so many extrajudicial killings.

It was reported in one of the leading newspapers in the United States of America (USA) that the curfew has given the police officers an open cheque and license to kill. When I was the Chairperson of the Committee on Justice, Legal Affairs and Human Rights, my Committee worked closely with the Senator for Nairobi City County because we wanted to know the reason why young people were victims of extrajudicial killings. Incidents of insecurity have also been reported in Bungoma County. I happen to know the person who was recently killed.

Mr. Speaker, Sir, I am aware that there is a looming Cabinet reshuffle. I am aware that the current Cabinet Secretary in the Ministry of Interior and Coordination of National Government might be moved to a different docket. However, that should not give any justification---

*(Loud Consultations)*

Mr. Speaker, Sir, you are aware that I am in Government ---

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

**Sen. Shiyonga:** On a point of order, Mr. Speaker, Sir. Is it in order for the Senator for Nandi County to tell us rumors that there is a looming reshuffle in the Government when he is just a Senator like us? He is not in the Executive arm of Government. The rumors are very dangerous.

**The Speaker** (Hon. Lusaka): Kindly, proceed, Sen. Cherargei.

**Sen. Cherargei:** Mr. Speaker, Sir, as a Senator in the Majority side, I am privy to what is happening within the Executive. I said that there might be a Cabinet reshuffle. I did not say that there shall be a reshuffle.

I challenge the Cabinet Secretary in charge of the Ministry of Interior and Coordination of National Government to make a follow up on this issue so that we stop lamenting each and every day so that Marsabit and all the other affected areas in the country affected by insecurity can be sorted out. I send quick recovery wishes to the people who had a helicopter accident while heading to Marsabit to resolve the issue of insecurity. I would like to see efforts to resolve the issues of insecurity along the border of Kisumu and Nandi counties as well as the border between Nandi and Kakamega counties.

Finally, I challenge the new Leader of Majority in the National Assembly, Hon. Kimunya, to ensure that the County Boundaries Bill that was proposed by the Senate Minority Whip whom I am told has moved to the Majority side to fast track---

*(Laughter)*

**The Speaker** (Hon. Lusaka): Sen. Cherargei, I am tempted to believe what Sen. Sakaja said. You seem to be slipping so many times. Kindly conclude.

**Sen. Cherargei:** Mr. Speaker, Sir, I challenge the new Leader of Majority in the National Assembly to work together with the Senate.

The proposed County Boundaries Bill should have assisted us in resolving such insecurity issues affecting border areas. When hon. Duale lost his position yesterday, I learnt that these positions we hold are temporary. They need to be used for the benefit of all.

I thank you.

**The Speaker** (Hon. Lusaka): Kindly, proceed, Sen. Kinyua.

**Sen. Kinyua:** Mr. Speaker, Sir, I rise to support the statement by Sen. (Eng.) Hargura. No viable development can be attained without taking care of security. It is disturbing to note that every time we talk about insecurity in the counties yet we have not received feedback. I have raised the issue of insecurity in Laikipia County severally. I can see the Vice Chairperson of the Committee on National Security and Foreign Relations in the House. I hope that he can elaborate on what is happening in that Committee because they have not been giving us information.

The issue of insecurity is rampant in Laikipia County. I do not know what advised the Government decision to withdraw the National Police Reservists (NPR) who were doing a great job. I have been in touch with the Senator for Marsabit County, and so I am aware that the NPR were also doing a great job there. The NPR know the terrain of the area and have intelligence. When the NPR were withdrawn, insecurity increased.

Mr. Speaker, Sir, some areas in Laikipia County like Wangwasho, Ruthere, Matwiku, Milimani, Ngenia, Olmoran and Doldol, experience cattle rustling every time. When we had the National Police Reservists (NPRs), they would react very quickly and we would recover our animals and some of the cattle rustlers were arrested. After NPRs were withdrawn, we are now not getting any value for money.

We were told that ballistic tests and vetting would be done for the arms they had and then they would be reinstated but we have been waiting in vain. What is happening is that our animals are being stolen, women being raped and our houses torched.

From where I sit, I do not think the police have the capacity to do much. For some areas like Laikipia Nature Conservancy, police officers tell us that they cannot enter there because they it is bushy and that they have come to work and not to protect our animals.

Mr. Speaker, Sir, I recommend that when the Committee brings the report to this Statement, to also tell us when we should expect NPRs to be reinstated. They should also tell us if an operation will be conducted because it would be the best thing, so that we disarm illegal firearm holders and only allow police officers to hold guns.

**The Speaker** (Hon. Lusaka): Next Statement is from Sen. Shiyonga.

BRUTALIZATION OF MS. MERCY CHERONO  
BY POLICE OFFICERS

**Sen. Shiyonga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to make a Statement on an issue of general topical concern regarding the brutalization of Ms. Mercy Cheron by police officers in Kuresoi South, Nakuru County.

Pursuant to Standing Order No.47 (1), I wish to make the following Statement regarding the dehumanization of one Ms. Mercy Cheronu who was dragged on the pathway by a police officer in Olenguruone, Nakuru County.

Mr. Speaker, Sir, it was traumatic to watch a video clip showing Ms. Cheronu tied on a rope and being dragged by a motorbike. While sympathizing with Ms. Cheronu, I also applaud her because when I watched her on television, I saw a courageous young woman who had experienced a barbaric and inhuman act but she survived.

It was beyond comprehension that the police officer hauled Ms. Cheronu for more than 200 metres before she was rescued by members of the public and rushed to Olenguruone Sub-County Hospital for treatment. That was on 7<sup>th</sup> June, 2020. As a result of this beastly act, Ms. Cheronu sustained a broken leg and soft tissue injuries.

Mr. Speaker, Sir, we must stamp our authority to ensure that Ms. Cheronu gets justice. Justice for Ms. Cheronu will be justice for Kenyans who police have brutalized since inception of the nationwide curfew. To quote Ms. Cheronu's mother in seeking justice, she said: "Why did the officer want to kill my daughter? All I need is justice to be served."

Citizens across the nation are suffering at the hands of the police officers who on a daily basis, as we discuss here, assault and mistreat them. In Nakuru County alone, more than eight cases of police brutality have been reported not to mention those that go unreported because of fear of repercussions.

The National Police Service Commission (NPSC) and the Independent Policing Oversight Authority (IPOA) should enumerate steps taken to punish the perpetrators. In particular, the NPSC should state the identity of the police officer and his accomplices in the Kuresoi South incident.

In addition, NPSC should explain the process of investigation involving other cases of police brutality that have been on the rise across the country, since the curfew was instituted. They should then publicize the report. They should also detail measures taken by the employer, NPSC; in establishing the root cause of the rising cases of police brutality.

Mr. Speaker, Sir, I would wish to add that we have had many cases of police brutality. If anyone watched that video, it was a sad one. This 21-year-old Ms. Cheronu needs justice. Police need to protect Kenyan citizens and not kill them. It goes without saying that police brutality is what we have discussed here the better part of this morning.

It should not be business as usual for police officers to be summoned by the Committee to come and tell us the usual things they are doing, mentioning names and letting people go scot-free. We have IPOA and we need a detailed report as I have stated in my Statement.

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

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

**Sen. Kinyua:** Thank you, Mr. Speaker, Sir. Standing Order No.193 (2) states:

"Whenever a vacancy occurs in the office of the Chairperson or Vice-chairperson of a Select Committee, the Clerk shall, within seven days of vacancy arising, appoint a place, date and time for the meeting of the Committee to elect the Chairperson of Vice-chairperson."

While contributing to the Statement by Sen. (Eng.) Hargura, I heard that the Vice-chairperson of the Committee on National Security, Defence and Foreign Relations resigned last year. There has never been an election and our Standing Orders are clear.

The Statement from Sen. Shiyonga is a security matter. So, we seek your guidance because the way things are flowing to me, it seems we will not get answers for this Statement.

**The Speaker** (Hon. Lusaka): I think later on in the afternoon; we will have newly constituted committees. That should address your concerns.

Sen. Were, proceed.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I rise to support---

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

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

**Sen. Cherargei:** On a point of order, Mr. Speaker, Sir. We had raised an issue on security. So far, there are one or two Statements that we raised with the Committee on National Security, Defence and Foreign Relations. You instructed that you needed feedback by last week on some Statements, especially the one that I raised concerning the two young men who were killed. Sen. Sakaja at that point in time said that he is no longer the Vice Chairperson of that Committee.

Since the Whip is here, I hope that we can move with speed to conclude those issues.

Thank you, Mr. Speaker, Sir.

**Sen. Sakaja:** On a point of information, Mr. Speaker, Sir. I would like to inform Sen. Were and the House that, indeed, because I think that there is lack of clarity, and if Kenyans are listening, they might think that I am a very lazy Vice Chairperson of the Committee on Security, Defence and Foreign Relations. I resigned months ago, not for any bad reasons, but because I like being effective. I am the Chairperson of the Committee on Labour and Social Services and Sen. (Dr.) Musuruve will tell you that I am very effective in both the Committee on Labour and Social Services and the *Ad hoc* Committee on the COVID-19 situation in Kenya. I wanted to focus on those two Committees. Even Sen. (Dr.) Milgo will tell you that she is my Vice Chairperson.

Subsequent to that, I would still have supported the Committee. However, I was de-whipped by the former leadership. I want to encourage Sen. Omanga, Sen. Cherargei and Sen. Nderitu that this de-whipping started in the last regime. I was de-whipped by Sen. Murkomen and Sen. Kihika. So, be courageous and strong; the Book of Joshua 1:9.

*(Laughter)*

Mr. Speaker, Sir, I think that the question raised is important because the Committee on National Security, Defence and Foreign Relations is extremely sensitive and important. Of all the Statements that have come to this House, maybe 40 to 50 per cent are for that Committee. We know that the Chairperson of that Committee, Sen. Haji, is quite busy with the Building Bridges Initiative (BBI).

I would like to urge, because I can see the leadership here - Sen. Farhiya and Sen. Dullo – that they need to ensure that they get another Vice Chairperson who is as serious as the former one.

(Laughter)

Sen. Mwaruma will tell you that we went to Taita-Taveta on our own to sort out issues, although they recurred. I have gone to Isiolo and done like 10 county visits on security. If you cannot get another Vice Chairperson, take me back there. I will not be the Vice Chairperson, but will help for the sake of our country.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I want to support the Statement by Sen. Shiyonga on the mistreatment vested upon Mercy Cheronu in Olenguruone, Nakuru County. This is related to the Statement that was presented by Sen. (Eng.) Hargura on the extrajudicial killings or extrajudicial behaviour by our Police Service.

Maybe as a country we need to relook at the content of the training of our Police Service. What exactly are they trained on? Across the country, in all stations, the behaviour of the police officers is similar. What are they told that they are going to do out here? If a police officer can drag a young woman across a long distance, making her get very serious body injuries, and people around try to persuade him that what he was doing is wrong, what exactly was going on in the mind of that police officer?

I join my colleague, Sen. Shiyonga, and other Members, although this Statement is under Standing Order 47 (1), to call upon to you to direct this Statement to the relevant Committee, so that other issues including that of Mercy Cheronu are handled.

Thank you, Mr. Speaker, Sir.

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I think the police brutality is shifting to a different level. What kind of crime did this lady commit to warrant dragging her on a motorbike and treating her in such an inhumane manner?

Such few rotten apples are spoiling the reputation of a Police Force that is particularly there to protect our citizens, and I think they should be dealt with. Otherwise, we will have similar police brutality that we saw in America, which caused upheavals such as “black lives matter”. We do not want to go to that level. We know that there are so many good police officers.

The other day, I saw a male and a female police officers giving a wheelchair to a disabled person in Mombasa. I think that such people should be recognized. The reputation of those few people who are very good is ruined by people who have no business interacting with human beings because they are so inhumane.

Mr. Speaker, Sir, I wish to thank Sen. Shiyonga for bringing this to the fore, so that the matter can be dealt with precisely. This will ensure that the good name of the police is protected.

Thank you, Mr. Speaker, Sir.

**Sen. Nyamunga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice to the already very many voices speaking on this matter of insecurity.

Insecurity is a very big component of any society and a problem all over the world. It is so disheartening that the insecurity that we have in country is most of the time instigated by us, the people. If it is not about land, it is about politics and every one of us. What is more disheartening is that insecurity has now escalated from the provinces and villages, and now it is with us in our homes.

What happened to Mercy Cheronu in Nakuru County is not something that you would want to imagine. It is almost similar to what we saw in the United States (US). You can also watch in video, a similar incident that happened in this country about a year ago; a policeman stepping on somebody with one hand holding a pistol. It is something that happens in this country and in America and it is unfortunate.

I know that security should be about us. However, looking at the COVID-19 problem that we have in this nation and what is happening in our homes--- There is insecurity being experienced in our homes, with young children being molested by their own relatives; fathers and brothers. I watched a woman cry that her own son has impregnated her two daughters, and they are all teenagers. It is so unfortunate that as a nation we go through such; that insecurity is with us, our young babies and our women and girls. It is unfortunate that we can experience it out there about leadership and land, but also in our homes with the people who should give us security.

The policemen are doing a great job and we cannot underrate what they are doing or what the security system is doing in this country or in any other place. However, it is unfortunate that a few are destroying the good work that the Government is doing. I know that the Government is spending a lot of money on security, but look at what is still happening.

What is hurting me most is in our homes with our children, women and anybody else. I would like to urge the police force and the Government and the Ministry of Interior and Coordination that we know that they are doing something but let them do more.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. Sen. Naomi Shiyonga has brought in an important Statement and that is why I raised the issue of the Committee that we reflect on these issues.

The National Police Service changed from the National Police Force, meaning that it should be about “*Utumishi kwa wote*”.

The Inspector General has really been trying to reform the police and we must give him accolades, starting with the former, Boinet and now Mutyambai. In fact, yesterday he was online talking to Kenyans about the issues there.

There are a few rotten elements within the police force and we should not do a mob lynching of the entire police service. There are very many good officers in this country who put their lives on the line daily for us and risk their lives. Many of them do not live in a life of dignity that is commensurate to the sacrifice that they make for this country. However, there are a few of them who are giving the Police Service a very bad name.

Mr. Speaker, Sir, a few months ago, I brought a Statement here about Yassin Moyo, a 13-year-old boy who was killed at the balcony of their home in Kiamaiko when they just started implementing the curfew. When our children are at home, we know they are at the safest place they can be. He was at the balcony and not outside. He was not going against the curfew.

A police officer by the name Patrick Ndiema angles his gun because they had their light on. He aimed at that young boy at the balcony and shot him. The boy told his mother that he had been shot. The mother thought it was a joke and said, “*wewe huwa na mchezo sana.*” The boy died shortly thereafter.

When that incident happened, I brought the Statement to this House. After that, I spoke to the Inspector General of Police. He gave me his chief protocol officer. I went to Kiamaiko with the IG's officers with support from the Ministry of Interior and Coordination of National Government to sit with the community and to say *pole*. At least, they gave something just to say *pole* to the family, but I told them that boy will never come back because of one rogue officer. Today, I am happy that Patrick Ndiema has been charged in court with murder.

We have had other cases in Korogocho. We had a case in Kasarani of a boy called Nandwa, who was killed in the protests for the road. The protests were so many. I called the Deputy County Commissioner (DCC), the security team of Kasarani and the Director General of Kenya Urban Roads Authority (KURA), a Mr. Kinoti. I summoned them to my office at the Kenyatta International Conventional Centre (KICC). We sat together with the Matatu Owners Association in Kasarani and agreed on what to do with the road. It took long, but now the contract has been given.

When we went back to the ground, we told them that the road will be done, but that boy will never come back to life. That officer must also be charged. The officer involved in Cheron's case must be charged.

The few elements spoiling the very good name of the Police Service should not make us think that the Kenya Police Service is like what we are seeing in the United States of America(USA). It is a few and not all.

We must also encourage those who are doing a good job. Those who are doing a bad job, but those who are still in the olden days of police brutality must be brought to book.

Mr. Speaker Sir, the other side to this is that people must also behave well; I told them. They said it was true that they were the ones stoning the police first and throwing water at them from balconies. A police officer must protect his life. Police officers were also afraid, but there was no justification for the loss of life.

I want to tell the people of Kenya that for us to have a responsible Police Service, let us also, as the people of Kenya, be responsible and move from the days of '*haki yetu*' to '*wajibu wetu*,' and then we can have a good society.

Mr. Speaker Sir, I thank you for directing that those Committee changes be done.

*(Sen. Poghiso walked into the Chamber)*

I have seen the eminent Senate Majority Leader, Sen. Poghiso, has come in. Make sure that you give that Committee a very serious Chairperson and Vice Chairperson because these issues are very critical.

This time in our country's history, we want a very responsible Police Service. We have a good IG, and we vetted him. That is one of the vetting that the Senate is involved in. We vetted Mr. Mutyambai, and I remember during that vetting, there were very many Members from the Eastern Kenya who incidentally attended as friends of the Committee. We wondered if it was a coincidence that Members from Ukambani had attended. This is because we should not make Mr. Mutyambai a Kamba community IG of Police. He is IG of the Police Service of Kenya. So far, I think he has done well.

Please, IG, Mutyambai, because you will get this HANSARD, reform the Police Service and weed out the rogue officers. The Senate will support you. I am glad that Patrick Ndiema has been charged with the murder of Yassin. We promised them that we would get justice, even if it would be through us paying for a legal suit. We have lawyers in that courtroom, who are watching brief to make sure that justice is applied to all.

**Sen. Zawadi:** Asante, Bw. Spika. Naunga mkono wenzangu kwa yale wanayo jadili kwamba tumekosa haki na imani kwa polisi. Pia, sio polisi wote kama vile wenzangu wanavyo zungunza, lakini ukweli ni kwamba nidhamu imekosekana. Kuna utepetevu fulani katika Idara ya Polisi ambayo imefanya wengi wetu kukosa imani nao.

Juzi nikiwa naelekea nyumbani, nilipofika Kilifi kabla sijaingia nyumbani, jioni kama Saa Mbili hivi iki karibia Saa Tatu, nilimkuta polisi akimfukuza mtu. Huyu mtu alipita mbele ya gari niliyokuwa, ikasimamishwa gafla na nikashuka. Mwajua kuwa tuko na sheria inayosema kwamba watu wawe nyumbani Saa Tatu inapofika. Nilimsimamisha huyo polisi nikamuliza: “Kwa nini unamfukuza huyu mtu?” Akasema: “Tunamfukuza kwa sababu Saa Tatu imekaribia na bado yuko njiani.” Nikawauliza: “Vile mumemfukuza, kama angegongwa na gari, ni vipi ungekuwa umemsaidia na hiyo sheria? Ni kwa nini mumfukuze mtu? Kwa nini msipeane fahamisho ili watu waelewe? Watu wanajua hii sheria na kama mtu amekosea na anakimbia, anajua kwamba amekosea. Anakimbia ili afike nyumbani kabla Saa Tatu haijampata njiani. Hata hivyo, bado polisi wana chukua sheria mikononi mwao na wanafanya vile wanataka.

Bw. Spika, kule Kilifi kuna bahari. Kuna msemo usemao “Nishike samaki kumi, nishike samaki mmoja, harufu yangu ni ile ile ya samaki.” Hatutasema harufu yangu ime shika samaki mmoja au kumi! Itakuwa harufu ni ile ile. Kwa hivyo polisi wawe wazuri au wawe vipi, lakini tumekosa imani nao, Idara yao ime oza na kuna utepetevu wa nidhamu! Kuchukuliwe haki kutoka kwao kwa sababu akiuawa mmoja na jami, utaona polisi wote wametoka kupiga watu wa hiyo mtaa mzima, hakutakalika eti askari mmoja alipigwa. Lakini wana ua watu wetu kila siku na hakuna kitu kina fanyika. Ni mmoja katika askari mia moja utaona sheria imechukuliwa dhidhi yake lakini wengi wana potelea. Mwingine anapewa *transfer* anapelekwa mahali pengine. Ni makosa!

Bw. Spika, namaliza kwa kusema, ukishika samaki mmoja au samaki kumi, harufu ni ile ile! Naomba polisi wawe na nidhamu. Asante.

(Applause)

**The Speaker** (Hon. Lusaka): Sen. Iman and then Sen. (Dr.) Musurube will conclude.

**Sen. Iman:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice to this important Statement that has been brought by my colleague, Sen. Shiyonga. This is a really sad situation. Police brutality is worldwide; it is not something new.

In this case of this poor woman, when she was tied to the motorbike and dragged along the town, it reminded me of South Africa when they were committing the Xenophobic acts, where they tied people and burned them. However, in this situation, justice must be done for this poor woman who was tied to a motorbike and dragged. Her

clothes were torn apart and private parts were exposed. It is really sad. I need justice to be done for this woman.

I thank you.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Musuruve, then Sen. Kihika, so that we conclude.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to support this Statement. I want to congratulate Sen. Shiyonga for bringing this Statement.

Indeed, the police officer who did this act came out strongly as being brutal, callous and feeling less. It is unfortunate that even when he was doing that, the public around him was also just watching. I want to say without any fear that there is need to review the curriculum of police officers. Even during their training, an aspect of the human feelings needs to be incorporated in the curriculum. This is because once they are out of the forces, they are so detached from civilian life. Some of them have no feelings at all. There is need to look at how the curriculum is structured and see to it that units that bring out human feelings are incorporated in their training.

It is unfortunate that Ms. Cheronon's dignity was brought down and that she was treated in a humiliating way leading to her bones being broken. There is need for her to be compensated and justice to be done for this family and Cheronon, justice should not be delayed. There is need to ensure that the policeman who did this heinous act is brought to book to serve as an example to others of what it means when ethics are flouted. Every profession has ethics, and I am certain that even police officers have ethics. Those who flout them should be brought to book to avoid soiling the name of the police officers.

Mr. Speaker, Sir, lastly, there are police officers who have human touch. They do godly acts and should be acknowledged even during the Presidential awards. Let them be acknowledged for what they have done. In Nakuru, there is a police officer who bought a wheelchair and gave it to a disabled person. Such acts should be highlighted by the media. When the media is setting the agenda for the police officer, let them also focus on policemen and policewomen who do us glory by helping others.

There was a policewoman who helped a lady who had a baby carried on her back during this curfew period. She helped this woman out and was able to reach home well. There is also need to make sure that the agenda is not only brutality but awarding those who do their work diligently so that others can emulate the good workers and crave to be acknowledged nationally.

Thank you, Mr. Speaker, Sir, for the opportunity.

**The Speaker** (Hon. Lusaka): Sen. Kihika, proceed.

**Sen. Kihika:** Thank you, Mr. Speaker, Sir. I also support the Statement. It was horrifying to see a police officer drag a human being, a woman, in Olenguruone, Kuresoi South, Nakuru County.

Ms. Mercy Cheronon suffered deep injuries and was also humiliated. What also surprised me is how much the public has become desensitised to this sort of treatment. You had people standing, recording and watching as this was happening. I believe the police must do better otherwise we shall have an uprising of the people like we have seen in America in the last few weeks. Police brutality has been going on for a while.

I remember bringing a Statement sometime back when a Member of Parliament for Nakuru Town East, Hon. Gikaria, was assaulted horribly by police officers until he became unconscious a few months ago. So, saying this but also recognising and acknowledging that there are good police officers in the Police Service but the actions of the few rotten and bad police officers are eroding public confidence in law enforcement in the country.

We must have better training and sensitisation of these police officers. This is to their superiors, changing the colour of uniform does not equal reform in the police force. We must see better training. With the continued assaults of citizens of Kenya like we saw even at the beginning of COVID-19, curfews and all we have witnessed over time; this will eventually make it untenable to support or respect the police in this country. This will in turn make the jobs of the good ones very unsafe.

I am urging for reforms and punishment of the involved police officers. They must not be transferred and told to stay home for a few months and then returned back to the Service and life goes on as usual. There must be some accountability and justice done for Mercy Cheronu.

I thank you.

**The Speaker** (Hon. Lusaka): Finally, let us have the Senate Majority Leader.

**The Senate Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, I would to support the Statement that has been brought here by my sister regarding the serious matter of police brutality.

We have the policeman who shot the young kid who was on the balcony of their house, as narrated by the Senator for Nairobi City County. We have the policeman who dragged the lady called Mercy Cheronu. We also have those who do heinous acts, as has been enumerated here. They are not different from the policeman who choked George Floyd in the United States (US) to death by putting his knee on his neck for eight minutes. He could not believe that he had died.

That same policeman in the US was charged with second degree murder. Why not here for any policeman who kills a person? If they are proven guilty, they should just face the law. However, on the other hand, we must celebrate that our police force is undergoing reforms. As a House, our duty is to ensure that money goes to the police service for reforms because as human beings, we have bad ones and good ones.

We have examples of good police officers that have been shared in this House. I hope you have heard of a story of a policewoman in a remote place in Marakwet. She makes face masks and distributes them for free. Such are the people we should celebrate.

We need to emphasise the need for police reforms, not only here but everywhere in the world. Now we are hiring educated people to join the police force. They can be trained in Information and Communication Technology (ICT), psychology and different ways of dealing with human beings. I think we can reform the police service.

While we condemn the few, we must also think of how to help those who can help our people, because we need the police everywhere. They are a helpful service to us. We hope that the rogue ones will be brought to book. We also hope that we will get more money to help those who can be trained to become better officers.

I thank you.

**The Speaker** (Hon. Lusaka): Hon. Senators, because of the importance, I will rearrange the Order Paper, so that we call the Chair of the *Ad Hoc* Committee on COVID-19 to report on the situation. That is under Standing Order No.51 (1). Time allowing, we will go back.

Proceed, Sen. Sakaja.

CONSIDERATION OF SEVERAL REQUESTS FOR STATEMENTS  
DIRECTED TO THE *AD HOC* COMMITTEE ON COVID-19

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.51(1) to make a Statement relating to matters for which the *Ad Hoc* Committee is responsible, namely, the consideration for several requests for Statements directed to the *Ad Hoc* Committee on COVID-19 situation. They are a few and I will go very quickly.

The first Statement was on the dismissal and demotion of Dr. Joel Lutomiah from the position of Deputy Director, Centre for Virus Research at the Kenya Medical Research Institute (KEMRI). This Statement was sought by Sen. Malalah and Sen. Were who is here, a very strong Member from Amani National Congress (ANC). In the Statement, the two Senators sought to find out, among others, the reasons for demotion of Dr. Lutomiah from his position and whether due process was followed.

We wrote to the Ministry and received a response on 26<sup>th</sup>. In the response, the Ministry stated that Dr. Lutomiah had not been sacked but relieved from that specific position of Deputy Director and Head of Centre for Virus Research. It was attributed to alleged delay in collecting and transmitting COVID-19 test results from all the KEMRI testing centres to the Ministry of Health on time. The Ministry further indicated that Dr. Lutomiah was due to present his side of view to the Human Resource Committee of the KEMRI Board.

We considered this matter and we invited both Sen. Malalah and Sen. Were. We also invited Dr. Lutomiah who was demoted and heard of the circumstances that led to his demotion. The detailed response has been shared with both Senators.

The preliminary observation of the Committee is that the demotion of Dr. Lutomiah was carried out in a rushed and unprocedural manner and did not comply with provisions of the Constitution, the Fair Administrative Action Act (No. 5 of 2015), as well as various Guidelines, Protocols and Manuals governing disciplinary action.

Without going into the details of the allegations made against Dr. Lutomiah, we heard that on the material day, Dr. Lutomiah was alleged to have delayed collation and transmission of test results to the Ministry of Health, and by evening of the same day, he had been dismissed from his position.

He was neither given the opportunity to be heard nor taken through a disciplinary process before the decision to dismiss him from the position was made. This was despite the officer having had an illustrious career at KEMRI before the said incident, without having had any performance or disciplinary issue raised against him.

That being the case, the Committee has invited the Cabinet Secretary for the Ministry of Health and the Director-General of KEMRI to a meeting with the Committee to deliberate on the matter on Thursday, 25<sup>th</sup> June, 2020, and I invite Sen. Malalah and Sen. Were to join the Committee in the said meeting.

This is the time, during the fight against COVID-19, for us to encourage and support our frontline workers. This is not the time for us to embitter and to discourage them. We should give them team morale as a way of supporting what they are doing. We will meet them and I request Sen. Were and Sen. Malalah to attend the online meeting. I will send them the details.

**Sen. Sakaja:** Mr. Speaker, Sir, there was a question by Sen. Wambua on restriction of movement of persons and related measures in and out of the Nairobi Metropolitan Area.

The Senator sought to find out the criteria used to determine the location of roadblocks in effecting the restriction of movement into and out of the Nairobi Metropolitan Area. This was on account of ensuring continuity in operations of factories and other industries located along Mombasa and Kangundo roads, which depend on workers who reside outside the Nairobi Metropolitan Area.

We wrote to the Ministry of Interior and Coordination of National Government and received a written response thereon on 26<sup>th</sup> May, 2020. In the response, the Ministry stated that the location of the roadblocks was informed by the need to contain, as much as possible, the population of the Nairobi Metropolitan Area.

We considered this matter during a sitting held on Friday, 5<sup>th</sup> June, 2020 during which Sen. Wambua was present. Arising from this, we resolved to engage further with the Ministry of Interior and Coordination of National Government on the matter and Sen. Wambua was in agreement, unless he says otherwise. He is not present; thus he shall hold his peace but we shall still engage him on this issue. His rationale was that the borders into Ukambani are many more kilometers than the ones into other parts, yet the Nairobi Metropolitan Area has been mapped out and there are reasons around that. He did make sense to us.

Mr. Speaker, Sir, the third Statement was sought by Sen. Malalah. It was on exclusion of health administrative officers from payment of COVID-19 Medical Emergency Allowance and benefits for frontline healthcare workers.

He sought to find out why Health Administrative Officers were omitted from the list forwarded by the Salaries and Remuneration Commission (SRC), to the National Treasury and the Council of Governors, regarding payment of COVID-19 Medical Emergency Allowance and benefits for frontline healthcare workers.

We wrote to SRC and they gave us a response. In the response, they indicated that there was a suit on the same matter filed in the Employment and Labour Relations Court (Petition No. 77 of 2020), by the Kenya Association of Health Administrators. They said that they had been named as respondent in the said suit and because of *sub judice*, the pleadings were shared with us.

Having noted that the subject was substantially the same as that of the suit filed in court by the hospital administrators, the Committee resolved to defer consideration of the Statement but we are watching to see how the court moves. We are still keen that all health workers must benefit from the package that is being given to boost their morale at this time of the Coronavirus Disease (COVID-19).

Mr. Speaker, Sir, there was the question of the impact of COVID-19 on the prevention and control of other diseases, again, by Sen. Were. She is really asking us

many things. She is over-asking, but I am encouraged, because she knows how committed we are, as she is doing her work as a representative of the people.

*(Laughter)*

She wanted to find out the measures put in place by the national and county governments to mitigate malaria prevention and control interventions on COVID-19, on the basis that as the country focused resources and attention on COVID-19, other diseases were being ignored and other issues of public concern are continuing to affect citizens and leading to increased mortality.

We wrote to the Ministry and considered this during a meeting on June 5<sup>th</sup>. We later received a response from the Ministry. We shared the response with the Senator. I hope she got it. The issues raised are still scheduled for further consideration, because as the *Ad Hoc* Committee on the COVID-19 Situation in Kenya, we have a regular meeting with the Ministry of Health. We agreed with them that we shall be meeting them every so often because it is a rapidly evolving situation, instead of just calling them once. In a week or two weeks, things change, so we are having very good relations.

I want to thank you, Mr. Speaker, Sir, because the liaison officer there, is one Rose Mudibo, who was my clerk in the Committee on National Security, Defense, and Foreign Affairs, and now she is in the Ministry of Health. She is still as effective as she was when she was here, and we are getting a lot of support from the Ministry. She has been seconded there by Parliament. The Cabinet Secretary (CS) is also a former Senator, so we are really doing well.

Mr. Speaker, Sir, there was also the issue on challenges experienced in Isiolo County – Sen. Dullo is here – regarding COVID-19 preparedness. She sought to ascertain the legitimacy of the launch of 13 Intensive Care Unit (ICU) beds and High Dependency Units (HDU) beds by the county government, and the preparedness and expenditure incurred by the county government in responding to COVID-19. We considered this matter on 5<sup>th</sup> June, and Sen. Dullo was present.

Noting the nature of the information, we resolved to go to Isiolo and Meru. The *Ad Hoc* Committee on the COVID-19 Situation in Kenya went to Isiolo County with Sen. Dullo. We had a very good number. We also went to Meru. We met with human right defenders from Isiolo who recorded movement of equipment from Galaxy Hospital, a private hospital, to Isiolo County Referral Hospital.

We reviewed the evidence presented by the citizens and heard testimonies from them, then we met with representatives of frontline health workers - the doctors themselves. We listened to their issues and then met with the Governor and the county Commissioner as well as the entire team from Isiolo.

We have analyzed the issues that arose from this visit. We have written to the county governor again, to respond to some of those specific issues and we will also be meeting the governor this week for him to now give his full responses. This is because, we did not finish everything by evening when we went to the hospital with Sen. Dullo because of how the day was planned. We want them to give us the documentation of each and every expenditure and where they got the beds and equipment from.

Incidentally, we actually saw that there was ICU equipment and beds. Meru County does not have, and Meru is the big brother of Isiolo. We still want to know that everything was done properly. We gave a report in this House that every county government will be sending monthly expenditure reports in COVID-19 to this House. Every county government and even the national Government must give us expenditure reports, because during this time, many people are using the loophole of emergency procurement to engage in games.

Mr. Speaker, Sir, we will be meeting the Governor and I invite Sen. Dullo and anybody interested from Meru and Isiolo to join us in that meeting.

Again, a question by Sen. Were on waiver support for unionisable employees affected by COVID-19. Sen. Were is overworking. She is out to find out the amount contributed towards the funds by the Central Organization of Trade Unions (COTU), and its 41 affiliate unions and how the said funds have been applied. We have written to COTU and we are waiting for the response and, we will present an exhaustive substantive report during the next sitting. We will again invite Sen. Were. Maybe she should just be a Member of our Committee.

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

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

**Sen. Were:** Thank you, Mr. Speaker, Sir. I want to thank Sen. Sakaja for the good work that they are doing. More questions will be coming soon. Do not get tired of my over-work.

However, when I gave this Statement on the Welfare Support for Unionisable Employees, I also wanted this to go beyond COVID-19 as an emergency and look at other emergencies. How are they using the Emergency Fund to respond to other emergencies? COVID-19 was just one of them.

I had requested for direction that this Statement goes to the Committee on Labour and Social Welfare, where Sen. Sakaja is again an able Chair, and I am a Member of that Committee. Could the Committee also address this issue so that the long-term responses and solutions go beyond COVID-19?

Thank you.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. I just want to tell Sen. Were that when I say she is overworking; it is disguised praise. She is actually doing an excellent job.

Allow me to speak to the Chairperson of the Standing Committee on Labour and Social Welfare and agree with the Chair on how to deal with that matter jointly with the Chair of the *Ad hoc* Committee on the COVID-19 Situation in Kenya. Incidentally, the Chairperson of the Standing Committee on Labour and Social Welfare is Sen. Sakaja. Therefore, we shall agree today and Sen. Were is also a Member of the Standing Committee on Labour and Social Welfare.

The final one, because time is not on our side, is the Statement by Sen. Pareno regarding the sharing of Kshs5 billion Conditional Grant. She actually raises an important question that every Senator should be keen on.

Sen. Pareno says in the Statement that she sought to find out the criteria used to share the Kshs5 billion grant to county governments towards COVID-19 response and why consideration was not given to counties with higher COVID-19 incidences, as well as those with under-developed health infrastructure.

Mr. Speaker, Sir, remember I brought the Third Progress Report and we have now done eight progress reports. The Third Progress Report was about health issues; that 27 counties in Kenya do not have a single ICU facility. Sen. Pareno's question was key on how we are then going to divide the Kshs5 billion.

We engaged the Ministry of Health and the Council of Governors, where it was established that conditional grants disbursed to counties through the Ministry of Health on the basis of the revenue allocation formulae determined by the Commission of Revenue Allocation (CRA). I think that was poor thinking and I am glad that the Senate Majority Leader is thinking.

This is because the criteria to give counties money, the one we do here, should not be the same criteria to distribute money during a pandemic. It is not about land, population, poverty index or fiscal discipline. It is about dealing with a pandemic.

For instance, a county like Migori, Kajiado or border counties might need more allocations than counties which might have bigger population, but are less vulnerable. We said that was a bit lazy from the side of Government, and we are engaging them. The impact of using the existing formulae was that some counties that have already recorded many cases received less allocation than counties, which are yet to record a single case.

I do not know why this example was given. I know that the Senator for Nyandarua may be upset with me. Isiolo has received Kshs16 million, but Nyandarua which has no case has received Kshs89 million. Kajiado which has 177 cases received KShs52 million, while Sen. (Prof.) Onger's Kisii County with three (3) cases has received Kshs156 million without a case, while Kshs52 million for a county with 177 cases. Even if we like our counties, we need to be careful about the rationale.

Another factor that ought to have been considered is counties hosting Level 5 hospitals which have received conditional grants every year towards improving healthcare infrastructure. Such counties are already far ahead of other counties in terms of infrastructure and facilities in place. Thus, priority ought to have been given to counties that are struggling to put up such facilities.

Mr. Speaker, Sir, while the initial grants of Kshs5 billion has already been disbursed, we plan to engage the Cabinet Secretary for Health further, the Salaries and Remuneration Commission (SRC) and the Treasury because there is no money that will be given. We want it to be given in a proper criterion that looks at the actual need and how we deal with a pandemic, not just the same formulae for devolution.

By now the Committee has done 72 meetings.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Zani, what is your point of information?

**Sen. Sakaja:** I accept to be informed.

**Sen. (Dr.) Zani:** Thank you, Mr. Speaker, Sir. I am really encouraged by Sen. Sakaja's work in getting feedback for this information. I just wanted to find out and maybe probe further about the sort of evidence and proof that you are getting for the expenditure of funds. I think that is where the rubber meets the road.

About the allocation that is going there is fine, but if we can get to the details of the proof and even have ways of getting down to the county and confirm that the money has been used, where it is purported to have been used.

Thank you.

**Sen. Sakaja:** Sen. (Dr.) Zani has been a lecturer and she is very meticulous. She used to be a Member of my Committee. In the last House she used to chair a joint Committee of Senators, but I was in the National Assembly. I know how thorough she can be.

Mr. Speaker, Sir, your Office should facilitate us because the Senate of the Republic of Kenya has resolved by way of adapting one of our Reports that every county government and the national Government will give us a monthly report on COVID-19 expenditure.

Mr. Speaker, Sir, through your office and the Office of the Clerk - I hope this information has gone to all counties - we started county visits in Isiolo and Meru counties. We have done a schedule. I have asked Members on our platform to tell us who wants us to go to their counties. We are ready, available, willing, capable and excited with pomp urgent alacrity to go visit your county to see while you receive the report.

For example, you will say Governor Ongwae in Kisii County has received this amount of money and he said he has done this. We will go with Sen. (Prof.) Ongeru and see if that has been done. We will go with Sen. Poghiso and see what is happening in West Pokot County. We will go with Sen. Iman and see what is happening. Anyway, she is from Nairobi County, but also a resident of Garissa County.

Mr. Speaker, Sir, we have clustered the counties into batches of three or five, please, accompany us. Let us go there. I have finished my Statement.

I thank you for the support that you and Senators continue to give our committee. We will continue to deliver. Our mandate is going to end in the next two or three months. Meanwhile, be assured of not just reports, but action and proper oversight by the Senate of the Republic of Kenya.

Thank you.

**The Speaker** (Hon. Lusaka): Thank you so much for the good updates. Sen. Shiyonga, what is it?

**Sen. Shiyonga:** Mr. Speaker, Sir, thank you. I want to thank Sen. Sakaja for the updates. We have gotten a lot of input on the same. However, I request that when they invite the Cabinet Secretary (CS) on the issue of Dr. Lutomia to kindly let me know so that I can participate through zoom because I have interest in that issue.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. The other day, I saw Sen. Shiyonga distributing items without social distancing. She was really charged saying “*hii ni sukari, hii ni unga*” in Kakamega. I know she is doing a good job, but I will ask her to follow the Government guidelines.

I will ask her to join us when Dr. Lutomia comes. In addition, I will make sure she is there when we go to Kakamega County. Incidentally, Kakamega is one of the counties that are actually doing quite a good job. I must commend Governor Oparanya. He is doing a very good job possibly even better than Kisumu County. It is good. In Swahili we say *Mgala muue na haki mpe*. Sen. Shiyonga, who is my mum, we will go with her and look at it because Kakamega is our home county.

Next time when she gives sanitizers, soap and sugar, let people distance a bit.

**The Speaker** (Hon. Lusaka): Sen. Were, proceed with the next Statement.

## REVIEW OF POLICIES FOR TVET INSTITUTIONS

**Sen. Were:** Thank you, Mr. Speaker, Sir. I rise to make this Statement on behalf of Sen. (Dr.) Mbiti, the Senator for Trans Nzoia County on an issue of general topical concern on exploring new thinking to reap from Technical and Vocational Education and Training (TVET).

In the recent selection of colleges and universities among the 2019 Kenya Certificate of Secondary Education (KCSE) candidates who scored C+ and above, hence qualifying to enroll for university degrees, 2,632 chose to join TVET for technical diploma courses. This is laudable.

In developing countries, TVET plays two major roles in national sustainable development. One is to provide training opportunities and career advancement avenues for the increased school leavers and, two, to provide skilled manpower at all levels.

Mr. Speaker, Sir, during this time, we notice that students who even qualify to join universities preferred to join TVET. The skills developed should lead to self-reliance in the absence of salaried employment and enhance industrialization.

The United Nations Sustainable Development Agenda 2030 identifies TVET as a key action area in pursuit of sustainable development goals (SDGs) of education and that of decent work and economic growth.

For TVET to be effective, the Government has to renovate and reinvent to ensure an enabling environment nationwide. Considering the continuous complex changes and development in the global context, including competition for resources, investments and markets, it is important to ensure quality in every aspect of TVET delivery. This, therefore, calls for the need to review TVET policies for quality assurance and better management.

**The Speaker** (Hon. Lusaka): Hon. Senators, for the convenience of the House, I would use Standing Order No. 31 (2) to let her conclude that Statement then we adjourn.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I was trying to hurry through the Statement to beat time. Thank you for that allowance of some more minutes. Innovation is key. First, there needs to be substantial change in the curriculum materials used, selection of trainers and training to ensure TVET progressively responds to evolving labour demands.

Our young people have gone ahead and observed this before the system of Government policies does by deciding on their own volition to choose TVET courses instead of university courses. Deployment of organizational practices is crucial to support innovation in this Sector which plays a significant role including the well-being of workers, enhanced productivity, international competitiveness and economic growth.

Mr. Speaker, Sir, the second issue is proper values and attitudes must be aligned to the national ethos. The TVET has traditionally been thought to be a relatively unattractive educational option compared to higher education. There is a serious need to address disparities of esteem between the TVET and general education by demonstrating to and educating the public on the benefits of TVET.

The TVETs have a particular advantage for developing countries that are moving rapidly up the value chain as it allows the occupational change and mobility and provides infrastructure to cope with these changes.

Lastly, a robust system at the national level should set criteria for the management of quality courses such as evidence based TVET quality assurance management system to ensure employees, apprentices or trainees in enterprises and TVET institutions have the right awareness, skills, knowledge and attitudes is very vital.

Technology can also be employed to deliver TVET to more people as virtual platforms become globally available in this era of the new normal so that our young people can have a chance to get jobs even outside this country because these skills that are offered at TVET level are very popular in the developed world. They do not have that personnel.

I thank you.

### ADJOURNMENT

**The Speaker** (Hon. Lusaka): Hon. Senators, it is now time to interrupt the business of the Senate. The House, therefore, stands adjourned until today, Tuesday, 23<sup>rd</sup> June, 2020, at 2.30 p.m.

The Senate rose at 12.33 p.m.