

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 4th November, 2020

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF SESSIONAL PAPERS

(Sen. Khaniri stood in his place)

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Khaniri, please, take your seat.

Hon. Senators, I have a communication to make on the consideration of Sessional Papers. On Tuesday, 3rd November, 2020, the Senate Majority Leader laid on the Table of the Senate, the following documents–

- (i) Sessional Paper No. 2 of 2020 on the proposed Veterinary Policy.
- (ii) Sessional Paper No. 3 of 2020 on the proposed Livestock Policy.

Hon. Senators, this is the first time that the national Executive has submitted to the Senate, policy documents that outline the Government's long-term agenda in relation to the greater livestock agricultural sub-sector. Consideration and adoption of these two documents will ultimately lead to legislative interventions to actualize their aims and objectives, and as such, must be scrutinized carefully and reports thereon prepared and debated by the Senate.

In this respect, I direct that the Sessional Paper No. 2 of 2020 on the proposed Veterinary Policy, and Sessional Paper No. 3 of 2020 on the proposed Livestock Policy be committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration.

I further direct the Committee to table reports on the two Sessional Papers, taking into account the views of relevant stakeholders within the next 30 days.

Hon. Senators, after tabling of the reports of the Standing Committee on Agriculture, Livestock and Fisheries on the two Sessional Papers, the Senate may thereafter consider, with a view to approve the same, for further action by the Ministry of Agriculture, Livestock and Fisheries.

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I, therefore, urge the Standing Committee on Agriculture, Livestock and Fisheries to proceed with speed in considering the Sessional Papers and to table reports as directed above.

Next order.

PETITION

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, there is a Petition from the Chairperson of the Standing Committee on Finance and Budget. Is the Chairperson here? If not, a Member of the Committee.

REPORT ON PETITION: CORRUPTION AND EMBEZZLEMENT OF FUNDS IN NAROK COUNTY GOVERNMENT

Sen. Farhiya: Madam Deputy Speaker, I beg to lay the following Paper on the Table of the Senate today, Wednesday, 4th November---

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, this is a Report of the Standing Committee on Finance and Budget on a Petition, so she is rightfully laying the Report. Go ahead.

Sen. Farhiya: Thank you, Madam Deputy Speaker, for protecting me. I beg to lay the following Paper on the Table of the Senate today, Wednesday 4th November, 2020; a report of the Standing Committee on Finance and Budget on a Petition to the Senate by Mr. Simon L. Kilonga and Mr. Olenana Oleltulet concerning alleged corruption and embezzlement of funds in Narok county government in respect to awards of tenders.

(Sen. Farhiya laid the documents on the Table)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator.
Next order.

PAPERS LAID

THE SRC ANNUAL REPORT FOR THE FY 2018/2019

The Deputy Speaker (Sen. (Prof.) Kamar): The Senate Majority Leader.

The Senate Majority Leader (Sen. Poghisio): Madam Deputy Speaker, I beg to lay the following Paper on the Table of the Senate today, Wednesday 4th November, 2020: -

The Salaries and Remuneration Commission (SRC) Annual Report for the Financial Year 2018/2019.

(Sen. Poghisio laid the documents on the Table)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Do you have a second one?

NUTS AND OIL CROPS REGULATIONS 2020

The Senate Majority Leader (Sen. Poghisio): Madam Deputy Speaker, I beg to lay the following Paper on the Table of the Senate, today, Wednesday 4th November, 2020:

Nuts and Oil Crops Regulations, 2020.

(Sen. Poghisio laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kamar): Next Order.

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kamar): Under Standing Order No.41 (1), we have the Senator of Vihiga, Sen. Khaniri.

PRESERVATION OF NATIONAL AND CULTURAL HERITAGE

Sen. Khaniri: Thank you, Madam Deputy Speaker for according me this opportunity.

I rise pursuant to the provisions of our Standing Orders, in particular Standing Order No. 47(1), to make a Statement on an issue of general topical concern, that is, the preservation of the national and cultural heritage and revenue generation from the same.

Kenya is home to 42 different unique cultures, also inhabited by Europeans, Asians, Indians and nationalities from different parts of the world. The different cultures that have come together in Kenya form our identity and vast heritage. Over the past few decades, heritage conservation has been threatened by globalization. Important sites such as forests, hills, caves, sites and many more, are being destroyed to make way for modern infrastructure.

In as much as we appreciate modernization, we need to find a balance where both modernization and our cultural heritage can co-exist for the improvement of our culture and economy.

In Vihiga alone, I can count more than five cultural sites that have been neglected and are wasting away; some destroyed and others completely neglected. It is believed that Jesus stepped and knelt to pray on the *Wakereva* footstone, also Known as the “foot of Jesus stone” found in Kivagala. It is a site that should be accorded more importance than currently given.

Madam Deputy Speaker, the Mung’oma caves found in Maragoli, which explain the origin of the Maragoli people and the Maragoli Hills that carry great importance in the Maragoli culture are also good examples of wonderful tourist attraction sites that are not being utilized to their full potential.

Away from Vihiga, in coastal Kenya, many such sites lie in ruins, while others are not even given the importance or hype that they deserve. The Fort Jesus that used to be a must visit site now only generates very little income. What about the Vasco da Gama Pillar?

Kenya is a blessed country, but we lack the ability to utilize these blessings. While other countries take advantage of such like sites for the economic and cultural benefits, Kenya is doing the opposite. We only give importance to the Maasai Mara and the Tsavo, forgetting that the two do not form even a quarter of what Kenya culture and natural resources have to offer to the world.

We have such strong culture and with them beautiful cultural attires, food, music and practices. These resources are wasting away and some such as the Tsavo, getting destroyed as we watch.

This year alone there have been a number of fires that have threatened to destroy the Tsavo. It was shocking that the response to put out the fire and completely ensure it would not occur again took longer than it should have.

Just the other day, we had a case of the wildebeest migration which was disrupted by human development. These are areas that should be cleared out completely. We should take our cultural and natural resources seriously and do our best to protect them.

In conclusion, besides just protecting them, we should also strive to promote them. It is time as Kenyans that we made Kenya the excuse for our next cultural tour destination, instead of giving priority to other countries and cultures. We need to promote our attires such as the *lesos*, beaded Maasai jewelry, the *kiondos* and Kenya art. The list is endless.

If we do not promote ourselves first, how do we expect others to? We can start by identifying all these sites, small and big, and sectioning them for easy access and development. This can also be a good venture for employment of knowledgeable people of all ages to explain the importance of the historical sites and locations to their cultures and believes, charge for such expenses and promote them all around through the tours and travels companies, and through Magical Kenya.

Let is not only rely on our wildlife, but also our natural resources.

I thank you.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Deputy Speaker. The Statement by Sen. Khaniri is extremely useful. I hope that even in the discussion we are having now, the way forward is to have the things he is referring to preserved.

I happened to go to the British Library and found collections of writings of Isaac Newton in his lucid moments. He had crazy moments and wrote even love poems and other things. One will also find the oldest Bible in the same Library. If the Kenya Government was to request Kenyans to produce things they used in the past, including writings and things that were used by the *Mau Mau*, we would store them somewhere, for purposes of cultural activities or even tourist attraction. I am sure all these communities represented here and in the country would have very useful material and writings.

I had a very useful chief who died recently at 107 years. The gentleman in his work had the map of Kenya and boundaries of Kenya before Independence. He inspired

me to do the boundaries law because at those early days, there was the Boundaries Commission, which is contemplated in the Constitution.

Madam Deputy Speaker, it is unfortunate that the building called Kenya National Archives, right in the center of Nairobi, is just a bus stop for *Matatus* heading to Eastleigh, Buruburu *et cetera*. It is a shame. If one goes to Washington, the archives, similar to the building out here are protected. There is security and the building is clean and advertised. This is a useful matter, I think in terms of even shared prosperity, celebrating the various cultures of this country.

The other day together with Sen. Omogeni and Sen. (Rev.) Waqo, we received a Petition from 4,000 Shona people who live in Kiambu. They came from Zimbabwe and the women dress in white, Sunday to Sunday. They have a rich history. We have a rich history, and I know people who have the rich history of even Chief Kivoi, who used to walk all the way to Mombasa.

I am not even sure of the Committee that will handle this. This is a matter we should profile. I mentioned this when I went to address the Kakamega County Assembly. In the Kakamega County Assembly building, is a list of Kenyans who fought the World War 1 and World War II listed inside that Chamber. In real terms, that Chamber should not be used; it should be a tourist attraction.

The other day, I met a gentleman whom I castigated because he told me that he got a contract to renovate the State Lodge in Machakos. I told him, "you have made a mistake and it is responsibility of the Government of Kenya to renovate the State Lodge in Machakos for a reason." They actually demolished it and started reconstruction. There is a reason.

Sir. Evelyne Baring sat there. It was supposed to be the Capital City of Kenya. That is where he was.

Sen. Wetangula: It once was.

Sen. Mutula Kilonzo Jnr.: Thank you, Sen. Wetangula. People should go there. The capital was moved to Nairobi from Machakos. People should go there and understand where this country has come from. I have been to the City Hall. The room in the middle was what was a Chamber - the ones you see in the movies - for people to have public debates.

Public participation and debates in Nairobi used to happen in that Chamber. Now, they use it as a conference room. It is a conference room for the governor, which is an embarrassment.

People are making money from tourists for old buildings all over the world and in all the cities. The church that is in Berlin that was bombed in the World War, nobody bothered to renovate it. It is there. You go and see it and you pay for it. We must celebrate our culture and history.

Madam Deputy Speaker, I want to disclose to the house where the first President of the Republic used to go and rest. I know that house. It is there. It should be a cultural site, so that nobody ever sells it, demolishes it *et cetera*.

I am aware that buildings in town, including Pioneer and Prudential buildings are owned by private citizens. Some of them are even Members of this House. Those are buildings that should belong to the State. They are buildings that should be protected like

if you go to Paris, you cannot touch those buildings. They belong to the State. They can be used for purposes of tourists coming to make money. The same with the monument on Kenyatta Avenue of three soldiers. The street boys find it a nice place to go and hang out. If that was in another place, all over the world, you would go there to take nice pictures and it would be protected.

I went to the State Assembly of Maryland. As I conclude, George Washington wrote a letter on his resignation from the Army. He wrote a letter to resign from the military to become the first President. The State of Maryland spent USD1 million for that letter. They put it beautifully in their Assembly.

In this building - I want to say because I found it a little careless - right at the beginning as you enter, there is small room. We call it the CPA Room. There is a small scalpel that was put there for a prince. I cannot remember who it is, but there is a scalpel there as a foundation of this building. It had a very nice picture that was donated to us by the British Government. How many of us know that? This Parliament does not have in itself a place where we can find the history of this country.

I want to thank the Chief Justice Willy Mutunga who converted the cells in the law court. If you go downstairs, you will find the order. It is not a museum. There is a gentleman whose monument is near Corner House; Dedan Kimathi. You will find the order for his arrest beautifully put there.

I think Parliament should do the same. I thank Sen. Khaniri for this thought because I think these are some of the things that will move us forward as a country.

Madam Deputy Speaker, I met your daughter and chances are that, she does not know that these things exist. You and I have a duty to ensure that our history is not lost.

I thank you.

Sen. Olekina: Thank you, Madam Deputy Speaker. Let me begin by appreciating Sen. Khaniri for always bringing in Statements that require us to rethink about where we came from and where we are going.

I am going to read to you the Government policy in terms of culture. It says:

“The Government shall promote culture as a centerpiece and driving force behind human, social and economic development and shall encourage cultural pluralism. The Government shall take appropriate measures for the protection, conservation and preservation of tangible and intangible national heritage situated within its boundaries.”

Madam Deputy Speaker, in this country, everything is good on paper, but when it comes to the practical, it becomes a very big challenge. Modernization is a big challenge; free trade, talking about democracy and the need for good governance. These are some of the things that have eroded the need for us to really value our culture.

I am very grateful to Sen. Khaniri for re-emphasizing and also giving credit that the Maasai nation has fully protected the Maasai Mara Game Reserve. That is why Narok County, today, receives over Kshs3 billion a year because of the protection of their cultural heritage.

It now behooves us, as leaders in this House, to think beyond. When we are trying to consume the text of the Statement brought by Sen. Khaniri, we need to think about our diversity and the need for us to be respected for our views.

Madam Deputy Speaker, culture is very important. I grew up in a place called Olombogishi. I was trained by my grandfather to pass on the cultural heritage to the future generation. When we come here, instead of trying to force others to believe in what you want, it is either your way or their way. It will be imperative for us to appreciate our diversity. That is what helps us. We speak our own mind.

It is wrong for you to be pointed out and thought that you are speaking on behalf of somebody else. When you speak, it is your culture that has given you that ability to express yourself.

Sen. Khaniri, it is this House, it started with the British colonial masters who introduced pieces of legislations that have completely alienated our cultures. They have completely guaranteed that it is only the “west” and their cultural practices that will continue speaking. I am very grateful and I thank you that even today, you started this sitting by speaking in Swahili. This is something that we are closer to.

I thank the other Temporary Speaker, Sen. (Dr.) Mwaura, for encouraging us to speak Swahili. I will butcher the language, but I will keep trying to speak it. There is need for us to balance our diversity, but not move away from our culture.

I want to echo the words of my brother, Sen. Mutula Kilonzo jnr., when he pointed out that we have completely missed the point. Instead of looking at the economic viability of our cultural heritage, we are trying to modernize everything. It will not help.

I have lived in so many countries. In the United States of America (USA), every State is proud of their old cultural heritage. This is why I strongly believe that when we are having this conversation of coming up with the new Constitution, it is about time we moved that issue of that policy. This is because I have seen it is a function of national Government. In fact, it says, ancient and historical monument of national importance. That is a function of the national Government.

These are some of the functions that I want to encourage county governors to engage with the national Government and take them back for them to develop them. Tourists should not just be coming to Kenya to visit Maasai land. However, if other counties do not want to, we will continue. We want when we are having this national conversation on how we want this country to go, not to forget where we have come from.

Madam Deputy Speaker, as a matter of fact, I always say, I have one foot in the modern culture and one foot in the traditional culture.

The traditional culture is the stronger one because it tells me that I am my brother’s or my sister’s keeper. That is why some of us are a little bit controversial in our sentiments when we talk about the change we want for this country.

We want a change that will recognize that today, because of modernization, we the Maasais have agreed that we will no longer circumcise our girls. However, we must be respected as a culture, because that is what has brought me here.

If you tell me to think or walk like a Kamba, I do not know. I do not expect Sen. Mutula Kilonzo Jnr., to think and walk like a Maasai. Sometimes while he speaks, he throws his hands but I should respect him because he is from Kamba land. When I stand here and I say, no, before you accuse me of being a messenger, first of all, find out where I come from and how I was trained while I was growing up.

It is about time that we relooked our legislations and ensured that the pieces of legislations that we have are the ones that will respect our culture. As a matter of fact, I want to state here categorically that as from the next sitting, I, Sen. Olekina will never come here in a suit. I will come here dressed the traditional way.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Olekina, there is a point of order from Sen. Murkomen.

Sen. Murkomen: Madam Deputy Speaker, as a matter of fact, Sen. Olekina has said that someone has accused him of being a messenger. Am I in order to ask Sen. Olekina to disclose whoever has called him a messenger because that statement was said in the context of the Maasai people?

It could be easily interpreted by the people watching out there that the person who called Sen. Olekina a messenger, was by extension calling the Maasai community, messengers. Can he clarify?

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Olekina, I hope you are not diverting from the culture.

Sen. Olekina: Madam Deputy Speaker, my culture requires me to fully express myself. Therefore, I said that in the context that we must respect divergence of opinions so that when you rise at any occasion and speak---

I want to go back to what Martin Luther King said that we should judge people by the content of their character, but not looking at the person and asking who they are.

To clarify what I said is that let us appreciate each other. I am grateful that Sen. Khaniri has reminded us that we have a rich culture, which the United Nations Educational, Scientific and Cultural Organization (UNESCO) recognises and we have to defend it jealously.

One of the things that Kenyans should know is that the World Bank is currently trying to remove certain communities from the list of indigenous groups of people. If you say because of modernization and we allow it in this House for someone out there to come and say that from today, since Sen. (Dr.) Mbiti is from Trans Nzoia, he is no longer indigenous or Sen. Mutula Kilonzo Jnr., is no longer indigenous because of economic reasons. All these challenges that I am talking about are things that we need to embrace.

In summary, I hope that the Committee that you will task with this Statement by Sen. Khaniri, will come up with a statement and hand it over to the Building Bridges Initiative (BBI) Taskforce so that this issue of preservation of our cultural heritage is included in the Constitution, so that we can bequeath it to our children. The county governments can then be able to appreciate the diversity that modernization has brought in.

However, when we have one huge national policy on cultural diversity, we will be trying to do things that we cannot handle. That is because I have no clue how the people of Tana River live. I am a Maasai. I stand up, walk, sleep and think like a Maasai. Our culture is important.

I hope that it is not only the economic aspect of the culture that we are going to look at when we are thinking about these historical sites and natural heritage, but also how we can be able to relate to one another and respect one another.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Senators, this is Statement Hour and we have 10 Statements. I would like to appeal to you because the time allocated for this Statement is almost over.

I will give Sen. Wetangula a chance then Sen. Faki will be the last one so that we move to the next Statement.

Sen. Wetangula: Madam Deputy Speaker, I would like to contribute to this important Statement brought by the distinguished Senator for Vihiga.

If you go to Berlin, on the High Street, you will be taken to some very small building called the Congo Conference Building where in 1896 Queen Victoria and Bismarck sat down to bisect Africa as personal possessions for some of their kings like King Leopold of Belgium. That is the scramble for Africa. In Berlin, they call it the Congo Conference Building.

The significance of that building is because that is where, as other countries took possessions as countries, Congo was given to King Leopold as a personal possession by Queen Victoria. King Leopold owned it, annexing Rwanda and Burundi to become part of his personal possession.

Madam Deputy Speaker, if you come to the *Mulembe* nation, particularly the Bukusu and the Tirikis where Sen. Khaniri comes from, our culture is so strong that if a man escapes circumcision and dies after the age of 20 years, the corpse is circumcised before burial. That is how they hold their culture and you have to respect it because that is our culture.

If you look around Nairobi, the only monument you can be proud of that is still standing is Kipande House, opposite General Post Office (GPO), where the first *kipande* was given to an African in Nairobi. It was declared a monument and so nobody can ever destroy it. The other one is the old provincial officer's office, which is now the Murumbi Museum.

However, we have virtually destroyed everything. I understand that Sen. Faki wants to speak. I want to hear what he is going to say about the defacing of Fort Jesus.

If you want to rehabilitate a monument, you give it a facade that looks exactly like what its original character was. You do not come with brick and motor and start reconstructing a monument, because then it does not become a monument. This is very important.

When we had *Mashujaa* Day in Kisii the other day, the President mentioned and rightly so, the first resistance to 'White' rule in Kenya was in Webuye at Chetambe Hills. The people of Webuye resisted and shot three white men dead. The fort where they fought from is still there. Nobody has looked after it. People have scrambled and grabbed a bit of it. Those are some of the historical monuments that we need to keep, for example, the Crying Stone of Kakamega.

The Elephant caves in Mt. Elgon are the only caves anywhere in the world where elephants go to breed. Elephants roam around, gestate and then go into the caves to deliver their calves. There is nowhere else in the world where you will find that. That is our heritage.

However, now we are in a country where people scramble for primitive accumulation of wealth at the expense of everything. We need a very strict law to protect our heritage. If you go to Uganda, there is a Luhya community in Uganda, the Bamasaba and there is a place where Sen. (Dr.) Mbitio could know, called Mumu Toto, where President Museveni goes to attend circumcision ceremonies of the Luhya people of Uganda, every August. That is their heritage.

Here in Kenya, we are busy shouting obscenities at each other as we destroy our country. I want to salute the Maasai people.

Sen. Olekina knows that I have visited the Maasai Mara a minimum of once a year. Every time I see anything abnormal, I come and share with him.

Madam Deputy Speaker, the destruction of the Mau Forest and the killing of the Maasai Mara is something I have spoken to here. We must salute communities that are part of the protection of our heritage. We must help them. The national Government must provide enough money to protect these sites.

Long are gone days when to be appointed a Cabinet Secretary (CS) for heritage was seen as a punishment. In fact, now it should be seen as a source of pride because you are going to protect what Kenyans hold dear.

Madam Deputy Speaker, I salute Sen. Khaniri. Whatever Committee you give this Statement, let them not only look at issues to protect our heritage sites and interest. They should develop a law and update the existing law so that our heritage becomes part of our history. There is no point for us to be visiting other countries to see where their kings used to sleep when we do not even know where our chiefs used to grace.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Sen. Faki, proceed.

Sen. Faki: Asante, Bi Naibu Spika, kwa kunipa fursa hii kuchangia Ombi ambalo limeletwa katika Bunge na Seneta wa Kaunti ya Vihiga, Sen. Khaniri. Utamaduni ama ustaarabu ndio chanzo cha utu na ubinadamu.

Ni jambo la kusikitisha kwamba kwa sasa tumeweza kuweka ustaarabu na utamaduni wetu nyuma kiasi ambacho vizazi vijavyo huenda vikapotea na vikawa havina mwelekeo.

Kwa mfano, Mombasa ilikuwa ni kitovu cha ustaarabu wa Waswahili. Kule ndiko lugha ya Kiswahili ilianza kuzungumzwa na ikasambaa sehemu za bara. Ni masikitiko makubwa kwamba hata zile taasisi za zamani ambazo zilisaidia kukuza na kuendeleza utamaduni huu hazipo tena.

Bi Naibu Spika, kaunti zote katika Kenya hazitili mkazo swala la utamaduni. Mwaka uliopita nilibahatika kusafiri na Bw. Spika kwenda Kaunti ya Tana River kusheherekea siku ya utamaduni wa Wapokomo, Waoroma na jamii zingine ambazo zinaishi huko. Tukio kama hili ni nadra katika kaunti zingine hapana.

Ombi hili la Sen. Khaniri limekuja katika wakati mwafaka. Tunaona kwamba maadili yanaendelea kubomonyoka kutokana na kuiga kwa wingi tamaduni za watu wengine. Lugha ya Kiswahili ina tamaduni zake ambazo hujumuisha nyimbo, michezo, mashairi na ngojera na kadhalika. Hayo yote husaidia kukuza na kuendeleza utamaduni wa Waswahili.

Bi. Naibu Spika, jengo la Fort Jesus katika Mji wa Mombasa ni la kale sana. Wanahistoria husema lilijengwa karne ya 15. Sasa hivi ni mahame na magofu. Hakuna watalii wa kutoka nje wanaozuru jumba hilo kwa sababu halijawahi kufanyiwa ukarabati wowote.

Juzi ufuo wa bahari wa Mama Ngina ulifanyiwa ukarabati. Wakati walipokuwa wakifanya ukarabati huo, kulipatikana makaazi au mijengo ambayo ilijengwa karne ya 12. Ni lazima tutilie mkazo swala la kulinda na kuhifadhi tamaduni kwa sababu ya vizazi vijavyo.

Bi. Naibu Spika, kila kabila au jamii yoyote ina tamaduni zake. Lazima tuheshimu tamaduni za jamii zingine kwa sababu ndio mwanzo wa kuweza kuheshimu tamaduni zako. Ukiwa wewe huwezi kuheshimu tamaduni za watu wengine, basi zile zako pia huwezi kuziheshimu. Ni lazima tuheshimu na tuhifadhi tamaduni zetu ili vizazi vijavyo viwe na mwelekeo mzuri wa Kiafrika.

Asante kwa kunipa fursa hii.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Ali, proceed. Please take the shortest time possible.

Sen. (Dr.) Ali: Thank you, Madam Deputy Speaker. The issue of culture and heritage is very important. Even now the way things are, culture is supposed to be devolved. However, the museums and other cultural sites are being managed by the national Government.

There are many problems in Wajir County. If you go there, you see where Italian and British soldiers fought during the First and Second World Wars. There are areas of old wells where people used to fetch water for many centuries, but now they are being taken over. Every year, things are going the wrong way.

Madam Deputy Speaker, we need to take care of our cultures. The Somali community used to have a very good culture, but nobody follows them of late. I am supposed to be coming here with *Kikoi* and two white clothes the way Sen. Olekina said. Next time when Sen. Olekina comes in his traditional dress, I will also come with mine and I expect Sen. Mutula Kilonzo Jnr., to come with those Kamba dancing regalia.

If we go to tradition, there are some good and bad parts. The truth is that tradition is always very good. I think that is why Africa has become where everybody scrambles for; where people come and harass us. It is where we feel others are superior to us because we have forgotten our culture and ways of life. We think that everything in Africa is bad and that is why people feel that Africa is going down the drain.

Madam Deputy Speaker, the most important thing is that we feel we have to take care of our pride. In human beings, you have to be proud for you to succeed. If you decide to lie low, then people will land on you and you are going to suffer.

The Deputy Speaker (Sen. (Prof.) Kamar): Finally, one minute to Sen. Madzayo.

Sen. Madzayo: Asante sana, Bi. Naibu Spika. Kwanza, ninamshukuru sana ndugu yangu Sen. Khaniri kwa Ombi hili la kuhusu tamaduni zetu. Waswahili husema mwacha mila ni mtumwa. Hii ni kwa sababu huwezi kuwacha mila na desituri zako na kuheshimu za watu wengine. Haifai kujipiga kifua ukidhani wewe una uhuru wa kufuata tamaduni za watu wengine ilhali imeasi asili zako.

Jambo la pili ni kuwasihi waheshimiwa Wabunge kukuza na kuhifadhi tamaduni zetu. Ikiwa nchi mzima inatungalia sisi kama watu ambao tumeweza kufahamu mambo ya utamaduni, ni muhimu hili Bunge lichukue nafasi hiyo liwe kipau mbele kueleza mambo haya.

Bi Naibu Spika, historia ya Bunge hili haijanukuliwa vizuri. Kwa mfano, hapa tuna kaburi la Mzee Jomo Kenyatta; mwanzilishi wa Taifa la Kenya. Katika mataifa mengine, makaburi ya waanzilishi wa mataifa yao, watalii huyazuru na kuelewa historia ya taifa hilo. Huko ndiko wao hufahamishwa vile kiongozi aliyekuwa wa kwanza kuanzisha nchi hii alikuwa anaishi namna gani, aliweza kuongoza nchi namna gani na historia na kadhalika.

Bi Naibu Spika, lakini kaburi la Mzee liko kule pembeni na hata waheshimiwa Wabunge hapa hawawezi kulifikia. Kaburi hili ni kama la familia. Kama ni kaburi la familia lisingewekwa katika mazingira ya Bunge. Ingekuwa vizuri kama sisi katika utamaduni wetu tungeweza kuwaelemisha watalii na watu wengi umuhimu wa kaburi hili na historia ya taifa hili. Kaburi hili lingekuwa mfano na kielelezo kama utamaduni wa kwanza wa taifa hili.

Bi Naibu Spika, nilipozuru hapa Bunge mara yangu ya kwanza, niliona viti vya zamani vya Spika. Tuliweza kuona vinyago vya spika na vitu vingine vya utamaduni wa Bunge. Wakati huu tunarekebisha mambo na kuharibu historia ya Bunge hili. Hakuna kielelezo chochote kuhusu kiti ambacho Spika wa kwanza alikitumia. Kiti ambacho kililetwa na Wakoloni, hakipo. Hakuna tamaduni zozote ndani ya Bunge hili letu la Kenya. Nafikiria ingekuwa muhimu pia kuangalia tamaduni kama hizo.

Bi Naibu Spika, sisi kama wamiijikenda kutoka maeneo ya pwani, tuna nguo zetu zinazoitwa mahando ambazo tunafaa kijivunia, lakini nguo hizo zinaonekana kama mambo ya zamani na kwamba hayawezi kutumika hivi sasa.

Wazee wetu wa zamani walikuwa wanaenda mahali kama Kaya Fungo kuomba Mungu, lakini hali sio hivyo sasa. Maeneo kama haya sasa yametengwa. Hakuna hata barabara ya kuenda Kaya Fungo. Serikali ingalikuwa inazingatia mambo ya utamaduni, ingalitilia mkazo kuona kwamba barabara za kuenda mahali kama Kaya Fungo zimetengenezwa.

Vasco da Gama Pillar iliyoko Malindi ilijengwa katika Karne ya 15 katika mwaka wa 1498, lakini idadi ya Wakenya wanaotembelea sehemu ile ni kidogo sana. Hiyo ni kwa sababu Serikali haijazingatia mikakati ya kuhakikisha kwamba tumeipa utamaduni wetu kipaumbele. Nasisitiza kwamba Serikali ya Kenya inafaa kuwajibika katika kuhifadhi utamaduni wetu.

Asante sana.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Senators. The Statement by Sen. Khaniri was under Standing Order No.47 (1). I do not think he expected to attract a large number of reactions.

Instead of committing this Statement to a Committee that may not even understand its origin, I ask Sen. Khaniri to look at Article 11 of our Constitution and see what kind of law can come out to protect our culture as articulated by Members. Sen. Khaniri can move the Bill by himself or take it to the relevant Committee. Whichever

way, the Committee will have an opportunity to consider the Bill during public participation.

The next Statement is by the Senator for Trans Nzoia County, Sen. (Dr.) Mbiti. I will give very few Members an opportunity to comment on the Statement because it is straightforward.

ENFORCEMENT OF RULES AND REGULATIONS TO
REMOVE TOXIC PAINTS FROM KENYA

Sen. (Dr.) Mbiti: Madam Deputy Speaker, I rise, pursuant to Standing Order No.47(1), to make a Statement on an issue of general topical concern, namely, enforcement of rules and regulations to remove toxic paints from our country.

There is a compelling need to support and enforce the country's paint industry to transition from unsafe leaded paints to minimize their devastating health and environmental impacts. Lead additives are used to enhance drying properties of oil-based decorative paints, giving them the much-needed visually appealing gloss and reducing corrosion on painted metal surfaces.

However, this comes at a steep cost to human health, especially in women and children given that these paints are extensively used in homes, schools, vehicles, buildings, roads, toys, furniture and playground equipment.

Lead in paint was first identified as one of the emerging policy issues during the second International Conference on Chemicals Management (ICCM) in 2009. The ICCM launched the Global Alliance to Eliminate Lead in Paint as a voluntary partnership that is jointly led by the World Health Organization (WHO) and UN Environment (UNEP) in order to protect human health and the environment.

Exposure to the heavy metal through the air, soil and food causes brain and nervous system damage, resulting in decreased mental abilities and heightened risks of behavioral problems. It can also cause anaemia, kidney damage, hypertension, impairment of the reproductive function and other disastrous effects. Some of these health impacts are generally irreversible and lifelong.

As you are aware, leaded petrol was phased out in Kenya in 2005 following a concerted public health campaign. In the same manner, the time to phase out leaded paints, too, is long overdue. The developed world banned lead in paint in the 1970s and 1980s while in most of the developing world, lead paint is still legal despite the fact that alternative lead-free paint is affordable and easily available.

Beginning 2013, the issues of lead in paint came into Kenya's public domain and, in recognition of the serious threat posed by leaded paints, Kenya Bureau of Standards (KEBS) developed and gazetted two (2) Standard, KS 2662-1:2017 and KS 2662-2:2017, to curb the production, importation, exportation, sale and use of paints.

The standards, published under Gazette Notice No. 675 of 26th January, 2018, limits the total lead content in paints, varnishes and related products to 90 parts per million (ppm), a limit recommended by the United Nations Environmental Programme (UNEP). This made Kenya one of only five African countries to have done this, joining South Africa, Cameroon, Tanzania and Algeria.

Madam Deputy Speaker, despite this effort to safeguard human health and environment as well as to prevent technical barriers to trade across the East African region, the said standards are yet to be implemented.

Kenya is under obligation to demonstrate action to address the environmental and health impact of lead exposure from these paints. The most effective way to ensure that consumers get lead-free paints, with no addition of toxic metals, is by enforcing the standards and creating the necessary awareness. The time to phase out leaded paints is now.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): I will allow three Senators to comment on the Statement starting with Sen. Farhiya.

Sen. Farhiya: Madam Deputy Speaker, I thank Sen. Mbiti for bringing this Statement. There are many harmful substances to our health in this country that are still in our markets. Goods such as toxic fertilizers, expired foodstuffs that are repackaged for sale and many others.

Many cars on our roads are not roadworthy, therefore producing toxic fumes leading to blurred vision as one drives. As a result of all these things, there is a spike in the cases of cancer in this country. My family has lost two people to cancer in the last two weeks.

The Kenya Bureau of Standards (KEBs) needs to up its game to ensure that we have quality goods in our markets. Many times, on the road, a police officer will stop a *matatu* to pick a bribe from them but leave cars that are not roadworthy.

There is urgent need to regulate air pollution from cars. Pollution into our rivers also needs to be looked into. We recently visited Uasin Gishu County and I saw a river that resembled a raw sewer. I hope that the water from that river is not used for human consumption. I hope that the water is not used by anybody because if it is, then we expect people to get all manner of problems.

Madam Deputy Speaker, even our seas and lakes are not safe. There is too much lead in the seas, and in certain regions, there are high cases of cancer as a result of pollution in the lakes and sea. I agree that it might not be Kenya's problem, but let us control what is within our sphere of control and then seek other interventions.

The other day, there was a report that showed that there is a likelihood of trade negotiations that are going on regarding the return of plastic papers in our markets. I hope that it is not true, but if it is, I hope that we have mechanisms in place to ensure that, that does not find its way back into our country.

The Deputy Speaker (Sen. Prof.) Kamar): Sen. Halake.

Sen. Halake: Thank you, Madam Deputy Speaker. I would also like to add my voice to the issue of lead paints and congratulate Sen. (Dr.) Mbiti for bringing this up. The people who have the highest risk of lead poisoning are children and pregnant women. As you know, children have a very high hand to mouth activity. They chew on everything. If you have any paint that has more than 0.009 per cent of lead in the home, it can cause behavioral as well as intellectual disturbances for children and mothers.

We are asking ourselves why cancer and behavioral problems are so prevalent. I am actually surprised. I did not even realize that we still have issues of lead paints in our

country. Out there, since 1992, people have phased out lead paints. For instance, in Canada, since 1990, paint has not contained any lead. I am, therefore, surprised that we are still talking about this. It has taken me aback.

I am a bit worried because the houses of people in informal settlements have paint that has really chipped, and that is how the lead is released, if it has not been fixed for a very long time, or if there is so much chipping, and things like that. That is in most of our homes in the peri-urban areas and informal settlements.

I think that this is serious and should be looked at in a more holistic manner. How do we remove it? Is the removal feasible, and if it is, how should it be done? If we tell people that it is dangerous and they start chipping at things, they might even put themselves in even more danger that they are actually in. This is something that we need to take seriously.

I am glad that Sen. (Dr.) Mbiti is the Chairperson of the Committee on Health. Even though he requested for this Statement under Standing Order No.47 (1), perhaps it is something that he should take on and be assigned to look into and give us an audit of where we are as a country. Are we still importing or making leaded paints, and how is that affecting our children and future generations, because our children and mothers are the ones who are at the highest risk.

Madam Deputy Speaker, it is very disturbing that in this day and age, when people are dealing with other serious matters that they have no control over, we are still putting ourselves in so much danger with things that can be easily solved by putting in place certain rules and regulations. Then we wonder why the cases of non-communicable diseases are spiking, and why our immune systems are so poor that we cannot handle communicable diseases.

I support, and I hope that this will be looked at a bit more by assigning it to a Committee.

The Deputy Speaker (Sen. Prof.) Kamar: Finally, Sen. Cheruiyot.

Sen. Cheruiyot: Thank you, Madam Deputy Speaker. This is a very important issue. The difference between civilized societies; countries that care for their citizens and place a premium over people's lives over profit is in how they handle such issues.

As a nation, I am afraid that we have not done well in this area despite the fact that this is plainly about human lives. It is not a discussion about profit, plastic or the degradation of the environment. It is purely about human lives. This is such a serious indictment on us as leaders. Where do citizens of this country looking to for answers to such questions? Why are such paints still in use in our country? Why are certain types of fertilizers that are banned all over the world used on the poor people of Africa and still being traded within our society?

If you walk down Nairobi River, you will find all sorts of effluent that is being sent down such a beautiful river. The authorities such as the National Environment Management Authority (NEMA) seem to be content with issuing warnings today, then after a visitation the following morning, or when they realize that there is not much attention on the particular issue by the media, they sweep it under the carpet.

Madam Deputy Speaker, this is really unfortunate. This is a matter that I want to encourage - with your approval - the Committee on Health has a holistic look at. A

Statement alone is not enough. All the issues raised by my colleagues, Senators who have spoken, including even Government parastatals---

I served in the Committee on Energy. If Sen. Mutula Kilonzo Jnr. was here, he would have brought to the attention of this House the damage that the Kenya Pipeline has caused to the people of Makueni with the oil spills in Kibwezi. I cannot remember the other place. They have appeared before the Committee. Citizens have come before us, as Senators, and said: "There is nowhere else where we can go and we are looking up to you as our leaders."

Unfortunately, that matter has taken more than two years before the Committee on Energy. If there is a Member of that Committee before us, such are the issues that I want directed to this particular Committee on Health. Today, you may enjoy that you have a good amount of money; you do not drink water from the river or do not live in some of these places that are affected. However, what happens tomorrow when it is a relative of yours or when it gets to a point that our country is so badly affected?

Madam Deputy Speaker, even the protection of the social strata of our society has long been eroded. This is because 90 per cent of the time we have no idea what process the foods that we eat have gone through, yet we, as a Parliament, have not come through with regard to this legislation.

I, therefore, humbly request that you grant the opportunity to the Senate, through the Ministry of Health, because this is purely a health matter that concerns the lives of our people; to interrogate it and furnish us with a proper report, complete with a raft of paints, fertilizers and companies that are degrading our environment, and what we need to do as a society. I am sure that a resolution of this House to ban some of these things out of existence in the Kenyan market will be enough and the Government will act.

The Deputy Speaker (Sen. Prof.) Kamar: Hon Senators, I think that the contributions have enriched the Statement that was made by Sen. (Dr.) Mbitio, who is the Chair of the Committee on Health. Senators have spoken. We would like to refer it to the Committee level, so that you are certain about the enforcement of the rules and regulations and bring a report to this House within the next 30 days.

Hon. Senators, I will come back to Sen. Malalah's Statement a bit later. I want to get Statements pursuant to Standing Order No.41 (8) committed. I will only allow the reading and one other person, then we commit and come back, because most of you will be interested to listen to the Statement from Sen. Malalah which is not here.

It is a Statement on the looming health crisis in Kakamega County. A number of you have the same crisis, so you will be interested in that one.

Let us commit the others. Pursuant to Standing Order No.48 (1), the first Statement is by Sen. Were. She is not around and has not sent anybody, so we skip that one.

PROCUREMENT IRREGULARITIES AND GOVERNANCE
MALPRACTICES AT THE KENHA

(Statement deferred)

The next one is from the Senator of Kericho, Sen. Cheruiyot.

NON-PAYMENT OF COVID-19 CLAIMS BY THE NHIF
AND PRIVATE MEDICAL INSURANCE COMPANIES

Sen. Cheruiyot: Madam Deputy Speaker, I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Health regarding the operations of the non-payment of COVID-19 claims by the National Hospital Insurance Fund (NHIF) and private medical insurance companies.

In the Statement the Committee should-

(1) Explain why the NHIF has declined to meet treatment cost of its members who are being diagnosed with COVID-19.

(2) State why private medical insurance companies have also declined to cater for treatment cost for their clients suffering from COVID-19.

(3) State the official position of the Insurance Regulatory Authority of Kenya (IRA) with regards to the obligations of NHIF and private insurance companies in meeting the treatment costs of their members who have contracted COVID-19.

This is an urgent matter, Madam Deputy Speaker.

I thank you.

The Deputy Speaker (Sen.(Prof.) Kamar): The lucky Senator to contribute to this one is Sen. (Dr.) Musuruve. Please, take a maximum of two minutes.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker for giving me this opportunity. The issue of COVID-19 is now rampant in the country. As a nation, we have to see how protect our citizens because we have to move on as a country.

When it comes to the issue of insurance, it is also important that all insurance companies cover COVID-19 patients. I know that there is one insurance company that came before us that is covering COVID-19 cases. There is need for us, as a Senate, to see that we are supporting more funds to go to insurances that are ready to also cover COVID-19, for the purpose of ensuring that we are flattening the curve.

Unless we intervene, as a Senate, many of our people will die because of COVID-19, and that is not what we want as a country. I hope that this Statement will go to the right Committee, which will do justice to it.

I thank Sen. Cheruiyot for coming up with this Statement because of the concern he has for Kenyans.

The Deputy Speaker (Sen. (Prof.) Kamar): The Statement stands committed to the Committee on Health. We expect a report in this House in 30 days.

The next Statement is by the Senator of Wajir, Sen. (Dr.) Ali.

SECURITY CHECKS CONDUCTED AT THE WILSON AIRPORT ON
PASSENGERS ARRIVING FROM WAJIR AIRPORT

Sen. (Dr.) Ali: Madam Deputy Speaker, I rise pursuant to Standing Order 48 (1) to seek a statement from the Committee on National Security, Defence and Foreign Relations regarding security checks conducted at the Wilson Airport on passengers arriving from Wajir.

In the Statement the Committee should-

(1) Explain why security checks on passengers arriving at Wilson Airport on local flights are being conducted selectively.

(2) State if there is any specific security threat posed by passengers arriving from Wajir County by local flights, considering that the security checks are conducted on passengers arriving from Wajir County only.

(3) Clarify whether the Wilson Airport security does not have confidence in the security checks conducted on passengers at Wajir Airport before departing for Wilson Airport.

Madam Deputy Speaker, nobody checks people who come from Eldoret Airport, Mombasa, Malindi and any other part of the country. I want to know what is so special about Wajir Airport. Why do they check people at Wajir Airport if they have no confidence in the security checks there?

The Deputy Speaker (Sen. (Prof.) Kamar): The Senator to contribute to that is Sen.(Eng.) Hargura of Marsabit County.

Sen. (Eng.) Hargura: Thank you. Madam Deputy Speaker. I have heard the opportunity of using the Airport at Wajir, when I used to travel from Mandera. They have thorough security checks there. At that time, there were even flights from outside the country, which passed through there. Now, these are local flights which originate from Wajir to Wilson and back.

Much as it is a security issue, there should be equal treatment among Kenyans and must be seen to be done. When someone boards a plane from Wajir, the next landing point is Wilson. Since that person has not done anything mid-air, what this other extra check that Kenyans are subjected to?

This is what creates discrimination in Kenyans. We have been talking of marginalisation and this is how it creeps into the minds of Kenyans. When one is treated differently just because they boarded a plane from a particular part of this country, which has enough security checks being done--- In any case, the best security check should be done at the point of boarding the plane and not when one is landing. What is this that is different that somebody from Wajir can do mid-air so as to be checked again?

The Committee needs to get proper answers, so that Kenyans can feel they are being treated equally irrespective of where they come from.

The Deputy Speaker (Sen. (Prof.) Kamar): The Statement stands committed to the Committee on National Security, Defence and Foreign Relations. We expect them to bring an answer within 30 days.

The next Statement is by the Senator of Lamu. I do not see him here.

LACK OF EXPLOITATION OF MARITIME JOB OPPORTUNITIES BY THE YOUTH RESIDING IN THE COASTAL REGION

(Statement deferred)

The next Statement is by Sen. Omanga, who is also not in.

RESUMPTION OF SPORTING ACTIVITIES IN THE COUNTRY

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(Statement deferred)

Proceed, Sen. Farhiya.

DROUGHT SITUATION IN ASAL COUNTIES

Sen. Farhiya: Thank you, Madam Deputy Speaker. I rise pursuant to Standing Order 48 (1) to seek Statement from the Standing Committee on Lands, Environment and Natural Resources regarding the current drought situation in the counties in Arid and Semi-Arid Lands (ASAL) regions.

In the Statement the Committee should –

(1) Outline the level of preparedness of both the county governments and national Government in mitigating drought situation in counties in ASAL regions given that all water pans in the region, especially Wajir, have dried up.

(2) Elaborate the intervention measures that have been put in place by the county governments in drought prone areas to cushion residents against severe effects of drought.

All the time, we lose lives and livelihoods before any Government interventions come in. We are always late on these interventions. We are asking that we handle this differently

The Deputy Speaker (Sen.(Prof.) Kamar): The Senator to contribute to this is Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Thank you, Madam Deputy Speaker. I stand to support this very important Statement by Sen. Farhiya and also appreciate her for the effort.

As I support this, we know that right now there are many Kenyans in ASAL areas who are already suffering because of hunger. They are losing their animals and have no one taking care of them. Any time when drought comes, we lose our livelihoods as she said, animals, human lives, crops and everything, and nobody cares. Every two or three years we have drought, and the Government always knows about it.

Is it possible for the national Government and county governments, as Sen. Farhiya has said, to always plan in advance so that we do not lose lives for both humans and animals?

When this happens, our children who go to school and depend on the sales of the animals cannot go to school. It is something that needs to be given attention. I support the Statement and pray that the Government will have proper plans to mitigate, so that those who are in ASAL areas will not continue suffering, because they have done so for long.

The Deputy Speaker (Sen. (Prof.) Kamar): The Statement, therefore, stands committed to the Standing Committee on Lands, Environment and Natural Resources. We expect them to prosecute the matter within 30 days.

The next Statement is by the Senator of Wajir, Sen. (Dr.) Ali.

TARMACKING OF WAJIR RING ROAD

Sen. (Dr.) Ali: Madam Deputy Speaker, I rise, pursuant to Standing Order 48(1), to seek a Statement from the Standing Committee on Roads and Transportation regarding the tarmacking of Wajir Ring-Road (Four Mile Road).

In the Statement, the Committee should-

(1) Clarify whether the Kenya Urban Roads Authority (KURA) conducted public participation before tarmacking the Wajir Ring-Road (Four Mile Road) and if not, provide the reasons.

(2) Explain why KURA prioritized Wajir Ring Road (Four Mile Road) over tarmacking of the Garissa-Wajir Road (B9) and Lagboqol-Wajir Road, which are more important roads for inter-county socio-economic prosperity.

(3) State the value the Wajir Ring-Road (Four Mile Road) adds to the lives of the people of Wajir County.

(4) State the measures, if any, put in place by the Government to ensure that KURA consults and gives priority to dilapidated roads within Wajir County, including those that open up the county's interior for socio-economic activities.

(5) State why KURA does not tarmac the roads within Wajir municipality, instead of tarmacking a road that leads nowhere.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you very much. Sen. Cherargei, did you press?

Madam Deputy Speaker, Wajir Ring-Road is four kilometres around Wajir, while Wajir Town does not have a tarmacked road. KURA is constructing a road around Wajir, which is like the M24 of London. The people are supposed to come into Wajir Town, but this road is leading to nowhere. The town has no tarmac. This is a waste of resources and nobody knows about it.

Could the Committee give us proper answers for this money, which is wasted?

Sen. Cherargei: Thank you, Madam Deputy Speaker. I agree. I indicated earlier before we went on recess that it seems that road agencies in this country have a problem. The Kenya Urban Roads Authority (KURA), Kenya National Highways Authority (KENHA) and Kenya Rural Roads Authority (KeRRA) are chronically incompetent and infective. It is a high that we must relook at the law that guides these agencies since the audit---Last time, we had an issue with Dongo Kundu Bypass in Mombasa, now we are having problems in Wajir and North Rift. You remember incompetence in the way they have ran in compensation of your bypass in Eldoret.

Madam Deputy Speaker, it has reached a high time that through the Committee on Roads and Transportation, we call a Committee of the Whole House where the Minister in charge of Roads, Hon. Macharia, must come here and share with the Senator what KURA, KeRRA and KeNHA are doing to address some of these issues.

One example is the road that runs from Eldoret, Kapsabet all the way to Ewasi and Chavakali in Western Kenya, Vihiga County. There is maintenance. The only time KeNHA appears is when either they are cutting grass or they are just marking and then disappear. The road is too narrow. There are so many accidents, yet when you look at the budgeting process that we have in this country to KeNHA, KeRRA and KURA, it is so

humongous. I do not whether we give them too much money and yet, we do not oversight them properly until they decide to become grossly incompetent.

If you go to our towns, KURA is one of chronic ones because if you go to most of the towns, even with the Census of 2019 across our counties, you will never get KURA doing more than four kilometres, yet they are allocated a lot of resources.

Madam Deputy Speaker, it is the right time that we audit these road agencies. Secondly, I request through the Committee on Roads and Transportation that let all the Senators be invited because the issue of roads across our counties is very critical that we need answers and audit.

Madam Deputy Speaker, it comes to an extreme end. As I conclude, most of these, KURA, KeNHA and KeRRA do not even align themselves to the Constitution. We can decide to scrap them and form one authority that will ensure that we get answers from one place.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you very much. The Statement, therefore, stands committed to the Standing Committee on Roads and Transportation. We hope that they will ensure that the whole Senate is involved in this. This is because the problem is countrywide.

The last Statement is by the Senator for Mombasa, Sen. Mohamed Faki.

KUTEULIWA KWA MKURUGENZI MKUU WA MAMLAKA
YA KITAIFA YA BAHARI

Sen. Faki: Asante, Bi. Naibu Spika, kwa kunipa fursa hii.

Nimesimama kuambatana na Kifungu cha 48 (1) cha Kanuni za Kudumu za Seneti, kuomba Taarifa kutoka kwa Kamati ya Kudumu ya Leba na Ustawi wa Jamii kuhusu kuteuliwa kwa Mkurugenzi Mkuu wa Mamlaka ya Kitaifa ya Bahari, *Kenya Maritime Authority*.

Kwenye Taarifa hiyo, Kamati inafaa:

(1) Kufafanua sifa zilizohitajika kwa mwombaji wa wadhifa huo wa Mkurugenzi Mkuu wa Mamlaka ya Kitaifa ya Bahari.

(2) Kuelezea idadi ya wakenya waliowasilisha maombi yao kwa wadhifa huo.

(3) Kutoa ripoti kuhusu waliobobea kwenye mahojiano na waliowasilisha maombi ya kutwaa wadhifa huo.

(4) Kuelezea sababu ya Waziri wa Barabara na Uchukuzi kumteua Bw. Njue Robert Mutegi ambaye alikuwa wa nne kwenye mahojiano hayo, hivyo basi kutostahili kupewa wadhifa huo.

Bi. Naibu Spika, ningengezea kwamba uteuzi huo umefanywa kinyume na sheria. Hii ni kwa sababu sheria inasema kwamba wa kwanza katika *interview* aweze kupewa wadhifa huo. Huyu mhusika alikuwa wa nne katika mahojiano ya kupewa wadhifa huo. Alikuwa hastahili kupewa wadhifa huo.

Jambo lingine Bi. Naibu Spika ni kwamba alikuwa hana uwezo au tajiriba ya mtu ambaye ameweza kufanya kazi katika mazingara ya Bandari, yani *Maritime Industry* kwa muda unao stahili. Kuteuliwa kwake ni kinyume na sheria. Ningependa kwamba Kamati

iwasilishe ripoti yake kwa muda mfupi utakao wezekana kwa sababu ni jambo ambalo linaathiri wengi hasa watu wanaofanya kazi za bandari.

Asante.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Faki.

Sen. Madzayo. Kindly, proceed.

Sen. Madzayo: Asante, Bi. Naibu Spika. Sijui ni kwa sababu gani ile *mic* yangu leo inaonekana haifanyi kazi. Utanisamehe kwa hayo.

Bi. Naibu Spika, pia mimi ningependa niunge mkono yote aliyosema Seneta wa Mombasa kuhusu ile kazi ambayo ni ya *Kenya Maritime Authority*, kazi ambayo iko katika eneo ya Pwani. Ijapokuwa ni shirika la kitaifa, kazi iliyo katika eneo la Pwani ni muhimu kuzingatia kuona kwamba ikiwa kutakuwa na mtu wa Pwani ambaye amefaulu ama ana haja na hiyo kazi na anazo *qualifications*, basi apewe hiyo nafasi.

Mimi ningependa kuunga mkono hayo. Vile vile ningependa kuongezea kwamba kuna nafasi zingine nne ambazo zilitokea katika maeneo ya Pwani. Moja wapo ni ile ya *Bandari Maritime Academy* ambayo waliweza kumchukuwa mkurugenzi anayelitwa Francis Muraya.

Wa pili ni mkurugenzi aliyechaguliwa katika Shirika la *Kenya Maritime and Fisheries Research Institute*, anayelitwa James Njiru. Vile vile, kuna Katibu wa Kudumu katika *State Department* ambayo inahusika na mambo ya uvuvi na *Blue Economy* ambayo ni mambo ya samaki na bahari ambayo yanahusikana na ufuo wa Pwani. Nafasi hiyo, ikachaguliwa mtu anaitwa Michemi Ntiba.

Bi. Naibu Spika, wa mwisho ni Katibu wa Kudumu ambaye tunaweza kusema anahusika na mambo ya *Maritime Shipping* ambaye anaitwa Nancy Garikithu.

Bi. Naibu Spika, watu hawa wote niliwataja hapo watano, wanatoka katika eneo moja katika nchi yetu ya Kenya. Kazi zote tano zinahusikana na watu wa Pwani. Ni jambo la kukasirisha sana. Hivi leo, tumeona nafasi kama tano zinatoka na zote tano hakuna hata mtu mmoja wa Pwani ambaye amepewa nafasi hii.

Ni aibu kwa yule aliyechagua na kwa wale wanaoketi katika lile baraza kwa kusema kwamba 'weka huyu mtu hapa awe mkubwa wa *Bandari Maritime Academy*; weka akuwe mkubwa katika *Maritime Fisheries and Research Institute*; weka hapa akuwe mkubwa wa *Blue Economy*.'

Bi. Naibu Spika, sisi kama watu wa Pwani tuko na haki katika hii nchi. Hatuwezi kukubali kuachwa nyuma hata kidogo. Kama nafasi zimetokea kuhusu mambo ya Pwani, ni lazima watu wa Pwani wapewe kipao mbele kwanza.

Ni aibu hivi leo mimi kusimama hapa mbele ya hii Seneti na kuona ya kwamba katika hii orodha watu wote watano waliochaguliwa, hakuna hata mtu mmoja ambaye anatoka eneo la Pwani na hizi kazi zote ziko eneo la Pwani.

Wale wanaochagua hawa watu wakiongozwa na Waziri wa Usafiri, Bw. Macharia, tunasema ya kwamba kitu kama hiki kisiletwe mbele yetu hata kidogo.

Asante Bi. Naibu Spika.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of information by Sen. Malalah.

Sen. Madzayo, do you want to be informed as you leave?

Sen. Madzayo: Ndiyo. Ni sawa kwa Sen. Malalah kunieleza.

The Deputy Speaker (Sen. (Prof.) Kamar): Ni sawa. Sen. Malalah ongea kwa Kiswahili ili Sen. Madzayo aweze kuelewa vizuri.

Sen. Malalah: Asante Bi. Naibu Spika. Nitajikaza kisabuni kuhakikisha kwamba nimeongea kwa lugha ya Kiswahili.

Ningependa kumjulisha Sen. Madzayo na Seneti hii kwamba pia zile huduma za bandari tayari zimeshatolewa na kupelekwa Naivasha. Pia, kuna shurutisho kwamba mizigo zote zisafirishwe kwenye reli.

Ningependa kumwambia akuwe na habari iyo ili wakati anachangia atuambie yale machungu ambayo watu wa Pwani wako nayo. Sisi kama viongozi wa Seneti, ni jukumu letu kuhakikisha kuwa kuna usawa hapa Kenya. Kenya iko na makabila 43 na ni lazima usawa na haki ufanyike hapa Kenya.

Sisi tungependa kuunga mkono ndugu zetu wa Mkoa wa Pwani. Si hao pekee wanaumia. Pia sisi kule eneo la Western tunaumia kwa sababu tuko na mashirika kama Lake Victoria South Water Works Development Agency. Katika bodi nzima ni kabila moja tu ambalo limeketi. Watu wa uliokuwa Mkoa wa Magharibi hawajawakilishwa katika bodi hiyo.

The Deputy Speaker (Sen. (Prof.) Kamar): You are going beyond the information.

Sen. Malalah: Ningependa kumpea habari kwamba sio watu wa Pwani pekee ambao wanaumia bali ni Kenya nzima, na hili janga ni lazima tulitatie kama viongozi.

The Deputy Speaker (Sen. (Prof.) Kamar): Senators, we had ruled that it is only one person who contributes to any of the Statements.

Since we are going to a larger Statement, let me allow Sen. Shiyonga because Sen. Malalah arm-twisted the information into another Statement.

Sen. Madzayo: Bi. Naibu Spika, mimi siruhusiwi kuongea tena?

The Deputy Speaker (Sen. (Prof.) Kamar): Hapana. Ulikuwa umemaliza.

Sen. Shiyonga, one minute, please.

Sen. Shiyonga: Thank you, Madam Deputy Speaker. Kiswahili is a bit difficult for me, so I will express my concern in English.

Thank you for giving me the opportunity to support the Statement by Sen. Faki. It is very unfortunate that in Kenya we are still practicing the old habit of choosing people from one ethnic group or background. People are learned in Kenya nowadays. If you are learned then you are qualified to do any job for which you have skills and experience.

Having looked at the Statement and the expression that Sen. Faki has raised, it is unfortunate that the people who were interviewed, especially Mr. Nzomo who came first, followed by Mashid Abdal, were all left out and the fourth person was considered as the first person.

The issue of people being discriminated based on tribal lines is being dealt with in the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration. I feel like we should have a joint meeting on this Statement where we are going to discuss equality; where is the equal opportunity that was supposed to be offered to Mr. Nzomo and Mashid Abdal who won this nomination but were shortchanged?

It is important for Kenyans to know that everyone is learned and qualified. If at all people are being discriminated based on tribal lines, then this is what Sen. Malalah was

raising in a Statement, where he said that some jobs are skewed towards one tribe. We are really against this. The issue of one ethnic group emerging as winners even when they do not qualify, is the worst thing that can happen in this Century.

Madam Deputy Speaker, I request that when we will be looking into this Statement, let us have a joint meeting between the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration and the Standing Committee on Labour and Social Welfare. I am expressing my concern because equal opportunity was not measured here.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senators. The Statement, therefore, stands committed to the Standing Committee on Labour and Social Welfare.

Hon. Senators, as we go back to that, I want to clean up Statements pursuant to Standing Order 51(1) (b).

The Deputy Speaker (Sen. (Prof.) Kamar): The Chairperson of the Committee on National Security, Defence and Foreign Relations is not here. We will defer this Statement.

ACTIVITIES OF THE COMMITTEE ON NATIONAL
SECURITY, DEFENCE AND FOREIGN RELATIONS

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kamar): Chairperson of the Standing Committee on Tourism, Trade and Industrialization, are you in the House?

Sen. (Dr.) Ali: Yes.

The Deputy Speaker (Sen. (Prof.) Kamar): Do you have the Report?

Sen. (Dr.) Ali: Yes.

The Deputy Speaker (Sen. (Prof.) Kamar): We will come back to you. Is the Chairperson of the Standing Committee on Roads and Transportation not here?

The Statement is deferred.

ACTIVITIES OF THE COMMITTEE ON
ROADS AND TRANSPORTATION

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kamar): We will go back to the Statement on Standing Order 47(1), then close with the Statement on Standing Order 51(1) (b) by the Chairperson of the Standing Committee on Tourism, Trade and Industrialization.

I just want to inform Members that I know Sen. Malalah's Statement is going to attract a bit of attention because many of us are from counties that have rising cases of COVID-19.

However, the first order after Order No.7 is also going to deal with the progress Report of the *Ad hoc* Committee on the COVID-19 Situation in Kenya. Therefore, I

would like to persuade you that after he makes his Statement, we give everybody two minutes.

Please, let us take the shortest time possible, so that we can deal with this issue.

THE LOOMING HEALTH CRISIS IN KAKAMEGA COUNTY
EXACERBATED BY THE COVID-19 PANDEMIC IN THE COUNTRY

Sen. Malalah: Thank you, Madam Deputy Speaker.

I rise pursuant to Standing Order 47(1) to make a Statement concerning the looming health crisis in Kakamega County exacerbated by the COVID-19 pandemic in the country and a serious dereliction of duty by the Kakamega County Government Executive.

From the outset, I wish to remind this honourable House that in July 2019 I carried out an intensive fact-finding circuit of all public health facilities within Kakamega County and shared here the despicable state of public hospitals in the county.

The Senate Standing Committee on Health took up the matter under your direction, Madam Deputy Speaker, and paid a visit to Kakamega County Executive to delve further into those matters.

The Committee came up with a summary of what was bedeviling the health sector in the county and gave recommendations to the County Government of Kakamega to help in revamping the health sector of our county in order to save the lives of the great people of Kakamega County.

Madam Deputy Speaker, it is sad today. I am still sharing here again that the health sector in my county is still deteriorating amidst the COVID-19 pandemic. The situation is now deplorable, despicable and dehumanizing to speak the least.

Healthcare issues must be at the centre stage of any government and hence, a government that does not see the need to prioritize healthcare matters, especially at the moment of COVID-19, has no interest of the citizens at heart.

Madam Deputy Speaker, the county is fairly well-endowed with natural resources, including gold. My people are among the most hardworking Kenyans, contributing substantially to the growth of the economy of this country. The county has an over-surgng population now close to two million people and is at the epicentre of the Western region development.

I must bring to the attention of this House that during this COVID-19 pandemic period, the County Assembly of Kakamega appropriated Kshs50 million as emergency funds, while the national Government gave out Kshs262 million to Kakamega County Executive totaling to around Kshs410 million, ostensibly to help curb the spread of COVID-19 in Kakamega County.

Madam Deputy Speaker, up to now, there is nothing substantive to write home about on how these funds were utilized. My county with such a huge population has only five isolation centres, with hardly functional facilities. The county boasts of having a gene expert machine, a machine which tests COVID-19. However, the machine is dysfunctional, laying idle at the Kakamega County General Hospital, hence my county has to send medical staff with samples to other counties to test for COVID-19.

Madam Deputy Speaker, even after receiving the above stated funds, the Kakamega County residents have helplessly witnessed closure of many public dispensaries. They have never received masks from the county executive. This deteriorating state of healthcare in my county during this COVID-19 pandemic and even after the county having received the funds, only leads to a conclusion that the funds have been embezzled.

I want to call upon the Ethics and Anti-Corruption Commission (EACC) together with other investigatory agencies to move with lightning speed and investigate how these funds were utilized. Such dereliction of duty in the health sector could be one of the reasons in the recent past my county has witnessed an upsurge in COVID-19 cases. A total of over 400 virus cases out of which over 60 are health workers largely on home-based care.

Suffice to add that the healthcare workers also work under deplorable conditions and without Personal Protective Equipment (PPE). The rising cases have led to closure of the county executive offices, hence halting the operations of the Kakamega County Government.

In the past weeks, the county has lost many residents due to COVID-19 related complications. Among the persons we have lost are Hon. Robert Sumbi, who was the Chief of Staff of the Governor of Kakamega County; Hon. Sikunyi who was a former councilor; Hon. Steve Ambulwa who was a former Member of County Assembly (MCA); Hon. Mabel Muruli, who was a former gubernatorial aspirant and a strong woman leader in Kakamega County; Dr. Alushula, a senior Orthopedic Surgeon in Kakamega County; and lastly, my good friend, Mr. Ken Aliona, a wholesale trader in Kakamega County.

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

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

All these and many more others have succumbed to COVID-19 related complications and if the situation is not averted, more lives are going to be lost. We cannot wait to lose more lives. Action must be taken now. We must, therefore, intensify adherence to the COVID-19 protocol restrictions and force the social distance rules, revive the hand washing points and ensure all learners in schools wear masks and ban school visits completely.

Mr. Temporary Speaker, Sir, in conclusion, we all know that health is a devolved function and a very integral area to our citizens wellbeing. However, from the prevailing circumstances in Kakamega County, it has become obvious that the county executive has completely failed to perform the function as required and as enshrined in the Fourth Schedule of our Constitution.

As the representative of Kakamega County residents in the Senate, I call upon the national Government to invoke the provision of Article 187 of the Constitution of Kenya and take over the management of health functions in Kakamega County to save the lives of the residents of my county. I rest my case.

Thank you, Mr. Temporary Speaker, Sir.

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

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. I want to enjoin my son, Sen. Malalah from Kakamega County, for that very strong Statement. I have been requested by my colleagues from Busia and Vihiga counties to join in this Statement because of the surge of COVID-19 cases in the western frontier. Kakamega County is under the weight of COVID-19 pandemic and so are Bungoma, Busia, Trans Nzoia, and Vihiga and many other counties in the country.

There is a limit to negligence. Some of these escalating cases are out of sheer negligence. Some of our governors are busy parading themselves on television every day pretending to be celebrating hard work when people are dying like flies.

Mr. Temporary Speaker, Sir, my own governor spent Kshs18 million of public funds to stage a misguided meeting ostensibly to demonstrate what he has done in three years. That is when in Bungoma County like in Kakamega County, the national Government sent Kshs213 million for COVID-19 intervention.

The county assembly has appropriated more money. That money has done nothing. That is where they have the distinction. The unenviable distinction of buying an Kshs800 jerry can for Kshs10,000. That is COVID-19 money.

Mr. Temporary Speaker, Sir, we have lost people. Last week in Kakamega County, I went to send my messages of condolences to the family of Hon. Mabel Muruli. She was a powerful dynamic woman who was a very successful business person in the United Kingdom and came to run for the seat of Governor of Kakamega County. She was sick and within less than ten hours she was gone.

There is the personal assistant to the governor. If the chief of staff of the Governor is vulnerable and he is gone, what about the ordinary man and woman at Amalemba and Chepkube markets in Bungoma County, Sofia Market in Busia County, Mbale Market and all other places in Nairobi.

If the high and mighty are falling like flies, what about the ordinary people who are not catered for? I urge the President that if he is having a Summit meeting today, he must come up with new rafts of enforceable mechanisms to check COVID-19. Dr. Alushula, my good friend, was a very respected surgeon, but he is gone after a very short illness. There are many more people being buried every day in the villages. *Unasikia tu ati alikohoa kidogo alafu akakufa*. We are getting reports that people just feel uneasy at night and they are gone by morning.

Mr. Temporary Speaker, Sir, a good lady from my county spoke to me at 6.00 p.m. on Friday evening to tell me that she wanted to see me on Saturday when I get home. However, I got a phone call from her daughter on Saturday morning informing me that she had passed on. Such cases are happening everywhere. I enjoin Sen. Malalah and all other Senators of good will who are going to speak to this Statement that we must call our county governments to order. Shouting and crying about this or that is not a solution to what we are facing. The county governments have a summit with the National Government and access to the Cabinet Secretary in the Ministry of Health.

We want a national blueprint on how to handle COVID-19. If we do not do that, this country is under serious threat. You can imagine the situation in the heavily

populated areas like Ruiru, where the Temporary Speaker, Sen. Mwaura comes from is. What about areas such as Kawangware, Mathare and Kibra? If those areas get a mass infection, you can imagine the disaster we are staring at, yet people with responsibilities are simply pilfering away public resources without accountability. We must hold everybody to account. We do not want the excuses of crying every day.

The President directed that he wanted to see every county with a minimum of 300 ICU beds. However, many counties are lying publicly that they have about 30 or 40 ICU beds. My own county of Bungoma has about seven ICU beds. Some counties do not have even a single ICU bed. It is a big shame. This House has a duty to protect counties and their governments as well as allocate resources to go to counties. Many of us remember the protracted process that we had in this House just to get a right formula, yet people are playing games with the lives of our people out there. They are happier to appear on television every day with fictitious success stories when people are dying. That is a big Shame!

The Infotrak Research and Consulting Limited and other such companies must be warned against listing the best and worst performing governors. Gov. Oparanya was listed as the best performing governor, but the situation in Kakamega County is very different if we go by what Sen. Malalah has just told us. We do not want to hear the fictitious stories. When you do right, it will show. Jesus said that when you light a candle and put it on top of a stool, you do not have to tell people that there is a candle on a stool. Everybody will see the candle. We want to see the work the governors are doing and not the stories on television and video recordings. For instance, my Governor, took a photo of a highway in Egypt and claimed that is what Bungoma County looks like. That is criminal behavior and we must condemn it!

(Laughter)

My governor went to Kakamega County and filmed somebody's dairy farm. He then came back to Bungoma County and claimed that is what he has done for dairy farmers. Is there any greater fraud than that? The Kshs18 million that would have saved COVID-19 patients was lost to a misadventure of that nature. This country needs a reawakening. Our President must crack the whip. The agencies of governance such as the DCI, EACC, Auditor-General, Parliament and county assemblies must wake up and live to their billing of enforcing accountability.

I thank you, Mr. Temporary Speaker, Sir.

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

Sen. Omogeni: Mr. Temporary Speaker, Sir, I rise to support the statement by Sen. Malalah. If we were to be honest with ourselves as leaders, the truth is that the situation is getting out of hand. IF we continue relying on the CEOs in our counties called governors we will watch as our people continue to die. We are living a lie and that is the truth of the matter.

In the hospitals where we are told that beds have been set aside to cater for COVID-19 patients, they are non-existent. In Nyamira County, there is a hospital called Inaitambi where the Governor announced that he had set aside 50 beds to cater for the

COVID-19 patients but even the road leading to that hospital is non-existent. How will you take patients to a hospital that does not even have roads? I call upon the Chairperson of the Committee on Health to urgently visit our counties, do an assessment and prepare a report for tabling in this House. We must shame these governors.

Mr. Temporary Speaker, Sir, I was informed that in most counties the dressing code of governors has changed since they received money that was meant to combat COVI-19. The governors are being spotted in very expensive suits that have been purchased using money that was meant to save the lives of our people. Kisii County lost a Member of the County Assembly (MCA) who died on the way to Nairobi where he was being brought for specialized treatment. If we had all the facilities in Kisii County, how come we lost a MCA who was being transported for specialized treatment? Those are the questions that we need to ask.

I was recently informed that people in Nyamira County who want to do the COVID-19 test in public hospitals are being informed that there are no regiments and are thus referred to private hospitals. Such individuals are being charged Kshs8,000 in private hospitals. Where are the poor people we represent going to get Kshs8,000 for the COVID-19 test yet we know that money was given to all the counties. Nyamira County was given Kshs150 million to fight the COVID-19 situation. Where did that money go?

In most counties, governors have made public announcements that there is no more COVID-19. I wonder whether those governors are living in Kenya because this is the time that we need proactive county governments. Can you imagine how long it will take to train another doctor to the level of Dr. Alusiola who died in Kakamega County? How long will it take to train such a doctor? I ask the National Government to wake up and not place so much trust on our county governments. We shall never succeed unless the National Government takes the driver's seat.

I watched CNN the other day and learned that the WHO has approved rapid testing kits for COVID-19 that gives results with 30 minutes. The Government should engage the WHO to get those testing kits into the country so that we can be able to do as many tests as possible. The National Government must also reevaluate the COVID-19 protocols that we suspended. It is currently business as usual at funerals. People are holding weddings and other social gatherings where more than 1,000 people congregate. Dead bodies are now being kept for more than 24 hours in homesteads, people are meeting in crowded homes and that is not right. We must do something as leaders.

Mr. Temporary Speaker, Sir, we need to be told the medicine that should be available in each county hospital to take care of Coronavirus Disease (COVID-19) patients. Our people need to know. We need to be told what medicine is available in each county. Our Intensive Care Unit (ICU) beds are not there. We must do something.

The Statement that has been raised by my good friend, the Senator of Kakamega, is a very important Statement. We must call upon the Government, through the Cabinet Secretary of the Ministry of Health, to take very urgent measures to combat this COVID-19 pandemic. If we do not do something, we are going to lose so many Kenyans, which is not good.

I support.

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

Sen. Nyamunga: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to add a few comments to the Statement by Sen. Malalah.

It is very unfortunate that three weeks ago, I lost a very dear friend in Nyando. This lady went to a hospital in Kakamega - I do not know which one - she was operated on by the late Dr. Alushula. The lady had a problem with her hip bone and a replacement was made, which was very expensive. A week after she was dead and buried, the same doctor also passed on.

As much as we want to blame our county governments, our governors or anyone else--- I am not supporting any one of them, because I do not have any reason to support any governor if I do not have to. It has already been stated by Sen. Omogeni that our people have got very short memory spans. Right now, this disease is escalating. It is increasing by the day, and it is not only in Kenya, but all over. Some people are going back to lockdowns.

What language do we need to tell our people that COVID-19 is here? It is going to kill so many people. This is an unseen enemy. The President has said several times that we are dealing with an unseen enemy. We cannot see it or feel it. Today, we are burying a young lawyer who is my neighbour here in Nairobi. He was unwell, he was never taken to hospital by anybody, and he just dropped dead after seven days of being sick.

Who do we want to blame? If I am not feeling well, I do not even extend myself to go to hospital--- It was a painful death, because that is somebody that I saw grow. He was a neighbour for over 30 years, only for him to die a young lawyer and leave behind a young wife who had just given birth to a one-week old baby.

We cannot blame anybody. I do not agree with Sen. Malalah on the point of asking the national Government to take over the medical facilities at the county level. We want to empower our counties. Governors should not be parading as small presidents in our counties but do their work.

Funerals are back to normal. Everything is as usual. So, who is going to help Kenya? Who is going to help the world? It is like wearing a mask is a big problem. Nobody wants to wear these masks and you wonder why. We have been told to wash our hands, keep distance and wear masks. I am not saying that it cannot get to me, but it will be hard for it to get me because I am following all the instructions.

We should also tell our people to follow all the instructions. We should have *barazas* to let our people know that COVID-19 is here. It has not gone. Even if we gave the hospitals the best facilities, we do not take ourselves to the hospital when we are sick. This should not be a blame game, but a matter of responsibility for every one of us. COVID-19 is real, it is killing people, it is going to kill people, and it is very unfortunate.

Therefore, as we deliberate on this issue, we should also be doing soul searching to find out the real cause of the spread of COVID-19 in this nation. It is not about the facilities, but ourselves. The facilities have a part in it, but the main problem that we have is ourselves as Kenyans. We do not listen. Some of us have young children, we go partying out there, taking beer and going back to our homes with these young children. What do you expect?

Mr. Temporary Speaker, Sir, let us be responsible and tell everyone that we need to be serious with COVID-19, because if we are not serious, this thing will kill all of us.

I thank you.

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

Sen. (Dr.) Ali: Thank you, Mr. Temporary Speaker, Sir. I thank Sen. Malalah for coming up with this Statement. Things are very bad in this country. If I call Kenyans jokers, I do not think that I have made a mistake. Even after all these deaths, if you walk in town and ask people why they are not wearing masks, they will tell you, ‘*Hakuna COVID-19.*’

People have a right to do that, because if you see how our political leaders behave, then you cannot say that these people are wrong. We are having rallies after rallies, where thousands and thousands of innocent *wananchi* are interacting without masks. People are dying in every county in this country. Several people have died in my county so far. We do not even know the count, because when somebody becomes seriously ill, there is nowhere to keep them. They are all brought to Nairobi and they die here after being taken to very expensive hospitals. People then have to revert to doing *harambees* to pay those expenses.

People are talking about 300 beds. In my county, there are no beds. There are about two beds that are not functional. If you check the results of the Ministry of Health when they went there, the biggest, so called, referral hospital has nothing in place.

When you go to Wajir, nobody even bothers. People just hug you. You cannot even refuse to greet them. When you go to these rural areas, everybody will come and greet you. If you try to say, “*Tuna COVID-19*”, they say, “*Usituletee uwoga wako.*”

Mr. Temporary Speaker, Sir, these are very serious issues. As the leadership, it is upon us to also play our role. We do not have to just blame others. Governors are not performing, and we know that. They ‘eat’ the little money that they are given so fast that you do not even know where it disappeared to. When you go to the hospitals and ask people about this, even allowances are not given to the health staff, everything else aside. What do you expect? How will people survive in situations like this?

What is happening at the national level? We know about the Kenya Medial Supplies Agency (KEMSA), and we know what is happening in the Ministry of Health. Things are crazy everywhere, so you cannot only talk about counties. The whole country is in problems. This issue of corruption is killing us. Until we change our attitudes and the way we do things in this country, I do not know what is going to happen to us.

The other issue is that children are still in school. The President is asking people to do the right thing, but who is listening? Nobody. Governors were meeting with the President today and they said that there should be a lockdown, when they have failed to perform. Kenyans are going to die of hunger as well. I think that we should urge our people to try and follow the protocols. We, as the leadership and the political class, must make sure that we also follow these protocols.

Health workers are dying everywhere *en masse* because they do not have Personal Protective Equipment (PPEs). They are not given sanitizers, and there are no proper equipment to use in the health facilities. These health workers have to work with the people. They have to help these sick people. They cannot just say that they do not have this and that, and so, we will not do this. They have to do what they need to do.

I urge the county governments, that instead of stealing all the money they are given--- The national Government should also make sure that they do proper checkups and make a follow up of whatever money they give to the counties. They should also not use all the money for tea and press conferences. We do not want to see people talking about the number of COVID-19 cases every day. We want action. This is the most important thing in this country.

I support this Statement.

Sen. Cherargei: Thank you, Mr. Temporary Speaker, Sir. I concur with the Statement by Sen. Malalah. I rarely agree with what he says, but on this one, we are on the same *WhatsApp* group.

I thank him because the continuing spike of COVID19 pandemic across the country is sad. We have seen occasions, even in my county--- For example, in Nandi, Kshs180 million was allocated at the beginning of this pandemic in March, this year. Even one litre of sanitizer or a single mask has not been provided by the county government, yet, when the County Executive Committee (CEC) Member was summoned by Nandi County Assembly, most the things that were bought to contain the fight against the COVID-19 pandemic in the county of Nandi were overpriced.

It is sad that in one occasion airtime was allocated up to Kshs350,000. One wonders why such an amount would be allocated for airtime. I did not know that airtime could fight COVID-19, but it is being used to fight COVID-19 when one comes to Nandi.

These are some of the issues that we need to critique. I agree that the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations(DCI) should be invited into the fight against this pandemic.

Mr. Temporary Speaker, Sir, yesterday, we heard the Cabinet Secretary for Health, Hon. Kagwe, talk about vaccine research. I think the WHO and the Kenyan Government and Kenya Medical Research Institute (KEMRI) must agree on the progress of this vaccine research, where he indicated that we are making good progress. In the interest of the county and the health sector, the CS in charge of Health should guide the country and indicate how far we are in the research of finding a vaccine. I know that this has not been conclusive, having been brought about by the WHO.

Most of the hardest hit people are the health staff. As my colleagues have indicated, most of the people who are suffering with COVID-19 infection across the country are health staff. They do not have Personal Protective Equipment (PPEs). As we talk, it is so sad that the President announced at the beginning of containment measures that health workers would be given risk allowance. To date, we find health workers going public, addressing the Press and threatening to down tools not only here in Nairobi City County, but also other counties. They are only begging for risk allowance.

We are not giving them PPEs, risk allowance and a good environment on how to fight this invisible enemy. I think as a county we need to get serious. We had announced that the risk allowance should be given to health staff in this country. They are now dying. When one goes to villages, even in Nandi, people are just dying suddenly, as my colleague has said, because of this unseen enemy.

Even as the containment measures are being talked about, the health staff, such as nurses and the people who are at the frontline are still begging for risk allowance like

beggars, yet the country and the President had indicated that they would be given risk allowance and provided with PPEs.

As we talk, we have always seen the Kenya National Union of Nurses, Kenya Medical Practitioners and Dental Workers Union (KMPDU) that fight for the rights of health workers are still on their knees begging for something, as if it is a privilege, yet it is a right.

When we look at Article 43 of the Constitution, health is a right and not a privilege. Even in the ongoing presidential elections in the United States (US), one of the key determinants that has decided the election is how the current president has handled the COVID-19 pandemic in that area.

On the economic impact, the movement today has indicated that it is not closing the economy as part of the containment measures. I think the economy has received a very harsh beating because of this pandemic. It shocks me that the Governor of Kakamega was ranked among the best by the just released Infrotrack research. I do not know what Ms. Ambitho looks at, unless they reward incompetence. If Infrotrack is rewarding incompetence, then Gov. Oparanya must be doing very well up there.

We need to be honest because when we hear some of the governors asking for lockdowns--- Thank God we have the Moi Teaching and Referral Hospital which has an Intensive Care Unit (ICU). In Nandi County the ICU beds are only seen in newspapers and are discussed in hushed tones. No one has even used those ICU beds, yet at the beginning of this, the Council of Governors(CoG) and Governors were shouting themselves hoarse by saying they were ready to fight the pandemic and that they had ICU beds.

I am aware of a county in the North Eastern where they went and leased ICU beds when the Ministry of health officials were going to visit the county. When the CS and his entourage left, they returned them to the private hospital. You can see how low we have sunk, and the governors must be called out. I heard them saying that we need to lockdown counties. They do not have any other imaginative way of fighting pandemic in this country.

Mr. Temporary Speaker, Sir, the President has just announced the containment. He mentioned the issue of people 58 years and above working remotely, unless they offer critical services. He also mentioned about the issue of learners in Grade 4 and Class 8--- I agree that basic learning should resume in 2021.

I thank His Excellency, the Deputy President because yesterday, out of his wisdom, he decided to suspend any public rallies and gathering until the pandemic is contained. The President has also suspended political rallies for the next 60 days. It looks as if the “Reggae” has been stopped with one touch. When one wants to do a meeting, they must have strict guidelines.

One of the reasons for the surge of the pandemic is public gatherings. Banning them for 60 days, up to January, 2021, is wise. I hope that our colleagues in politics will adhere to these rules that the President has announced.

I think pushing the curfew to 10.00 p.m. until 4.00 a.m. and closing of bars and restaurant by 9.00pm. is timely. I know that the wives and girlfriends in this country are very excited. I think the people who will be disappointed are “*mpango wa kando*”. It will

now mean that by 9.00 p.m. you are in your house. It is a win for the women in this country because people will not be joking, drinking alcohol and messing around. I think that has been what has encouraged the spike and spread of COVID-19 in this country.

We urge Kenyans to follow the Ministry of Health protocols. I have seen the CoG say: “No mask, no service”. We agreed that there should be proper containment measures in this country. Many young people thought that COVID-19 would only kill the old people above 58 years. We have seen even young people dropping dead. We have seen even children as young as a month being infected. We call upon Kenyans to follow the Ministry of Health protocols; social distance and wear masks in public.

We passed the regulations that if one is found in a public place without a mask, they must be fined. We need to make Kenyans disciplined. Colleagues will tell you that when you go to the villages across the counties, funerals are on the full fledge. Everything has returned to normal. There are baby showers, birthdays, wedding and many others have gone to normalcy.

We need to restrict ourselves. For examples, on funerals, the Government should reduce it to close family members. We are not as westernized as to allow only 15 persons in a funeral. They should at least make it not more than 100, but not less than 50 for a funeral function across the country. For weddings, it can be made 10 or 15. Kenyans have a habit of doing *WhatsApp* fundraisings. It is now making life cheaper because we have a few things in terms of the cost.

The Government should come hard on social gatherings such as weddings, funeral and others, so that we can contain the spread of this disease. I hope that our colleagues, whether one is promoting BBI or not, will be able to adhere the 60 days that we have.

Finally, we urge governors to be creative by all means on how to fight COVID-19 pandemic in this era. We have seen secondary schools like Kolanya Boys High School in Busia where 52 students have tested positive. We should relook---I am happy the Chair of the Committee on Education, Sen. (Dr.) Milgo, is in the House. We should also have a pragmatic way on how to protect our children who are in Grade 4 up to Class 8, those who are in Form 4 and those who are doing their university examination. The Committee on Education should provide this country with measures that can be put in place to ensure our children are in a safer environment.

Even as we head to the festive season, you might host us in the course of this month for some ceremony. We hope we will be able to social distance and enjoy the ceremony without threatening the Ministry of Health protocols.

I thank you.

Sen. Farhiya: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I wish to thank Sen. Malalah for bringing this Statement.

Mr. Temporary Speaker, Sir, this pandemic is real and is finishing our people. What is more important is that because of the economic impact of this, people’s nutritional levels have gone down. As a result, other opportunistic diseases can kill people more easily than COVID-19 itself. Because of the economic impact, Kenyans cannot afford their meals.

In July 2020, my Senator brought a Statement about a senior employee of Wajir County Health who succumbed to COVID-19 because there was no enough oxygen in

that county. I understand there are ventilator machines, but there is no oxygen in the county. Which is cheaper? A ventilator machine or an oxygen cylinder? There are some critical questions that we need to ask ourselves that need responses.

In my own county, the COVID-19 fund that was allocated to Wajir County, 98 per cent of that fund was spent within three months after receiving the funds. Where did that money go? It hurts me so much to say that the people who are responsible to make sure there is accountability in this country are failing their job. The Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigation (DCI) are the kind of agencies we should reign over to find out what happened.

When the Office of the Auditor-General was doing the special audit on Kenya Medical Supplies Authority (KEMSA), they should have extended that audit to all counties in terms of the COVID-19 fund. They should have not only have done a normal audit, but a forensic audit, so that they could trace what happened to the funds.

Mr. Temporary Speaker, Sir, in this country, we will not die of COVID-19. We will die more from the impact of corruption in this country. This is an issue that we need to address.

Mr. Temporary Speaker, Sir, the Cabinet Secretary of Health has said there will be no intercounty transfer of patients from one county to another. This is a special message to our Members of County Assemblies (MCAs). If you do not do a proper oversight and contract COVID-19 while you are in your county, you will be on your own. Do not even think about all the people you represent. Think about yourself. This is going to affect you.

My plea to our MCAs, please, make sure that your oversight on COVID-19 is extended. Make sure that when you are looking at the budgets---I am sure most of the counties will do a supplementary budget given that the disbursement of money to counties delayed. Make sure that whatever fund that is allocated to COVID-19 goes to COVID-19 and not any other project.

Mr. Temporary Speaker, Sir, on the emergency funds that counties have, instead of giving people money to respond to drought and other calamities, instead of using cash to pay people---Counties buy expired food to distribute to people who are already in a bad situation and are starving and have suffered the impact of COVID-19.

Mr. Temporary Speaker, Sir, this is appalling. In this century, we are still struggling with corruption. People who are supposed to take care of all these have failed.

Mr. Temporary Speaker, Sir, I did not get an opportunity to contribute to the State about National Hospital Insurance Fund (NHIF) cover. I had asked for it. That is critical for people to survive this COVID-19. It is part of the Government to help people. One of the directives we should have given when COVID-19 came, is that the NHIF should have been allocated much more, so that they can cover more people. People are struggling economically and when they go to hospital, NHIF does not cover them. Where do they go? As people who represent our constituents or our counties, I feel we are not doing enough because who is there to speak for these who are really suffering?

I thank our President for shortening the time of bars and restaurants. Truth be told, somebody who is drunk will never know how to social distance or how to take care of

himself. That is an area that we need to applaud His Excellency the President for ensuring that this happens.

Mr. Temporary Speaker, Sir, with those few remarks, I wish to support the Statement brought by Senator of Kakamega County.

I thank you.

Sen. (Dr.) Mwaura: Thank you very much, Mr. Temporary Speaker, Sir. I rise to support the Statement by Sen. Malalah. Today, we were going through County Public Accounts and Investments Committee (CPAIC) reports of the Kiambu County Assembly and we were very shocked to realize the irregularities that are happening in the county assemblies and the bodies that are supposed to be overseeing the various county governments.

For example, in Kiambu County, there are two clerks. One of them, it is not known how that person was recruited. Can you imagine! Two clerks! We were surprised to see some company called Malin that was paid Kshs1.5 million and about Kshs800, 000 was put in a suspense account and then paid to multiple banks.

This thuggery and stealing is very real. I do not know what we are going to do as a country. This is because to be very honest and sincere, our counties do not have capacity. When we say capacity, we do not mean people who have degrees and big titles. No. It is the tenacity and the propensity to continuously do something in a predictable manner.

We do not have institutions for devolution in this country. That is the truth. I know that we want to give more monies to counties. If monies are devolved, they will still find a way of transforming the landscape. This is because if they have misappropriated, people will build houses, they will also go to those private hospitals and pay people because they are more privileged and the public hospitals will be having a lot of hemorrhage.

Mr. Temporary Speaker, Sir, I am extremely saddened because if you ask Kenyans---I have just come from being with people at Githurai market. If you tell people to wear their masks, they do not want to listen to you. We were having a walk of some persons with disability who have walked for 40 kilometres from Nairobi to Witeithie in Thika in a fundraising for a school that helps the needy. People no longer care. People are already doing their normal businesses.

I would want to also- as Sen. Nyamunga said- to blame county governments. It is just the culture of impunity. The coincidence that when the monies from KEMSA were misappropriated, is also the time the numbers went down, also made people to become skeptical about this COVID-19. How comes when the monies were being embezzled is also when Corona cases were going down?

Right now people are saying, '*Huu pia ni mpango mwingine wa watu kukuliwa pesa.*' That is what people are saying.

When you look at the people who are dying, some of them are prominent. Sometimes I think as a country, we have this tendency of celebrating people who are more prominent than others. There are many others who are dying in the villages and nobody actually cares. Maybe until a Member of Parliament or a Senator falls dead, is when the country will wake up and listen. That has become our culture.

When you look at Kenyatta University Teaching and Referral Hospital, it is overwhelmed. Beds are actually full. I was the first in this country to declare that we had about 115 Intensive Care Units (ICU) beds by the time COVID-19 hit us. You could see Governor Oparanya and Cyrus Oguna, the Government Spokesperson, contradicting me. They wanted to show as if I was a liar and they were saying we have 300 ICU beds.

There is this nebulous statement that governors and the National Government are using called 'Isolation beds'. You keep on hearing of "Isolation beds". What is the difference between "Isolation beds", a normal hospital bed and a COVID-19 ICU bed?

The politics of 'tenderpreneurship' could not even have our county governments and the National Government procure ventilators from the students who made them in Kenyatta University, my former university. They must procure from outside, one ventilator costs Kshs5 million. So, you create some scarcity so that people can benefit from the gravy train.

Mr. Temporary Speaker, Sir, this is serious. At some point, this disease was seen to be a disease of colour. It was seen as a white man's disease. They celebrated and they said that we are going to die and be buried in gunny bags. Certainly, this second wave is more serious.

I saw China trying to prostitute itself by saying they have managed the COVID-19 better. They should be ashamed of themselves because it emanated from them. If there are containment measures, they should as a measure of public good, teach other countries to contain this pandemic because it started from Wuhan; it is a Wuhan disease.

It is also an indictment on our governance process and the whole issue of universal healthcare. What we should be asking ourselves is not to add another chapter in the book of lamentation, is to call to action.

In fact, the tenure for the Ad hoc Committee on COVID-19 should be extended. Yesterday, Sen. Kasanga gave a report that was tabled on 29th September, but I would ask that this Committee should continue because it is the only repository within the legislature that is looking into this matter on a day-to-day basis so that we can hear submissions of what is happening in the country.

One of the things that we need to ask ourselves is, in the ensuing period because we have had COVID-19 since March and this is November, what are the remedies? What are our research institutions such as the Kenya Medical Research Institute (KEMRI) doing? By now, we should be having some mitigation measures that assuage the effects of COVID-19.

However, I think since we are so used to getting opportunities and becoming "disasterpreneurs", everybody looked at how to siphon out masks. By the way, have you noticed that all of a sudden the price of masks has gone up again? Carrefour was selling a packet at Kshs500, now today morning it was Kshs1000. Those ones that we were buying in the streets at Kshs50, soon we will be buying them at Kshs100.

We are a country that has perfected the art of benefiting from other people's miseries. It happened with the maize scandal, the National Youth Service (NYS) and the Anglo-leasing and we need to ask ourselves when this haemorrhage, seepage and leakage of public resources will stop.

We have passed legislations here and so it is not a question of legislation. We worked on disaster risk reduction legislation here since the time I was in the 11th Parliament with Sen. Mutula Kilonzo Jnr., Sen. Sakaja and others, yet this is a disaster that cannot be contained because by the end of the day people do not care about regulations and procurement rules as provided for in Article 227 of the Constitution.

What is most important is to amplify what is happening on the ground so that people can benefit. How do you explain what we have just been told by Sen. Wetangula here that somebody can go and take facilities from a private hospital like the case we saw in Isiolo where a whole governor went and took facilities from a private hospital, took photos, posted them and started saying that that is a public hospital.

There was a funny story when the buzzword was for investors in the counties and investment conference. One governor, who I will not name, went to Oshwal Academy in Westlands and postured with some students who had gone for HIV testing, and said that he had just met investors in Nairobi. This is the theatre of the absurd. We need to look at ourselves in the mirror and ask ourselves: Do we really take ourselves seriously?

We do not even know how many people could have actually died of COVID-19. I know we are very keen to start our referendum and the Building Bridges Initiative campaigns and I am sure here, we could argue who is for or against. However, at the end of the day, as a country, we are facing a monumental challenge.

My fear is that the economy may collapse. If you look at our public debt ceiling, Sen. Farhiya, you can remember that it was Kshs6.1 trillion and it is now closing into Kshs7 trillion. We have spent a whole Kshs1 trillion in the last one year. We are going back to the IMF to borrow more. The gap there is about Kshs3 trillion.

You have expended Kshs1 trillion. You remember we took the ceiling to Kshs9 trillion. Our Gross Domestic Product (GDP) per capita is US \$98 billion, which is less than US \$100 billion. What does that mean? Soon we are going to exhaust that; we will actually be a net economy, negative.

The Kenya Revenue Authority (KRA) is always reporting the slowdown of the collection of monies. They have missed their target. They missed their last quarter target by Kshs40 billion and yet, the government is going on with business as usual. We have not seen a lot of fiscal consolidation and budgetary restructuring that will enable us to have enough fiscal space to avert this pandemic. This Parliament ceded about Kshs2 billion. What is the net effect of that?

Mr. Temporary Speaker, Sir, we need to wake up and smell the coffee. If this pandemic continues for the next six months, I do not think we will have an economy to talk about. Even the Kshs50 billion that we said that we are going to devolve, where will it be gotten from?

Let us give more time to the Ad hoc Committee on COVID-19. As the Senate, we need to have a *Kamukunji* on this matter so that we can put our heads together, and in the same manner in which we gave the country direction when the National Assembly had gone to slumber and everybody feared to make comments, we gave the country direction. I think the Senate can still rise to the occasion and give a way forward.

I support and thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, as you can note, we have passed the Statement Hour.

Those Hon. Senators who would wish to contribute to this Statement by Sen. Malalah, should limit their contributions to three minutes.

Sen. Faki: Asante Bw. Spika wa Muda kwa kunipa fursa hii kuchangia taarifa ya Sen. Malalah kuhusiana na ugonjwa wa COVID-19.

Ni masikitiko makubwa kwamba nchi yetu imeendelea kuona mkurupuko wa visa zaidi vya COVID-19 vinavyosababisha vifo. Nikizungumzia Kaunti ya Mombasa ninapotoka, ni jambo la kusikitisha kuwa karibu kila siku kwa muda wa siku 10 nimekuwa nikishuhudia visa vya watu wanaofariki ambao wengine ni watu walio karibu na mimi.

Nikizungumzia wiki iliyopita, siku ya Jumamosi, diwani wa zamani wa eneo la Majengo anayeitwa Said Mathias alifariki. Bunge la Kaunti ya Mombasa limefungwa sasa kwa sababu kulipatikana visa nane vya maambukizi ya COVID-19. Watu wengine wengi wanazidi kuathirika na kuaga dunia kwa sababu ya COVID-19.

Huduma za afya pia zimeendelea kuzorota kwa sababu hospitali zote ikiwemo hospitali kuu ya Mkoa wa Pwani zimejaa wagonjwa wanaohusiana na Korona. Vifaa vya matibabu katika Kaunti ya Mombasa vimeathirika pakubwa kwa sababu madaktari pia wameathirika na ugonjwa. Wauguzi wanaohudumia wagonjwa wameathirika na ugonjwa huu. Kwa hivyo, hali imekuwa tete sana katika Kaunti ya Mombasa.

Bwana Spika wa Muda, hapo nyuma kidogo tuliweza kuteteleka na tukawacha kufuata yale maagiza ambayo yametolewa. Kwa mfano, tuliruhusu watu kukutana kiholela, kutembea mijini bila barakoa na kutotumia kitakasa.

Hivi Sasa, hali ambayo inatokea katika maeneo ya burudani na sehemu zingine ni kuwa watu wanaendelea kusongamana kwa wingi bila kuchukua tahadhari zozote. Ni masikitiko kwamba hali imekuwa hivi na hatuwezi kuendelea kulalamika kuhusu hali hii bila ya kuchukua hatua mwafaka.

Bw. Spika wa Muda, nimefurahi kwamba leo Rais ameweza kurejesha amri ya kutotoka nje kuanzia saa nne usiku hadi saa kumi alfajiri. Lakini hiyo haitoshi. Hii kwa sababu bila ya askari kuhakikisha kwamba maagizo ya amri ya kutotoka nje yanafuatiliwa itakuwa ni sawa na kumpigia mbuzi gitaa. Utapata kuona maeneo mengi ya burudani yanaendelea kutoa huduma kwa wananchi baaada ya masaa ya amri ya kutotoka nje na hakuna jambo lolote ambalo litafanyika.

Pia, tumeona kwamba kumekuwa na ulegevu katika vitengo vya huduma za afya. Kwa mfano, katika idara za afya ya umma hazijachukua hatua mwafaka za kuhakikisha kwamba wanaendelea kuwaelemisha wananchi maswala ya huduma ambazo zinatakikana kufanyika ili kuhakikisha kwamba mtu hawezi kupata Korona. Tungeweza kurudi hapo katika idara za afya za umma ili wahakikishe kwamba wananchi wanajulishwa. Zile sehemu ambazo watu wameathirika na ugonjwa huu waweze kutiliwa maanani zaidi ili kuhakikisha kwamba mkurupuko huu hauwezi kuendelea.

Bw. Spika wa Muda, kuna dawa ambazo zinaweza kutumika. Si tiba lakini zinawezakutumika kwa wale ambao wameweza kupata maambukizi lakini hawajaonyesha ishara za ugonjwa. Hii pia ingeweza kusesitizwa ili kuhakikisha kwamba wale ambao wameamua kujihudumia nyumbani---

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

Sen. Halake: Thank you very much, Mr. Temporary Speaker, Sir. It is with great sadness and sorrow that I contribute to this Statement. However, I would like to congratulate Sen. Malalah for bringing this up because this is not just a matter in Kakamega County, the Western region or the populous regions. However, it is a matter that is also affecting far-flung areas such as Isiolo County and even I am sure I am your county, Mr. Temporary Speaker, Sir, we have to blame somebody. When somebody turns up as county government or governors or health practitioners and takes responsibility and asks for leadership, they must then deliver on that.

I was just looking at what my county which is led by a medical doctor who is the Chairperson of the Committee of Health of the COG. He has been said to have hired hospital beds in Isiolo County. I know Sen. Malalah mentioned the looming health crisis in Kakamega County. For us, it is not looming. It has been there in Isiolo. Sen. Malalah spoke of a deplorable situation and deterioration. We did not even get to a point where we prepared enough.

Mr. Temporary Speaker, Sir, when I looked at what was promised even under the Universal Health Care (UHC), Isiolo County has been one of the very lucky counties. We have been a pilot county for UHC. We have been recipient of lots of dollars from the US Government and other partners because of the centrality, diversity and all other issues that afflicts us. We were promised just under the UHC alone improved access to healthcare by equipping and staffing new and existing facilities, eradicating corruption and modernizing healthcare. We were promised to create equipment and a facelift of Isiolo Referral Hospital. However, none of that exists.

Mr. Temporary Speaker, Sir, just a few days ago, we have been losing a lot of people. We lost a nurse of Isiolo Hospital for lack of Intensive Care unit (ICU) bed. When we raised these issues and we visited as the *ad hoc* Committee on the COVID-19 Situation in Kenya, we were accused of witch-hunting the governor.

Sen. Madzayo: Kwa hoja ya nidhamu, Bw. Spika wa Muda.

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Madzayo?

Sen. Madzayo: Asante, Bwana Spika wa Muda kwa kunipa fursa hii. Ikiwa tuko kipaumbele kuongea habari ya mambo ya korona, ni lazima Bunge hili lenyewe liwezekutimiza hizo sheria za Korona.

Nikasisitiza habari ya utamaduni tukasema kwamba Bunge lazima lichukue mkondo wa mbele kwa mambo ya utamaduni. Tukija upande wa Wabunge na Korona, unaweza kuona barakoa hii ambao nimeishika kwa mkono wangu wa kushoto ni ile ambao tulinunua nje kwa shilingi mia moja. Lakini kuna uzembe unaendelea hapa ndani ya Bunge. Barakoa hizi ni bandia. Hata barakoa zinazovaliwa na makarani wetu ni bandia. Ni vitambara ambavyo vimetengenezwa kule River Road na viweze kuzuia usambasaji wa Korona. Bei yake ni chini mno na inaashiria ubandia wake. Sisi kama Bunge hatuchukulii ugonjwa huu kwa umakinifu sana. Barakoa hizi haziwezi kufananishwa na barakoa ya N95.

Bw. Spika wa Muda, haya ni madharau ya hali ya juu. Sisi ni Wabunge na waheshimiwa wa kitaifa. Barakoa hizi zinaweza kusababisha kuenea kwa ugonjwa huu na waheshimiwa wengi hapa Bungeni kufa. Jambo hili lichukuliwa kwa umakinifu kwa

sababu waheshimiwa Wabunge wanaweza kufa. Kwa mfano, Sen. (Dr.) Milgo, Sen. Farhiya, dadangu, Sen. Halake na wengine wengi wanaweza kufa tukichukulia ugonjwa huu kwa mzaha. Sisi sote tunaweza kufa kiholela.

Tumendanywa kutumia hizi za Bunge ambazo ni bandia. Tumenunua kutoka nje na tumetumia kwa siku mzima, tunataka tupumue hewa safi. Tunataka kugeuza. Sasa hatuwezi kugeuza kwa sababu hizi barakoa tulizo nazo afadhali hizi kuliko zile ambazo hata hazina maana yeyoye na zimenunuliwa na Bunge letu.

Bwana Spika wa Muda, asante sana kwa kuniruhusu kuongea kupitia hoja ya nidhamu.

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators!

Sen. Madzayo, what was out of order on the contributions of Sen. Halake? We have noted your concerns.

Sen. Halake, proceed with your contributions.

Sen. Halake: Thank you, Mr. Temporary Speaker, Sir. I hope I will be added time.

As I said, it is with great sadness. Just about three days ago, we lost a very prominent and decent human being even though this is in addition to many people that we have lost in the recent past. In our county, we have lost our nurses. We have lost so many innocent lives in the County of Isiolo which has been touted. I would like to repeat what Sen. Wetangula has said, our governors are showing off on televisions, bragging and gloating about how they have managed and that they are prepared, but that does not exist on the ground.

Mr. Temporary Speaker, Sir, just two days ago, in addition to the many and may their souls rest in peace, we lost Mr. Abdi Boru. He was a very good friend, a father, a brother and somebody that the county really valued and had worked in that county in the conservation sector for many years. He died on route to Nairobi in Nyeri. If indeed Isiolo County has facilities, why would somebody who works for that county be dying en route to Nairobi? It is sad. It is unacceptable and deplorable. Our county governments have blood on their hands. We condemn that.

Mr. Temporary Speaker, Sir, when the Ad-Hoc Committee on COVID-19 Situation in Kenya visited Isiolo County and witnessed what human rights defenders told us were hired beds, we were told by county officials that we are witch-hunting the governor and that some of us want to be governors. This kind of impunity from our county governments need to stop especially those that understand what health indicators are and those who are health practitioners. It is sad, unacceptable and something has to be done. This House is supposed to be overseeing county governments. It is about time that we stopped lamenting and flexed muscle so that our governors know.

We need to take individual responsibility as we have been told by CS Kagwe because nobody has our backs. I would like to pass my deep condolences to our friend Abdi who passed on while trying to access facilities outside of Isiolo County but did not make it. Mr. Abdi is not alone; he is representing others who have died trying to get

access to facilities in Nairobi. The death of Mr. Abdi is more painful to his family but the people of Isiolo county constitute his extended family. We have lost somebody very dear to us who had provided leadership---

(The microphone went off)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Your time is up Sen. Halake. Kindly proceed, Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Mr. Temporary Speaker, Sir, if Sen. Madzayo had not left, I would have asked whether it is in order to bring a used mask before the House. However, it is unfortunate that he left the House immediately so I hope that mask is not used.

I thank you for giving me the chance to support this statement. The COVID-19 pandemic has been with us for over seven months now and the lack of preparedness across the counties is wanting. People have gone back to our former practices of being complacent. It is unfortunate that a figure of more than Kshs5 billion was sent to counties to help in the fight against COVID-19 yet they are unable to account for that money. We focused on KEMSA and forgot that a figure of Kshs5 billion had been given to counties but they are unable to account for that money.

Mr. Temporary Speaker, Sir, Sen. Cherargei mentioned a county in North Eastern but he forgot that there is a county in the larger Rift Valley where officials from the Ministry of Health were supposed to inspect and they spent time throughout the night ferrying beds and medical equipment to the purported health centre that was to be inspected. The National Intelligent Service (NIS) established that move and that mission aborted.

It is quite unfortunate that to date, there are no ICU beds to cater for the COVID-19 patients. Many front line health workers still have a challenge in accessing PPEs. The front line health workers in many counties have threatened to go on strike for lack of PPEs, delayed salaries and other deplorable conditions. The conditions highlighted by Sen. Malalah do not only affect Kakamega County alone. It has affected people right across the counties. Bomet County has a lost a person who was a CEC in Kakamega County. That person was a sole bread winner---

(The microphone went off)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Your time is up Sen. (Dr.) Milgo. Kindly proceed, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Mr. Temporary Speaker, Sir, I rise to support the statement by Sen. Malala. Much has been said by my colleagues. The status of COVID-19 in our country is serious. The COVID-19 is real and we have lost many people in all the counties. Health facilities in my county and many other counties do not have ICU beds or ventilators. Many people have succumbed on the way to Nairobi when coming to seek advanced health care. There is need for us to urge the county governments to take COVID-19 seriously.

I am glad to be seated next to the Chairperson of the Committee on Education. I would like to inform her that parents can no longer trust the Ministry of Education because the CS keeps on changing his statements. Our President has declared this afternoon that schools should remain open. However, how sure are we that the schools will observe all the laid down protocols against COVID-19 to ensure the safety of our children? Is it possible for the Ministries of Education and Health to work together and ensure that children who are back in school are safe and well protected?

Mr. Temporary Speaker, Sir, Parliament has lost a few members of staff. Are we safe enough to continue having sitting normally? It is four right to give service to the nation but if many of our staff are in hospital while some have died, there is need for us to stress on the protection of staff members of Parliament. Our President has given measures that have to be observed starting today. The 9.00 p.m. to 4.00 a.m. curfew is good but Kenyans have proved to be very irresponsible. Many Kenyans are blaming politicians and other leaders but I would like to remind them that---

(The microphone went off)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Your time is u Sen. (Rev.) Waqo. Kindly proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: I thank you very much for giving me the opportunity to give a comment on the statement by Sen. Malalah. The COVID-19 pandemic has not affected Kakamega County but all the 47 counties. The fact that people are dying in counties as a result of COVID-19 is not reason enough to say that county hospitals should now be taken over by the National Government. People are dying of COVID-19. There is therefore need to ensure that some money is committed for the purpose of buying COVID-19 PPE.

I personally went to Kakamega County and donated a lot of face masks to people in my area of Lugari. However, I realized that even if you donate masks, people keep them in the pockets instead of wearing them. There is need for us to engage health workers in the counties to raise awareness. County Governments should bring health workers on board who can go door to door sensitizing people on the COVID-19 to ensure that people get the message right. Sometimes people ignore messages from county governments. Kakamega County has had a lot of plusses with regards to roads and health centres. The few selected health centres that have been brought on the Floor of the Senate is not reason enough to state that the County government of Kakamega should surrender their county hospital to the National Government. That statement is not well meaning because health is a devolved function.

We have to ensure that health function is fully devolved so that the common man can receives services at the grassroots level. Our mandate as a Senate is to ensure that there is service delivery to *wananchi* by improving county hospitals so that *mwananchi* can access them. If we allow national Government to control health sector in this country, we will be abdicating our roles as Senators. Our mandated to protect the interest of the county governments---

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

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

The Temporary Speaker (Sen. Pareno): Sen. M. Kajwang', you have the Floor.

Sen. M. Kajwang': Madam Temporary Speaker, as I comment on this Statement by Sen. Malalah, allow me to mourn with those families that have lost loved ones in the midst of the COVID-19 pandemic; not just in Kenya, but across the globe. If we are honest with each other, this virus is in our midst. It is in Parliament and all over in our communities.

It is only that the stigma associated with it does not allow us to come out openly. It is not just the stigma, but the process of managing an infection, particularly for those people who live in informal settlements that keep them away from full disclosure thereby making them super spreaders of the disease.

This disease has taught us how helpless and how clueless humanity is. The confusion of our national Government added to the cluelessness of our county governments is a source and sense of embarrassment. The only saving grace is that when you look at stronger economies, we are seeing a similar state of cluelessness and confusion. We must thank God because the fact that you are alive today and have not died out of COVID-19, is not because we are stronger or more intelligent as an African, but by the grace of God.

If you are going to lose 10,000 or 5,000 people per day as we are seeing in other countries, we would be having the worst crisis that African economies have ever had. It sometimes makes us believe that there is God in heaven who watches over the weak, particularly the African countries, because we do not have the means to take care of ourselves in this pandemic. Governments have tried, at federal level, national level and sub-national level. The call to centralize health service provision in counties goes against the grain of devolution. This House stood firmly opposing the transfer of functions from Nairobi City County to Nairobi Metropolitan Service.

The recentralization of health service delivery is not going to be a solution. The only recentralization I would support is on human resource management. That is why in the Building Bridges Initiative (BBI) we are talking of a Health Service Commission. However, we must further decentralize issues to do with procurement. There is no reason why procurement of pharmaceuticals and health products should be sitting at the Kenya Medical Supplies Authority (KEMSA). These are some of the problems facing county governments which are making them unable to deliver to the citizens.

In as much as we need to deal with this issue, let us strengthen our county governments. Let us give them resources on time, leeway to do procurement and the necessary human resource so that they can respond appropriately.

Finally, it is important that as we reflect on these matters, we join other Kenyans in observing---

The Temporary Speaker (Sen. Pareno): Your time is up. No more interventions as far as that Statement is concerned. We, therefore, move to Statements pursuant to Standing Order No.51(1)(b). The Chairperson Standing Committee on Tourism, Trade

and Industrialization to make a Statement relating to the activities of the Committee. The Chairperson is not there and we defer the Statement.

ACTIVITIES OF THE COMMITTEE ON TOURISM, TRADE
AND INDUSTRIALIZATION

(Statement deferred)

MOTIONS

ADOPTION OF THE NINTH PROGRESS REPORT OF THE AD-HOC
COMMITTEE ON THE COVID-19 SITUATION IN KENYA

THAT, the Senate adopts the Ninth Progress Report of the Ad-Hoc Committee on the COVID-19 Situation in Kenya, laid on the table of the Senate on Tuesday, 29th September, 2020.

(Sen. Kasanga on 3.11.2020)

(Resumption of debate interrupted on 3.11.2020)

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Musuruve, I am informed that you had a balance of 15 minutes.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I thank you for giving me this chance to comment on the Report by the Chairperson of the *ad hoc* Committee on Covid-19. The Chairperson elaborated on the workings of the Committee concerning the impact of health in various places they went and interrogated.

Even as the Committee concludes its report, it should not be conclusive without touching on the impact of COVID-19 on education. Education is a social economic right, which cannot wait. We cannot talk matters health and fail to touch on it. When we look at education and health, they fall under Article 43 of the Constitution that talks about socio-economic rights.

Education and health are twin sisters. When we take children to school, we endeavor that they will be healthy, safe and secure. This issue of COVID-19 and education was not touched. Schools have opened and there is evidence that children are going to school, especially children from low backgrounds. They are going to school without masks and some schools do not have running water.

Water is also a socio-economic right in Article 43 of the Constitution. Health is one of the Big Four Agenda. Even though the Committee has finished its work, it is incomplete because we must touch on the issue of education and COVID-19 impact on education. Education is an essential, without which as a country, we will lag behind.

Senators have talked about county governments and the impact of COVID-19 on health. We need also to assess the impact of COVID-19 in education sector. What are county governments doing about it? I have evidence since I was in the counties recently

where I visited schools. It was painful to watch children go to school without masks while others had improvised masks; using handkerchiefs to cover their mouths not their noses.

There is ignorance in the counties concerning preventive measures. There is need for county governments to ensure that in the county budget, they have an emergency fund. The fund should be for the purpose of preparing children going to school, buying masks and ensuring there is running water.

It is unfortunate that water is a devolved function while many schools do not have water. I was talking to the Chairperson, Committee on Education expressing my disappointment and anguish. There are so many schools in my county without running water. We cannot talk about COVID-19 and fail to talk about water. Children are interactive and you cannot stop them.

If they do so without wearing masks, not washing their hands using soap, they will get COVID-19. They will infect their teachers, who will then infect their families and significant others. This is an issue that should be handled candidly.

There is need to have an *ad hoc* Committee that investigates what is going on in the counties with regard to education, so that we save our children and education goes on. If we decide to play the ostrich, then so many wrongs are going to happen. Many teachers and children will die. As a country, if we do not give the baton to our children, then we are not doing well. If we do not take the issue of COVID-19 and education seriously, we will not have children or leaders to pass the baton to.

There is need for us to see how we can interrogate this issue of COVID-19. The Chairperson of the Committee on Education is here. He should pursue this matter. If a proposition can be put on the Floor of the House that we have an *ad hoc* Committee to investigate the issue of COVID-19 and its impact on education, it will be good for us. It has been clear from the Senators who have spoken on the Floor of the House, that since children are not going to school, many girls are being impregnated and put in early parenthood. Others are finding themselves in a situation where they are getting married not because they want, but because they find themselves in hopeless situations.

Madam Temporary Speaker, schools cannot wait. We have to look for a mechanism of ensuring that we are availing education to our children. We should ensure that the county governments are held accountable, so that they provide water because they have a budget. Every year, we release money to the counties because we want service delivery to *wananchi*. As the Senate, it is our mandate to ensure that the money that goes to the county is benefitting *mwananchi*. If there is no running water in the counties then we are not doing well as a country.

In the schools that I visited, I found there was no running water. I tried to engage the county government who were slow to act. They did not seem to see the priority that I was seeing as a Senator. We must ensure that governors give an account of the COVID-19 measures they have taken in the county governments. In some schools, you will be surprised that there is no furniture or toilets, yet Early Childhood Development Centres (ECDC) are a function of the county governments.

There is need for governors to utilize money appropriated in this House and disbursed to the counties in a prudent way, so that Kenyans can feel that they matter and

we are keen about them. When talking matters health, it also touches schools. There is need for children to be fed. In some schools, you will be surprised that they do not have a feeding programme for their children, even those in ECDs.

There is need for governors to ensure that they are setting money aside to ensure that there is a feeding programme in all schools, so that disadvantaged children will get meals in schools because nutrition is important. The *ad hoc* Committee on the COVID-19 situation should have looked at how food is provided in schools with regard to helping children who come from vulnerable and disadvantaged families to cope with education.

Madam Temporary Speaker, I will not fail to talk about children with disabilities who are prone and more at risk of getting COVID-19. Most county governments do not have a plan of how they can help children with disabilities. Even when schools are opening what runs in my mind is what county governments are doing about children with disabilities. Are they going to school or not? Are they making a follow up on them or not? There is need for the county governments to ensure that they are keen about the vulnerable.

I remember in a school I went at some point, there was no IAK centre, without which it becomes difficult to place a child with disability in a school. Children with disabilities deserve to be in a school, get nutrition and have functional skills. It is painful that in special schools county governments are not providing masks. Likewise, the national Government is not providing masks. It should be a collaborative venture to ensure that education goes on.

Thank you, Madam Temporary Speaker for giving me this opportunity. I support the Report and recommend the formation of another *ad hoc* Committee to be formed to follow matters education.

The Temporary Speaker (Sen. Pareno): Sen. M. Kajwang', proceed.

Sen. M. Kajwang': Madam Temporary Speaker, I rise to support the Report of the *ad hoc* Committee on the COVID-19 Situation in Kenya that we established on 31st March, 2020, that we gave 13 specific terms of reference. At the time of establishment of this Committee, the whole world was coming to terms with the new virus and the pandemic with its devastating effects. You do recall that around 13th March, 2020, the country went to a lockdown because of the alarming increase in numbers, owing to the COVID-19.

Seven months later, just this afternoon, the Head of State has addressed the nation and expressed grave concerns that the measures put in place seven months ago seem not to be bearing fruit. The policy directives that had been given; the restrictions and behavioural advisories that the Head of State and all government agencies have been issuing, the citizens are not heeding them, and the situation is not getting any better.

On 31st March, 2020 when this Committee was established, we barely had any death cases being reported, but today 1,039 Kenyans have died from COVID-19. Globally, 1.2 million people have died. Leave alone those who have been infected, in Kenya we have 57,000 infections. That is in the context of very low testing. Every day when the Cabinet Secretary (CS) for Health tells us the numbers that have been testing, you get statistics like 5,000 people tested out of which 700 were found to be positive. We

must scale up testing if we are going to tell the true story and paint the right picture of the COVID-19 situation in this country.

Globally, 47.5 million people have been infected, the global economy is in recession and the entire world is in shock. Nobody seems to have understood what has hit us. Far greater economies are shutting down again. They shut down in March when we had the first wave, and just this week, we have had the United Kingdom shutting down again. We have had Germany, Spain and Italy shutting down. We are sure that the United States, once they are done with the elections, they will go back to the key issue and the elephant in the room, which is the COVID-19 situation.

This Committee has been working in uncharted waters because they are dealing with a situation that is fluid. Somebody described it as flying an aeroplane and building it at the same time. Every day we send them out to carry out an investigation, they are dealing with things that are unprecedented and issues that do not have ready answers; issues that nobody else in the world is able to deal with.

Seven months down the line, there are several lessons we have learned, which have been laid out in the report of the Committee. I know that we are discussing the Ninth Report of the Committee. One thing I was impressed about it is that in its report the Committee took a thematic approach. If you look at the Eighth Report, it did not just paint an entire story about COVID-19, but focused on issues to do with access to food, water and essential commodities. The Committee has helped this House to understand this pandemic. Out of the 13 terms of reference we had set out for them, they have reported consistently to them to ensure that they remain relevant.

There are certain crosscutting issues and observations that I wish to raise as I support the Report of this Committee.

Initially, as a legislature we focus of legislative interventions so we proposed the Pandemic Management Bill which generated a lot of excitement across the nation. You remember that tenants had an array of hope knowing that the Senate and Parliament would come to their rescue so that they will not be compelled to pay rent if their incomes were not guaranteed.

People who were holding credit in banking and financial institutions had the belief that Parliament was coming to their rescue. Unfortunately, due to the sibling rivalry between the two Houses the Pandemic Management Bill has not been processed with the speed that it required. There is no point coming up with a Pandemic Management Bill one year or two years later when pandemic has ceased to be and is now an epidemic. This was a golden moment for Parliament to act collectively to come up with a legislative framework that would shield the vulnerable in society.

There are countries that put a break on imposition of interest which was done through statute, not like in our situation where you are being told to go and negotiate with your bank manager. Your bank Manager will only listen to you if in the past three, four or five years, you have been paying faithfully. Your bank manager will want to look at your loss history, the client history and will not care whether you were retrenched last week or not.

I hope now that we are still in the throes of COVID-19 and the pandemic is still with us, this is an opportunity for us to give this nation the Pandemic Management Bill that will guide emergency interventions.

We have established emergency funds in all our county governments which are established for unforeseen circumstances and a pandemic would be one of those. Unfortunately, there need to be some legislative tightening so that we can empower counties to use that emergency funds or to establish other funds with speed to respond to pandemics. We agree that a fund for management of a pandemic cannot be established with the pace of the establishment of a Ward Development Fund. One is about life and death and the other is about efficiency of processes.

We have also had an opportunity to look at policy across various sectors. One of the areas I feel embarrassed as a Kenyan and legislator is when it comes to our pronouncements on education policy. Prior to the return of our children to schools for those of us whose children are in the public schools or the local system. Every single day, we had a Cabinet Secretary for Education who is a distinguished professor giving contradictory and conflicting information about education policy. It is extremely important that Cabinet Secretaries and heads of Government Ministries to listen to their technocrats.

We will be bringing questions to find out whether we have a national education board. This is the body which is supposed to advice the Cabinet Secretary on policy matters. It cannot be that the Cabinet Secretary depending on which side of the bed he has woken up on he decides the children are going back to school or not.

Even the current situation where we have our candidates and class four in school, it is untenable. I agree with stakeholders who believe that we should not sacrifice education, particularly the class eight and the secondary school students will not come back to school. I say this with a heavy heart knowing that I come from a fishing area where girls get lured to drop out of school because the men around them and there are many opportunities to make money. All they need to do is wake up early, go to the beach, receive a few *gogoros* of *omena* take it to the market where they will make a margin more lucrative than them staying in school. During this pandemic we have lost a lot of children. However, the pronouncements and the policy positions did not help, but created further confusion.

It has given us an opportunity to refine our policies around commerce. I am excited that COVID-19 has given electronic commerce the importance that it had failed to get in the past. Now everyone is doing deliveries online, payment has become cashless. We are seeing a lot of virtual meeting even in Parliament. Every dark cloud has a silver lining. On health, this is where we are learning the greatest lessons. Our level of preparedness in March was pathetic. Our level of preparedness seven months later is more pathetic than it was in the past. I listened to the Chairperson of the CoG today in the address at the Summit meeting where he said that all county governments have exhausted their bed capacity.

Madam Temporary Speaker, as the beginning of this pandemic, many counties, including mine had zero Intensive Care Unit (ICU) beds yet this House has been appropriating billions every year to go into the managed equipment scheme and to enable

the counties to improve their health facilities. Even today you will find counties reporting that they have got 300 bed isolation units, when you investigate you will find they have counted beds lying in dormitories of secondary and primary schools that have been shut down. What a great shame. If we can try to lie with a straight face to justify or score some *bonga* points politically. The reality is that many of our counties do not have more than 20 ICU beds and where they have, they are taken up.

It is not just the facilities but also the processes we have built. Today, if you went to a hospital, for example, the Jaramogi Oginga Teaching and Referral hospital and you have gone there with malaria you will first be subjected to a COVID-19 test whose results will come out in four days. You are lying in that hospital for four days awaiting COVID-19 result and you will die by the time COVID-19 results come back. Nobody is going to public hospitals because we have built certain processes and put in place bureaucracy that seem aimed at denying *wananchi* services. It seems that we are deliberately turning *wananchi* away because we know we do not have the capacity to manage COVID-19 in those institutions.

This is a moment for us to reflect on health policy. I am glad that there is a conversation going on. When it comes to health human resource, let us have a Health Service Commission. We have seen in my county the Health Committee came to intervene in a situation where county health workers have not been paid yet these are frontline workers. One person, a frontline worker in my county died of suspected COVID-19 condition. They put their necks on the line and yet we are not paying them. Sometimes you find the county assemblies defending the County Executive for not paying health workers. If someone should be the first in line when it comes to payment during this pandemic should be health service workers. In fact, we should put a covenant that Senators should not get their salaries until doctors have been paid because these are the most essential workers during this pandemic.

We must find a different way of managing our health service professionals. I do support the idea of establishing a health service commission that would provide a centralized pool and an opportunity for cross county transfers, monitoring and evaluation of the health, human resource sector. Procurement must be decentralized. We have seen the KEMSA heist.

Unfortunately, some of our friends in the political space are the ones who walk around to KEMSA with empty briefcases and come out with briefcases full of cash. This is a shame and we have had this habit of eating health funds from HIV/AIDS, malaria, Tuberculosis and now to COVID-19. Some of the richest men and women in this country made money in the 1980s and 1990s by establishing Non-Governmental Organizations (NGOs) that were meant to fight HIV/AIDS, Malaria and Tuberculosis using Gavi funds and funds from other global bodies. It is shameful to steal money meant to provide medication and services to the sick. That is a sure ticket to hell.

Madam Temporary Speaker, our economy has received the biggest beating in the last 12 years. We are in a recession. Our revenues are falling. Our debt is rising. Our gross Domestic Product (GDP) is contracting. We are soon not going to be a middle-income country. This is because a middle-income country is defined as one with a per capita GDP of \$2000 and above.

With a shrinking GDP, a shrinking economy, and a growing population, we are going back to a developing country, yet this was one of the promises that we set out in Vision 2030 that we want to be a new industrializing middle income economy. COVID-19 has taken us back to where we did not want to be, but it is a combination of COVID-19 and bad politics.

Madam Temporary Speaker, the President launched certain tax incentives that were aimed at easing the pain for people who are salaried and reducing taxes for those who are in the informal sector. However, those tax incentives are not enough. A proper stimulus package for COVID-19 must go beyond fiscal policy and fiscal initiatives. We want to see a situation where the Government has a clearly focused and targeted sectoral intervention.

We have put in place *Kazi Mtaani*, which in essence, the Government is telling us is meant to put some money in the hands and pockets of the youth. Unfortunately, it is putting money in the hands and pockets of county commissioners, sub county administrators, chiefs and other people in the administration gravy train. The young people are being engaged in activities that cannot be audited and do not impart any special skill upon them.

Madam Temporary Speaker, the President keeps on talking about the Big Four Agenda. One of the key plans of the Big Four Agenda is housing where his target is to put up 500,000 new housing units. This is a lovely idea. It has been used elsewhere. Singapore established the Singapore Housing Development Board. Through that housing development board, Singapore managed to provide employment to the young people, to skill young people, and develop housing that was cheap to an extent that to date, close to 90 per cent of Singaporeans own their own houses.

Can we engage our youth in *Kazi Mtaani* activities that can make them better than they were yesterday? Why can we not involve our youth in building new houses? Why can we not involve them in building roads? Why can we not involve them in agriculture? Take them to Galana, so that the dream of food security is achieved. We want to see a COVID-19 incentive that is aligned to the Big Four Agenda, stimulates key sectors of the economy, creates jobs for young people, and skills our young people.

Madam Temporary Speaker, there are many issues and many lessons learnt, but as far as devolution is concerned, there is still a lot of work to be done. That is why the relevance of the Senate in the political arrangement of this nation cannot be understated. We have a lot of work to ensure that county governments are doing what it is that they are supposed to be doing.

There is no other visible service that counties are expected to deliver more than healthcare. Unfortunately, what many of our county governments have done is to take us to the Indian situation. In India, people gave up on their public healthcare system long ago. They do not care. They would rather go to a private service provider than to a government hospital, because they know that they will never get services there. It has become the order of the day.

In Kenya, county health workers can be on strike for two months, and nobody cares, because people are used to the failures of the health sector. Devolution was

supposed to flag and revive the health sector. It should not be in the situation that we are in, that we still have less than 1,000 Intensive Care Unit (ICU) beds across the county.

Madam Temporary Speaker, my final point is that as we look for a vaccine, where is the place of indigenous African knowledge; indigenous science and technology. Everyone is focusing on a vaccine that will come from the UK or USA, and yet Africans had a primitive way of vaccination. We had a system of self-infection to create immunity.

Even before the first European vaccine was created, Africans were practicing vaccination. Where is the agency in this country encouraging the adoption of indigenous African knowledge in search for a vaccine and a sustainable solution and cure to COVID-19?

That is the challenge I want this Committee to look into. It should bring that relevant body so that we can engage universities, our institutes of science and research and find some synergies between them and our indigenous institutions so that we can have a homegrown solution. We can proudly sell to the world that Kenya and Africa has come up with a solution to a virus that has afflicted and tortured the entire world.

Madam Temporary Speaker, I support and urge the Government that even today with the renewed efforts to contain this virus a lot more work needs to be done to revive the economy. That will keep Kenya healthy and give us hope that in future, this country will still be a going concern in spite of the debts that we have incurred.

I urge extra responsibility on our part. I know many of us are silently suffering, but it is important that we announce when we find ourselves infected so that it is not stigmatized. That is how we managed the fight against HIV/ AIDs scourge when we moved it from a matter of stigma.

I support.

The Temporary Speaker (Sen. Pareno): I see there are no further requests to speak on this Motion and the Mover is not here to reply. I, therefore, proceed to rule that this is a Motion that does not require a vote by County Delegations. We can proceed to put a question.

(Question put and agreed to)

Next Order.

RECOGNIZING AND APPRECIATING THE ELDERLY
BY COUNTY GOVERNMENTS

Sen. Nyamunga: Thank you, Madam Temporary Speaker. It has been a very long wait from yesterday, but I beg to move the Motion-

THAT AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs2,000, delivered every two months through appointed payment

agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED however that the programme's credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the county Governments complement the efforts of the national Government and assist in resolving these challenges by -

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and

2. Organize value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilize this allowance.

Madam Temporary Speaker, the issue of the elderly within our country has been very touchy because in our societies we have many members that we refer to as the senior Members.

In the developed countries, I must say that they have mechanisms of taking care of the elderly. Most of the developed countries either have the facilities for the elderly people or there is a way of supporting them through their relatives by taking care of them within their respective homes. Normally, they plan for retirement and old age.

Madam Temporary Speaker, in our African set up, more so in Kenya, we do not do so. We cannot allow our elderly people to leave our homes to go the elderly people's homes. I have seen a few led elderly homes in Nairobi, but it is not common practice and it is not something that is easily and generally acceptable within our societies. It makes it very difficult for us to take care of our elderly people and even putting them in the elderly homes. It is not a priority for us as at now.

I know the Government of Kenya has tried its best. I do not think many other nations around Africa are trying to do what Kenya is doing. The Government is supporting the elderly by giving them stipend, for instance, of Kshs2,000 per month or every two months. That means that after every two months, the elderly who are listed normally receive this amount of money.

Madam Temporary Speaker, most of this money does not fall in the hands of the intended people. This is because most of the elderly are sickling. They do not have dependents. Some of them have lost their children to HIV/AIDS pandemic. From what I know, most elderly people do not have their children. If they have their children, their children are equally in need of support.

They live with their grandchildren, children who have become "*wakoras*," if I may use that word. Sometimes it goes to their phones directly, or sometimes they are required to go to the nearest facility like a shopping centre to get their money. Most of the children that they are staying or living with have a way of taking this money away from them. It makes life very difficult for the elderly to be supported in a proper way, the way the Government intends.

The national Government alone cannot take care of all the elderly. If you look at the statistics, we have about 900,000 elderly people; that is, people who are 70 years and above. The listing should start at 65 years. However, the people in Kenya who are above 70 years are only 900,000. If you compare that with the population of Kenya which is 47 million, we have a very small percentage of the elderly people.

I recognize that the national Government cannot take care of all these people and that is why we are appealing. I had an opportunity to visit the Ministry of Labour and the department that takes care of the elderly. The strategies they are laying down on the table is that, yes, the national Government is trying to list all of them, but the county governments should come up with proper policies and mechanisms of listing them. The most important thing is to list them. Some people are not even listed because it goes through the chief, sub-chief, District Officer (DO) and so on. Some people who are listed are not elderly.

I can give an example of my own village where I know of particular people who have been listed by the chiefs or the sub-chiefs, but they do not qualify. We miss the target. This responsibility should be transferred to the county governments, since nowadays, we have the village elders. It has been structured from the Village Elder to the Ward Administrator, to the sub-county and then to the county. It means that we capture everybody who is elderly.

The Government can take the percentage that they can. However, the rest of the percentage should be taken over by the county governments. When I was serving as the Women Representative, I had an opportunity to work with a Non-Governmental Organization (NGO). I worked with the Miral Welfare Foundation NGO being supported by the Korean Government, and I still work with them up to now.

The NGO took one ward and in that ward, we identified the elderly and people living with disabilities and put up structures of helping them. If one is too old, they support you with a person to take care of you, cook or go get money for you. However, how much can you trust if anybody is fit to take care of a person?

We can have our own structures within the villages because we have *Nyumba Kumi*. Within the *Nyumba Kumi*, we know the elderly, persons living with disabilities and people who should be supported. That way, the national Government may not do it effectively, but the county governments can do it effectively by putting policies and structures in place to take care of the elderly. It is not anybody's chores.

When I was growing up, my biggest prayer was that I would live to see old age. As I desire to see old age, I may be looking for a problem because I do not know what will happen when I get old. I may be like any of those people that we see and pass them because we think they are not our relatives. As a society, we must be a society that takes care of each one of us and becomes each person's keeper.

Madam Temporary Speaker, what I have realised is that in some areas the people who receive this money are very industrious. They have utilised the money to the extent that they tell the authorities: "I do not need this money anymore since I have setup something small for myself, I have bought a grade animal; I am getting enough milk and with this milk, I can take care of myself. Move to the next person." In some areas, we have that, but it is lacking in some areas.

It is important for us to do financial training for these people for the money that they receive because some people think they will receive it forever. I think it is money that should not be received forever because we are still strong enough at 65.

Some of the elderly people at home are people who have just retired, but maybe they did not plan for their retirement. They end up being very poor when they should not have been poor, because nobody trained them to know there is old age and retirement coming and there is a time when they will on their own since their children will no longer be there.

These are trainings that are lacking. We need to put them in place so that with the money one can do activities such as table banking, agribusiness and small-scale trading. At 65 or 70 years, people can still do a lot of work; more so, in the villages because at 75 years we are not very old due to the type of food and the life we have gone through, unless one is sick.

If somebody is not sick, people can be trained and shown that the money they are being given can be utilised. In addition, the same people can be utilised because I believe that at 65 and above the brain is still intact. It means that if one is a retired teacher, he or she can be a teacher in the village teaching adult education. They can be used for adult education.

If one is a retired judge or magistrate, we can use them to help in dispute resolution within our communities. Last time when I was in the National Assembly, the Government tried to bring the courts to the villages. Who are we going to use at that level? We can plan to use the retired teachers, magistrates, nurses, doctors, community health workers and medical practitioners. After retirement, they can be used in the community level to add value to the elderly and each other.

This is the gist of this Motion. The idea is that we are grateful that the Government is doing something to help the elderly, but the county governments should come in to support or complement where the national Government reaches. Additionally, the county governments should train these people to utilise the money in a manner that will add value to them.

Once somebody feels that they are able or have setup a small business and they can move on, it means that the money should be given to somebody else. We know that the economy is not good. We are plagued with several things such as COVID-19. We have the economy performing badly due to different reasons.

It is good we are plagued with several things. We have COVID-19 with us. We have the economy performing very badly due to different reasons. That is why we should be very prudent in the way we use our resources both at the national and county levels.

Madam Temporary Speaker, with that, I know time is not on our side, I would like to ask Sen. (Dr.) Musuruve to second the Motion.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, thank you for giving me this opportunity to second the Motion by Sen. Nyamunga.

I start by congratulating Sen. Nyamunga for coming up with this Motion. Indeed, this is a Motion that is important and it is enshrined in our Constitution in Article 57. It is also enshrined in the Building Bridges Initiative (BBI) Report.

I want to thank Baba Raila Amollo Odinga together with the President for coming up with the 'Handshake' and ensuring that it is in the BBI Report.

The origin of this cash transfer started way back in 2006 as Sen. Nyamunga has mentioned. It started in the then three districts as a pilot project. It started in Thika, Nyando and then it was implemented in 2007 in Busia.

Madam Temporary Speaker, when it was implemented in Busia, it started as a rapid response initiative. The objective of starting this was to have a predictable way of ensuring that the elderly members of the society are taken care of.

Article 57 of the Constitution states clearly that the elderly need to be supported to fully participate in the societal activities to fully pursue personal development, go for recreational activities and all that. Even though the Constitution says this, it is unfortunate that the elderly are forgotten just as my fellow Senator, Sen. Nyamunga, said. They are desperate and live in abject poverty.

Even the steering committee of the BBI Report, when it went round gathering information about the elderly, this came out very clearly on Page 8 of the BBI Report that the elderly feel that they are neglected. Even the efforts that they did during their active years are not being acknowledged. They have expressed that they are helpless and hopeless. These are some of the things that really came out during the BBI Report.

Madam Temporary Speaker, even though this programme was started in 2007 before the Constitution, the Constitution married these thoughts in Article 57. The BBI Report has also echoed the same sentiments, that the elderly feel neglected. The elderly truly go through enormous challenges. It is unfortunate that we forget our elderly and the efforts they put in when they were active. During the diminishing returns where the economy is so low and they are not even able to manage their lives, people forget about them.

Madam Temporary Speaker, that is why when you look at also the BBI Report, it has been stated clearly. I thank Baba Raila Amollo Odinga. He brought it very clearly that we have to bring in the issue of national ethos. We have forgotten as a country. He brought in the issue of *utu* and the issue of feeling the oneness and feeling that we need to care about the elderly. The issue that we need to be concerned about the elderly. This is being echoed in the BBI Report.

The Temporary Speaker (Sen. Pareno): Order, Sen. (Dr.) Musuruve! There is an intervention by Sen. Farhiya.

Sen. Farhiya: On a point of order, Madam Temporary Speaker. Use of languages interchangeably is not allowed by our Standing Order. Sen. (Dr.) Musuruve has used the word '*Utu*' without permission from the Chair to use a different language other than the one she started with.

The Temporary Speaker (Sen. Pareno): Sen. M. Kajwang' has a point of information. Kindly proceed.

Sen. M. Kajwang': Madam Temporary Speaker, I wish to inform the distinguished Senator, the Majority Whip in the Senate that there are some philosophies that cannot be rendered in any other language. *Utu* is a philosophy about oneness. There is no equivalent definition of that philosophy in the dictionary. If Sen. Farhiya knows of one synonym for *Utu*, she should help Parliament with alternative.

The Temporary Speaker (Sen. Pareno): What is your point of intervention, Sen. Were?

Sen. Were: On a point of order, Madam Temporary Speaker. I would also like to inform Sen. Farhiya that there are certain things that do not have translations. If she did, the meaning would be lost. In her explanation, Sen. (Dr.) Musuruve tried to expound the meaning of 'Utu' in English. Sen. Farhiya is, therefore, out of order.

The Temporary Speaker (Sen. Pareno): It would have been desirable for the Speaker to rule Sen. Farhiya out of order.

Kindly proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I thank Sen. M. Kajwang and Sen. Were for addressing the concerns of Sen. Farhiya. Page 33 of the BBI Report clearly states that the issue of the elderly should be clearly addressed. We have to practice the philosophy of *Utu*. Page 33 of the BBI Report talks of the spirit of oneness, shared destiny, honesty, compassion, respect and care for others. Two days ago, the Rt. (Hon.) Raila, while addressing Members of Parliament in Naivasha clearly stated that we need to embrace *Utu*--

The Temporary Speaker (Sen. Pareno): Order, Sen. (Dr.) Musuruve! There is an intervention by Sen. Were.

Sen. Were: On a point of order, Madam Temporary Speaker. I would like to bring Sen. Musuruve to order. We will have an opportunity to discuss the BBI Report. I am a supporter of the BBI Report, but I urge her to focus on the Motion brought by Sen. Nyamunga so that we do not lose the meaning and issues that are in that Motion.

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

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I would like to inform Sen. Were that I am relevant and in order because even when we bring Motions in the House, there is need to do a lot of reading. We need to highlight issues that are timely and relevant.

The Motion by Sen. Nyamunga states that we need to be in oneness with our elders and be concerned about them. The elderly face a lot of challenges. Many children leave their homes to start their families so the elderly are left in their own world where they are all alone. The elderly support programme was established to support the elderly who are destitute.

The Temporary Speaker (Sen. Pareno): Order, Sen. (Dr.) Musuruve! You will have a balance of 13 minutes.

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The House, therefore, stands adjourned until tomorrow, Thursday, 5th November, 2020, at 2.30 p.m.

The Senate rose at 6.30 p.m.