

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 18th May, 2021

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

CIRCUMSTANCES LEADING TO THE DECLARATION OF VACANCY OF THE SEAT HELD BY HON. (DR.) ISAAC MWAURA

The Speaker (Hon. Lusaka): Hon. Senators. I have a Communication to make. As you may recall, on Tuesday 11th May, 2021, during the Sitting of the Senate, I issued a Communication on the declaration of a vacancy of a seat of a member of the Senate after expulsion from the party, in this case, the seat held by Hon. Isaac Mwaura. Several points of order were raised by several Senators after which I undertook to give a detailed Communication on the circumstances that led to the issuance of a declaration of a vacancy vide Gazette Notice No.4597, dated 10th May, 2021.

On 10th May, 2021, vide a letter dated 10th May, 2021, Ref: *JP/RA-S/21*, the Secretary-General of the Jubilee Party wrote to the Speaker of the Senate forwarding the judgment of the Political Parties Disputes Tribunal in Complaint No. E002 of 2021, Hon. Isaac Mwaura Maigua vs Jubilee Party and Another. The tribunal upheld that the expulsion of Hon. Isaac Mwaura Maigua was conducted in accordance with the law and dismissing the complaint by Hon. Isaac Mwaura Maigua against the same.

In the said letter, the Secretary-General also requested the Speaker of the Senate to among other things, issue a declaration of vacancy of the seat being held by Hon. Isaac Mwaura Maigua for purposes of implementing the decision. The Secretary-General of Jubilee Party made reference to two previous communications made with regard to the question of the expulsion of Hon. Isaac Mwaura Maigua from the Jubilee Party.

On the same date, I also received a letter Ref: RRP/FRP/027.Vol.III (31) dated 10th May, 2021 from the Registrar of Political Parties and addressed to Secretary-General of the Jubilee Party, confirming the removal of the name of Hon. Isaac Mwaura Maigua from the Jubilee Party membership list effective 29th March, 2021.

Based on this confirmation vide letter Ref: RRP/FRP/027.VOL.III (31) dated 10th May, 2021, I proceeded to issue a Gazette Notice No. 4797 dated 10th May, 2021 declaring a vacancy in the Senate for a seat of a member elected under Article 98(1) (d) of the Constitution and held by Hon. Isaac Mwaura Maigua effective 7th May, 2021. I further proceeded and communicated to the Senate this occurrence of a vacancy at its sitting held on Tuesday, 11th May, 2021 at 2:30 p.m.

Hon. Senators, the events leading to the issuance of the declaration dates back to March, 2021. Thus, on 29th March, 2021, the Office of the Clerk of the Senate received a letter dated 26th March, 2021, from the Secretary-General of the Jubilee Party requesting for the declaration of a vacancy of the seat held by Hon. Isaac Mwaura Maigua and calling our attention to the ruling of the Political Parties Disputes Tribunal dismissing the application for stay of the decision for expulsion.

The order of the Political Parties Disputes Tribunal regards to an application for conservatory orders based on a Notice of Motion dated 9th February, 2021 filed by Hon. Isaac Mwaura Maigua. In the notice of Motion, Hon. Isaac Mwaura sought orders that-

“Pending hearing and determination of the complaint herein, the 1st and 2nd Respondents be and are hereby restrained from implementing the impugned decision of the 1st Respondent, expelling the applicant from the Jubilee Party (the 1st Respondent)”.

In considering the application for conservatory orders, the Tribunal noted that-

“Both the complainant and the 1st Respondent had maintained a justiciable claim against each other for breach of various laws. Both parties have raised contentions, which require consideration on merit and are not liable to be rejected summarily. The case could go either way subject to evidentiary material that can only be analyzed conclusively after a substantive hearing.”

The Tribunal further noted that-

“The claimant’s primary concern at this stage would be the preservation of the subject matter of the complaint. The court further noted that the 2nd Respondent at paragraph 10 of its Replying Affidavit and further during the hearing of the application, submitted to the authority of the Tribunal and the value of the rule of law, and stated that they would await the outcome of these proceedings before any further action. There is thus no demonstrated threat of conclusive implementation of the 1st Respondent’s decision during the pendency of these proceedings”.

On the basis of the foregoing, the Tribunal dismissed the notice of Motion and directed the parties to take directions on priority hearing of the substantive complaint on merit.

Hon. Isaac Mwaura Maigua being dissatisfied with the ruling and orders of the Tribunal, appealed to the High Court. In this respect, therefore, the Speaker of the Senate was in receipt of an order of the High Court in Civil Appeal No. E167 of 2021 (Hon. Isaac Mwaura Maigua vs Jubilee Party and Another), in which the court, *inter alia*, ordered a stay of execution of the impugned orders of the Tribunal and further that-

“Pending the hearing and determination of the application inter parties, the 1st Respondent, 2nd Respondent, the Independent Electoral and Boundaries Commission

(IEBC), and the Speaker of the Senate, be barred from further implementing the decision of the 1st and 2nd Respondent.”

Further, by a letter dated 29th March, 2021, Ref: RPP/FRP/027/Vol III (16), the Registrar of Political Parties indicated to the Clerk of the Senate that “on the basis of the decision of the Jubilee Party as contained in the documents and correspondence submitted to this office, and in line with Section 14 (5A) of the Political Parties Act, 2011, together with all other relevant laws, this office has removed the name of Hon. Isaac Mwaura Maigua from the Jubilee Party membership register pending the adoption and ratification of the same by the National Executive Committee (NEC) in accordance with Article 13.1.12 as read together with Article 13.4 of the Jubilee Party Constitution”.

The question that arose is whether the Speaker acted within the law by issuing the gazette notice declaring a vacancy upon the expulsion of a member of the Senate, in this case declaration of a seat held by Hon. Isaac Mwaura Maigua.

Hon. Senators, considering the sequence of events narrated above, and on the basis of the order of the High Court in Civil Appeal No. E167 of 2021 (Hon. Isaac Mwaura Maigua vs Jubilee Party, I made a decision not to take any action with respect to the request to declare a vacancy in the seat held by Hon. Isaac Mwaura pending the determination of Civil Appeal No. E167 of 2021 (Hon. Isaac Mwaura Maigua vs Jubilee Party and Another) being the substantive hearing of the appeal of the ruling of the Tribunal on the conservatory orders sought by Hon. Isaac Mwaura Maigua pending the hearing and determination of the substantive suit before the Tribunal.

On 10th May, 2021, I received the judgment of the Political Parties Disputes Tribunal in Complaint No. E002 of 2021, Hon. Isaac Mwaura Maigua vs Jubilee Party and Another upholding that the expulsion was conducted in accordance with the law and dismissing the complaint by Hon. Isaac Mwaura against the same.

Consequently, in view of all this documentation and based on the law, I declared a vacancy in the Senate for a seat of a member elected under Article 98 (1) (d) of the Constitution and held by Hon. Isaac Mwaura Maigua.

Article 103 (1) (e) (i) of the Constitution provides that-

“the office of a member of Parliament becomes vacant if, having been elected to Parliament as a member of a political party, the member resigns from that party or is deemed to have resigned from the party as determined in accordance with the legislation contemplated in Clause (2)”.

Further, Regulation 56A of the Elections (General) Regulations, 2012 provides for the re-allocation of special seats from the Party list in the following terms-

- (1) Where a political party expels a member elected through a party list during the term of Parliament or County Assembly as the case may be, the party shall be required to submit-
 - (a) a resolution or decision of the party;
 - (b) a notification by the Registrar of Political Parties effecting the expulsion;
 - (c) a declaration of vacancy from the relevant Speaker; and
 - (d) a court order sanctioning the expulsion where applicable, to the Commission for re-allocation.

Hon. Senators, from the foregoing you note that Regulation 56A (1) (c) provides that upon expulsion of a member elected through a party list, the party should submit among others a declaration of vacancy from the relevant Speaker. In my view, this provision places a mandatory legal requirement for a Speaker to issue a declaration of vacancy once it is established that a member has been expelled from the party.

Having considered the decision of the Political Parties Tribunal and the letter Ref: RRP/FRP/027.Vol.III (31) dated 10th May, 2021 from the Registrar of Political Parties, I was persuaded that the requirement of declaring a vacancy had been met and therefore I proceeded to declare the said vacancy vide Gazette Notice No. 4597 dated 10th May 2021.

Hon. Senators, I wish to reiterate that by issuing the gazette notice, I followed the law and there was no court order barring me from declaring the vacancy.

I thank you. As we speak there is another order which is in force and we are respecting it.

Sen. Cheruiyot, proceed.

Sen. Cheruiyot: Mr. Speaker, Sir, thank you for this ruling. I will wait for you to clear with Sen. (Dr.) Ali because I want your attention. However, there is a worrying trend that is creeping into the country. That every time where there is deemed to be a threat to the right of any citizen, there is a new game called gazettement. We have seen it in this one of Hon. Isaac Mwaura and so many other Kenyans.

I think it is upon us, as a House, to do two things. First of all, we have heard your explanation and I will hold my thoughts until you give the ruling that you have just mentioned. This is because I am aware now that there is a further court order staying aside that gazette notice from Senate and the one from Independent Electoral and Boundaries Commission (IEBC) as well.

Mr. Speaker, Sir, before we get there, as Parliament, we need to relook into the law on this business of the monkey games that are being played around with gazette notices. Gazette notices were not meant to be just dished and given at the whims and the feelings of Government and perhaps those who have authority to do it. We must amend the law such that first of all each time a gazette notice is issued, we are able to establish when it was done, perhaps including the time.

As we are aware we know what the official Government working hours are yet sometimes we have finished business here at 11.00 p.m. like we have seen in the impeachment of some governors. Before you get home by the time you leave here, there is a gazette notice already. Of course, people will cheer it depending on which side of the political divide.

Mr. Speaker, Sir, however, a time will come when that room for abuse may be used in such a way that it will threaten something so serious in the country and the blame will fall on us as legislatures. That it is you who allowed this window to be abused for quite a long time. That is something that perhaps those who are Members of the Committee on Justice, Legal Affairs and Human Rights need to look into and see what is it that we need to amend such that this window of abuse is closed. This is because what is the hurry if somebody believes they have done the right thing.

Mr. Speaker, Sir, sometimes it is just good out of the abundance of caution if you are the person issuing this gazette notice to satisfy your thoughts that nobody's rights have been infringed. It is part of the tradition to ensure that all boxes have been ticked correctly before going ahead to issue some of these gazette notices.

Like I have said, I will allow the matter to rest at this particular point and I wait your further ruling on the most relevant court orders that are before your office.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): I thank you. I get what you are saying, but also sometimes when you are challenged to be efficient and you are working efficiently, then it turns out to be like you are not. If you look at it the other way round. I am just saying a coin has two sides. You can either be efficient. If the court order is ready and you are in the office in the night. Like yesterday I left the office at midnight. If it is ready and I have a pen and ink, why can I not sign? Anyway, I do not want to argue.

There is a point that was raised by the Senate Minority Leader, Sen. Orengo and we need to think about it as a House on how we handle court orders as Parliament, Senate and National Assembly, when they come. We have had instances where like you rightly said we have obeyed some orders. There are certain instances where we have said we ignore them; that we cannot be injuncted as a House. I think we really need to have a threshold on what we do and be consistent on what we need to do as a House.

Next Order.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE CROPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 25 OF 2019)

The Speaker (Hon. Lusaka): Hon. Senators, I have a Message. Vide a Message dated Monday, 10th May, 2021, I received a message from the National Assembly pursuant to Standing Order No.41 (1) and 142 of the National Assembly Standing Orders on the passage of the Crops Amendment Bill (National Assembly) Bills No. 25 of 2019.

Hon. Senators, you will recall that following the High Court ruling on 29th October, 2020 on constitutional Petition No.284 of 2019, implementation of the judgement by the Senate to commence. Notably, the court ordered that the Bills for which the concurrence processes contemplated under Article 103 of the Constitution could not be demonstrated by and be ceased and that the said concurrence processes be adhered to before introduction of such Bills in either House of Parliament.

The Crops (Amendment) Bill (National Assembly Bill No.25 of 2019) is one such Bill for which the concurrence process pursuant to Article 110 (3) of the Constitution has not been demonstrated by the time the High Court gave its judgment. As such, the Bill ought to be aligned with Article 110 (3) of the Constitution, following which the Bill will be read a First Time in the Senate.

In view of the forgoing, the Crops (Amendment) Bill (National Assembly Bills No.25 of 2019) as received from the National Assembly vide message dated Monday 10th May will not be proceeded with in the Senate.

I thank you.
Next Order.
The Senate Majority Leader.

PAPERS LAID

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 18th May, 2021.

REPORT ON THE FINANCIAL STATEMENTS OF NAROK COUNTY GOVERNMENT

Report of the Auditor-General on Financial Statements of the County Assembly of Narok for the year ended 30th June 2019.

Report of the Auditor-General on the Financial Statements of Narok County Executive for the year ended 30th June 2019.

Thank you, Mr. Speaker, Sir.

(Sen. Poghisio laid the documents on the Table)

The Speaker (Hon. Lusaka): Next Order.

What is it, Sen. Cherargei?

Sen. Cherargei: Mr. Speaker, Sir, I need your guidance on how we proceed with Statements. In the morning, we were only halfway done. I have a personal Statement under Standing Order 53 that has been on the Order Paper on open governance. I, therefore, request for your direction because this Statement has stayed for long on the Order Paper. It has already been listed.

The Speaker (Hon. Lusaka): We have been sitting only once a week, so I will allow you to start with your Statement under Standing Order 53.

PERSONAL STATEMENT

ALLEGED ARREST/DETENTION OF MEMBERS OF PARLIAMENT

Sen. Cherargei: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53 to make a Statement on our detention. I know that it is coming at the appropriate time because we have ongoing by-elections in Rurii Ward, Juja and Bonchari constituencies.

On 4th March 2021, I was in the company of three other legislators, namely hon. Wilson Kogo, the Member of Parliament (MP) of Chesumei; hon. Nelson Koech, the MP for Belgut and hon. Didmas Barasa, the MP Kiminini. We were executing our duties as officially appointed chief agents of the by-election in the Kabuchai Constituency by-election.

We were on the way to our various polling stations when we were accosted and arrested by police officers on the Chwele-Bungoma Highway. The four of us were detained in Bungoma Police Station, and it was not a very interesting encounter. Some of

us slept while standing for the first time for the whole day and night before we were arraigned in court. The four of us have shared ordeals of mistreatment and manhandling in the hands of the police and state agencies.

Mr. Speaker, Sir, when did the knee-jerk directives from security heads in this country, and in particular the Cabinet Secretary (CS) of the Ministry of Interior and Coordination of National Government, Mr. Fred Matiang'i, the Director of Criminal Investigations, Mr. George Kinoti, The Inspector-General, Mr. Hillary Mutyambai replace the fundamental Bill of Rights guaranteed in the Constitution of Kenya?

I have seen the protest by the Orange Democratic Party (ODM) against the frustrations that they are undergoing in Bonchari. It is exactly what we went through in Bungoma. Why should we allow the police to operate under instructions emanating from individuals to replace Article 29 (a) of the Constitution, which expressly prohibits arbitrary deprivation of freedom without a just cause?

Mr. Speaker, Sir, the right to freedom is so fundamental that its deprivations should only be informed by concrete evidence read in presentation to a court of law. If an MP can be denied the right to speak to an advocate, to be released on police bond, the right to see a doctor, and is manhandled by enforcement officers, I can only imagine what the ordinary Kenyans go through in the hands of the Kenya Police Service (KPS).

We transformed our enforcement agencies from force to service, but from the ordeals we underwent, we have not made any fundamental progress. We know that there is a loophole under Article 49 (f) (ii) being exploited by Kenyan police to hold a person for over 24 hours. Even after the detention, the state appeared in court to seek further detention to complete investigations. We need to pronounce ourselves that unless the state already has sufficient evidence to sustain a prosecution, nobody should be detained.

Mr. Speaker, Sir, this country will not operate on the whims of overzealous and extended heads of agencies. It shall only be run by the supreme law of the land and statutes passed by Parliament. In the absence of both, it shall be guided by rules of law. At the rate that we are going, I do not believe that we shall be serving any justice to victims. What we are doing is simply ruining the careers and lives of respected members of society and *wananchi* at large.

I urge this House to pronounce itself on the place of the Constitution against the place of individual heads. The Committee in charge of National Security, Defense and Foreign Relations should invite the CS of Interior and National Coordination, IG of Police, Director of Public Prosecution (DPP) and the Director of Criminal Investigations (DCI), to shed light on the circumstances that have happened over the past by-elections that we have witnessed in the country. This is especially during this period of the COVID-19.

Also, as we look into it, we should look into the security preparedness in the country, including that of the Independent Electoral and Boundaries Commission (IEBC), and security preparedness in the country for future elections and by-elections.

Let me close by saying this. Even as we expect the ongoing by-elections in Rurii Ward in Nyandarua County, in Juja Constituency of Kiambu County, and Bonchari in Kisii County, we have seen many protesting. We have seen letters being written to the

IEBC. Could these agencies tell us the preparedness of the IEBC, security agencies and other agencies?

It is only 10 months before the 2022 General Election. From all the indications, it looks like it is a hot seat. What measures are we putting in place to ensure that there is no loss of life and no Post-Election Violence (PEV) will be witnessed again? Even the country will be apprised with it. Is the IEBC ready to do its job? Are the security agencies prepared so that they do not make the mistakes that have been made in the previous elections and by-elections?

Mr. Speaker, Sir, it is a constitutional right that every Kenyan should participate in the electoral process that is a free and fair contest. We expect that these agencies will be looked into. Even as the by-elections are ongoing in those three areas that I have mentioned, we need to ensure that we put in place mechanisms---

Through your guidance, I hope that the Committee on National Security, Defense and Foreign Relations will provide proper directions. We do not want to witness any chaos in Ruiru, Juja, or Bonchari where people are misusing Government machinery to stifle other candidates from participating. We have looked at any other issues that have come up like protests, arrest, bribery and intimidation of voters. For example, in Bonchari, the entire police command has been transferred and new ones brought in. Officer Commanding Stations (OCSs) have been transferred and the Orange Democratic Movement (ODM) candidates are being chased out of town. Our United Democratic Alliance (UDA) candidates are being fought left and right. I do not think it is right going into 2022.

Mr. Speaker, Sir, finally, it is good the Senate Majority Leader is in the House because I want to close with a quote that I want him to hear. A German Lutheran Pastor, Martin Niemoller, said;

“First they came for the Communists and I did not speak out because I was not a Communist. Then they came for the Socialists and I did not speak out because I was not a Socialist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me and there was no one left to speak out for me.”

Mr. Speaker, Sir, if those of us who were in the former Jubilee Party did not speak against harassment of Coalition for Reforms and Democracy (CORD) and the National Super Alliance (NASA), then it is unfortunate. However, today, we speak for the rights of Kenyans.

Thank you. I request your indulgence.

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

Sen. Cherargei: Mr. Speaker, Sir, I have already concluded.

Sen. Dullo: You cannot get away with that. I heard Sen. Cherargei say “former Jubilee”. I do not know of former and current Jubilee. I only know one Jubilee Party. Can he substantiate?

The Speaker (Hon. Lusaka): Sen. Cherargei, it is like you may not get away with it. Come and explain or we expunge it from the records.

Sen. Cherargei: Mr. Speaker, Sir, I think the Deputy Senate Majority Leader was not keen in what I was saying. It was in a full sentence and I was concluding that in the by-elections that we have had before, through either Jubilee or any other party---

I appreciate the work that the Deputy Senate Majority Leader is doing. She makes sure she is working for the Government and the Jubilee Party.

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

Sen. Cherargei: Mr. Speaker, Sir, you must appreciate that I was finishing my sentence.

The Speaker (Hon. Lusaka): What is your point of order? We need to conclude that matter.

Sen. Cherargei: It is a small matter.

Sen. Dullo: Mr. Speaker, Sir, it is a small matter, but I think Sen. Cherargei is playing around with people's minds. He cannot stand here and say I am proving to be working. He is the one who said "former Jubilee". If he does not agree with that, we can go to the HANSARD. He clearly said "former Jubilee". That is why I wanted him to substantiate and he should focus on that.

The Speaker (Hon. Lusaka): I think so that we make progress, let me caution that this is a House of records.

Sen. Cheruiyot, proceed.

Sen. Cheruiyot: Mr. Speaker, Sir, I just want your directions because I feared that you may be caught up in this exchange between Sen. Cherargei and the Deputy Senate Majority Leader and we lose track of the important statement that Sen. Cherargei brought before this House and Members would have wanted to comment on.

It was just to plead with you to use your discretion and allow us to say one or two things. This is because as you may be aware, there is an ongoing by-election and two of the three main political parties in the country are complaining along the lines of what Sen. Cherargei has said. This is a live matter and I have seen a complaint from ODM and Sen. Dullo's Party, UDA.

(Laughter)

(Sen. Dullo spoke off record)

What is your political party?

(Sen. Dullo spoke off record)

It is statement of fact. She cannot dispute that she is elected to this House on UDA.

The Speaker (Hon. Lusaka): Order, Senators.

Sen. Cheruiyot: Mr. Speaker, Sir, can she stop distracting me. I want to conclude my thoughts.

I hope you will afford us the opportunity to air our views regarding the Statement that was raised by Sen. Cherargei because it is a very important issue. The involvement of the police force in carrying out sectarian political interests is a threat to national

security. As a House of Parliament, we must stamp our record and state true feelings of citizens of this country. I only plead that you allow us.

The Speaker (Hon. Lusaka): Yes, Sen. Dullo.

Sen. Dullo: On a point of order, Mr. Speaker, Sir. In as much as the current happening is very important, of late, people are bringing political party scores into the House. However, that is not a matter of the House.

I think maybe you need to give direction. Whoever wants to challenge the issues of political parties should do it out there and not in the House.

(Sen. Cherargei spoke off record)

Yes, political party matters should be dealt with at political party level.

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

The Speaker (Hon. Lusaka): Sen. Khaniri, proceed.

Sen. Khaniri: Mr. Speaker, Sir, mine is to do with procedure and rules. As much as I agree with Sen. Cheruyot that matters raised by Sen. Cherargei are very important and maybe you should allow Members to canvass, there are the provisions of Standing Order No.100(1) which says:

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.”

Mr. Speaker, Sir, Sen. Cherargei made some allegations. He was challenged by Sen. Dullo and you asked him to substantiate. He did not. That is in contravention of Standing Order No. 100(1).

Standing Order 100(2) says that you can give him time if he is not ready to substantiate now, to do it another time. If he is unable, then he must withdraw the statement so that it does not remain in our records. It has to be expunged if he cannot substantiate. So, is he in order?

The Speaker (Hon. Lusaka): Okay, I will look at the HANSARD to get exactly what he said. On Tuesday, I will call upon him to substantiate if the HANSARD says what he said.

Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Poghiso): On a point of order, Mr. Speaker, Sir. Standing Order No.53 on Personal Statements is very clear. I think this has also been breached by Sen. Cherargei because it is supposed to be a personal matter and not necessarily to bring in a wide issue of political nature. The Standing Order also says that “such matter may not be debated”. I do not understand how, after it has been raised, it can be debated.

The Speaker (Hon. Lusaka): Yes, I was looking at Standing Order No.53 and it says “may not be debated”. That is at the discretion of the Speaker.

(Loud consultations)

Sen Pareno, did you want to say something or it has been overtaken by events?

Sen. Pareno: Mr. Speaker, Sir, I was going to contribute to what he had---

The Speaker (Hon. Lusaka): No.

Sen. Pareno: Have you allowed us to contribute?

The Speaker (Hon. Lusaka): I have not allowed. That is my discretion and I have decided that you do not contribute.

I think we will go by Standing Order 53. Remember in the morning you spent the whole morning on Statements. We have very weighty pending matters in the House and we cannot spend the whole day just discussing Statements. So, we must make progress.

I will just allow one Statement from Sen. Faki, which is very current and Sen. Khaniri so that we make progress.

STATEMENTS

CONFLICT BETWEEN PALESTINE AND ISRAEL

Sen. Faki: Mr. Speaker, Sir, I rise pursuant to Standing Order 47(1) to make a Statement on the ongoing conflict between Palestine and Israel.

The Israeli-Palestinian conflict dates back to the end of the 19th Century and in 1947 when the United Nations (UN) through resolution No.181 sought to divide the British mandate of Palestine into Arab and Jewish states.

(Sen. Cherargei consulted loudly)

Mr. Speaker, Sir, protect me from Sen. Cherargei.

The Speaker (Hon. Lusaka): Sen. Cherargei, the matter being raised is very important, it is an international matter. Let us have order.

Sen. Faki: Mr. Speaker, Sir, on 14th May, 1948, the State of Israel was--- Holocaust War under Prime Minister David Ben-Gurion who won the immediate recognition from the United States and Soviet Union while at the same time sparking the first Arab-Israeli War that ended in 1949 with Israel's victory.

It is estimated that by then, about 700 Palestinians and 600 villages were evicted, displaced and sought refuge in Jordan, Lebanon, Syria, West Bank and Gaza, often without citizenship being granted. The displacement of the Palestinian people on the date is still observed every year on a day called Nakba Day which was observed on Saturday last week; named for the Arab word catastrophe and on which Palestinians give speeches and hold rallies and wave the keys to the homes they were forced to leave behind and still hope to return to it. It is said that 79 per cent of their land was taken away from them.

Mr. Speaker, Sir, after the signing of the Camp David accords in 1979, there were improved relations between Israel and its neighbours such as Syria and Egypt. However, the problem of Palestinians self-domination and self-governance remained unsettled. In 1987, Palestinians in the West Bank and Gaza strip started uprising against the Israel Government in what came to be known as the first Intifada.

This was followed by the Oslo I accord of 1983 that mediated the conflict and came up with a framework for Palestinians to govern themselves in the West Bank and enabled mutual recognition between the newly established Palestinian authority and Israel Government which further expanded to the Oslo II accords of 1995 adding provisions that mandated the complete withdrawal of Israel from six states and 450 towns in the West Bank.

Mr. Speaker, Sir, Israel continued to seize control over the West Bank and Gaza and increased its illegal settlement stagnating the peace process. There was hope that the progress was made towards a two state solution with the 1993 and 1995 Oslo accords. Nonetheless, today the Palestinians remain the subject to Israel military occupation in the Gaza Strip and in 165 Islands across the West Bank.

Mr. Speaker, Sir, in the year 2000, the Palestinians launched the second Intifada over the continued occupation which would last until 2005. In response, the Israeli Government approved construction of a barrier wall around the West Bank in 2002 and dispensed opposition from the International Court of Justice (ICJ) and the International Criminal Court (ICC) they have still been in existence.

In 2003, the Israeli Prime Minister Ariel Sharon appeared to be urging Israelis to accept giving up land for peace and advocating an end to what they call occupation. In his own words, I quote:

“You cannot like the word, but what is happening is an occupation. To hold 3.5 million Palestinians under occupation, I believe that is a terrible thing for Israel and for Palestinians.”

The words of the Prime Minister Ariel Sharon clearly support the Palestinian argument that Israel has illegally occupied their land and continue to annex more land and kill and displace its people.

Mr. Speaker, Sir, this remains one of the most protracted conflicts in the world and requires the immediate attention of the international community. However, the world has sadly been silent about it for the longest time.

On 10th May 2021 during the last 10 days of the holy month of Ramadhan, more than 300 Palestinians who had come to pray at the Al-Aqsa Mosque in Jerusalem Old City were injured in clashes with Israeli forces, who fired rubber bullets, teargas and stand grenades to unarmed worshippers.

Since then, the tensions have subsequently erupted in Gaza and resulted in further deaths from Israeli and Hamas rocket strikes which are just the latest manifestation of the conflict that continues to blind a historic landscape torn apart by bloodshed resulting in loss of lives and severe humanitarian crisis.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Senators! Let us consult in low tones. I noticed that when it is an international matter we do not concentrate.

Proceed.

Sen. Faki: Mr. Speaker, Sir, the Israeli armed forces are using lethal weapons against unarmed defenceless Palestinian civilians, including infants, children, women and the elderly.

Further, the Israeli forces are going round forcibly displacing Palestinians from their homes, confiscating their properties, attacking worshippers in mosques and depriving Palestinian people of the right to practice their legitimate rights.

In the recent weeks, the Israeli forces have been undertaking forced displacements in the Palestinians neighbourhood of Sheikh Jarrah in East Jerusalem, home to Palestinian refugees who had already been displaced elsewhere.

Mr. Speaker, Sir, as per the Gaza Health Ministry update this morning, about 200 people have been killed, including about 60 children and 22 women with over 1,000 people reported injured. Gaza itself remains the biggest open air prison in the world. In the midst of a global pandemic, people are left to shelter in schools, mosques and other places with very limited water, food, hygiene and health services. The Israeli military raided, destroyed homes and flattened buildings that housed international media outlets in Gaza City in order to block the international community or international Press from covering the atrocities against the civilian population.

Mr. Speaker, Sir, it was in the media this week that the building that housed *Associated Press* in Gaza and *Al Jazeera* in Gaza were all destroyed in a matter of seconds. Unless the international community succeeds in brokering a ceasefire soon, the conflict seems to be poised to spiral in a fully-fledged war and a third Intifada could break out and renewed tensions would escalate into large scale violence.

The situation now is that the tension between Israeli and Hamas fighters is at its peak. The dispute is more than a century old, just that the conflict is new. However, this time the conditions have gone out of control and it seems the international community has over the years developed a deaf ear, not listening to the cries and calls of the oppressed Palestinians in their own land.

Mr. Speaker, Sir, this is to urge the Senate to take a note of this matter and use all the diplomatic avenues available to bring this matter to the attention of international community, including the need to call for a ceasefire and the de-escalation of the violence in Palestine.

Mr. Speaker, Sir, this is to urge the Senate to take note of this matter and use all the diplomatic avenues available to it to bring it to the attention of the international community, including the need to call for a ceasefire escalation in the violence in Palestine. The Kenyan Government has remained silent in the face of the grave atrocities that are being committed to innocent children and women of Palestine.

Mr. Speaker, Sir, crimes against humanity have been committed in Gaza by the Israel Government and its forces. It is time our Government takes a stand. In our own country, we saw demonstrations in Mombasa yesterday and in Nairobi on Thursday, last week. This can fuel problems in our country. This is because most of the young men and women who are protesting are aware of that the Government silence over this matter is all geared to support Israel.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Speaker, Sir, for giving me an opportunity to support my colleague, both in the profession of law and in the profession of politics, particularly in respect to the Statement that he has brought to this House.

Mr. Speaker, Sir, if we remain silent as part of humanity is being treated unjustly, then we become complicit in that injustice. As individuals, as a nation and as institutions, we must come together and say no to the kind of injustice that is visited on the Palestinians and any other region of the world. I am sure the international community have always been at hand particularly when as Kenyans have had the pans or the pains of injustice.

During the colonial era, we had support from beyond our borders. We should not forget that even right here at home, we could suffer injustice. Therefore, it is my prayer that every person who gets a platform, every institution that has a voice must add to condemnation of corrupt and unjust practices that are being visited on Palestinians.

Lastly, Mr. Speaker, Sir, when you talk to people that are being mistreated for being sympathetic to terrorism, these people are freedom fighters. This is because they do not find a conventional avenue to ventilate their injustice. They have to look at different methods of struggle like the Mau and all other freedom fighters. Before the Palestinians become terroristic in their response, it is better to draw them out and to draw the Israelites out, so that this matter is discussed and resolved amicably.

Mr. Speaker, Sir. I support this Statement.

The Speaker (Hon. Lusaka): Sen. (Prof.) on virtual, kindly proceed.

We cannot hear him. Sen. Sakaja, is that your card? It does not bring your name. It shows D83. I suspect you might be the one.

Sen. Sakaja: Mr. Speaker, Sir, it is my card. This is a very important matter. Initially when Sen. Faki started speaking about it, I asked myself whether Sen. Outa's Committee on National Security, Defence and Foreign Relations will be tasked to look into this.

Mr. Speaker, Sir, we must be reminded that in as much as it is a conflict that is in another country that today Kenya sits very high on the table of nations as a member of the United Nations (UN) Security Council. Sitting at the UN Security Council means that the Parliament of Kenya can pronounce itself in a nonpartisan manner. It can present itself because Amb. Kimani is representing the Government and the people of Kenya must know that Kenyans are concerned.

Sitting at the table of the UN Security Council gives us a further responsibility. We are not like any other nation that would just watch on the side-lines. We have heard other countries pronounce themselves. We have had Members of the House of Commons in the United Kingdom (UK) and Members in the United States of America (USA) Congress.

Mr. Speaker, Sir, we sit at par when it comes to matters of global security for us to also be able to say as a country that we believe in peace. That we, as a country, believe in an amiable or amicable solution to this conflict that has lasted very many years. In fact, just because of the definition of the nation Israel in 1948 - even before that - there has been conflict. The conflict goes thousands of years between Palestinians and Israelites.

As a country, even as we discuss this, I am glad I have gotten the second bite of the cherry. I would urge Members to resist the temptation of condemning any side, but to condemn the deaths. There are 200 Palestinians who have died. As of now, 10 Israelites have died. As a country, we cannot take sides because this is a situation that is potentially divisive. It is potentially divisive because of the central place the battle for Jerusalem takes even in our different religions, whether it is between the Jews or the Christians or the Muslims. One of the third most important holy sites in Islam is there. The most important site in Judaism, the temple mount is there. Therefore, our stance as Parliament should set the tone of what we speak for.

Mr. Speaker, Sir, Sen. (Dr.) Ochillo-Ayacko has said very eloquently as he generally does and always does that we must speak for humanity at this time. The children, women and the men who are there are like children and women in Kenya. We must speak for life. We must speak for sobriety. We want our country to pronounce itself on this matter.

Sen. Faki has listed the chronology of events. It is available to all of us. We hope that we can send a statement and our country can send a statement. That we do not sit silent when whatever is going on, no matter what side of the conflict we see or what our views are on who deserves to be where. Death and war must always be the last resort in resolving any conflict.

Mr. Speaker, Sir, I urge that the relevant players, Committee together with the Ministry of Foreign Affairs to pronounce ourselves. Even at the UN Security Council and through the UN that Kenya stands for a peaceful resolution and a ceasefire of the violence that is escalating. Every day when we watch the news on CNN, Aljazeera *et cetera*, we see that it is really becoming a deterioration of events in that part of the world.

Mr. Speaker, Sir, I support the statement.

Sen. Madzayo: Asante sana, Bw. Spika. Ningepemda kujiunga na stementi hii ambayo imeletwa na ndugu yangu, Sen. Mohamed Faki wa Mombasa. Kama tunavyoelewa, Kenya iko katika *radar* au *map* ya ulimwengu. Matumaini yangu ni kwamba watu wengi sana katika Kenya, hususani wakiwa ni wakrsito, wameweza kwenda kule. Hii ni kwa maana ile ndio kama maka yao kwenda kuona pale Yesu alizaliwa, makalio yake, na aliishi vipi pande hizo zote za Jerusalem.

Tunaona kwamba, kukiwa na uhusiano bora katika yale maeneo baana ya Waisraeli and Filistini huenda kukawa na Amani na maendeleo. Ni jambo la kusikitisha kuona kwamba Israeli hivi leo inachukuwa mkondo ambao sio wa kibinadamu. Israeli wanaweza kulipua bomu kule. Basi wapeleke hayo mabomu yao kwa upande kuna vita. Wale wengine watarejesha hayo mabomu vile vile kama wanavyoelewa. Mabomu haya yanaelekezwa katika nyumba na maeneo ambayo yako na watu wengi kama mahospitali, maduka; watu ambao hawahusiki kabisa na tofauti zao kijeshi.

Kwa miaka mingi, watu walikuwa wakipigana baina ya Israeli na Palestina. Lakini baada ya Arafat kuja, yule aliyekuwa mkubwa wa Palestina aliweza kuzungumza kwa kina na watu wa Israeli. Hatimaye ukikumbuka historia ni kwamba amani ilipatikana. Wakati wao watu wengi hawakufariki ama hapakutokea shida tena baina ya Israeli na Wafilisti.

Lakini tunaona ya kwamba baada ya yeye kuondoka wale waliochukua utawala katika upande wa Israeli ikiwamo huyo Waziri Mkuu aliyepo sasa, haiandamani na yale mambo ambayo yaliwekwa ya amani wakati ule.

Kwa hivyo, hata kama Yasser Arafat alikiuka haki za watu, wale walioko kama viongozi ni muhimu waweze kukaa, kuongea na kuona ya kwamba kila wakati wanapotumia zile zana zao za vita wanaokufa ni raia sio wanajeshi. Hii ni kwa sababu wanajeshi wanajua mbinu za kujitetea. Hii hasara ambayo Israeli inapeleka saa zote kwa Wapalestina ikome.

Kama alivyosema ndugu yangu Sakaja sisi tunaketi katika kile kitengo cha juu sana katika usalama wa nchi za United Nations. Ikiwa tunaketi katika ile meza ya kuangalia amani itakuwa jambo la aibu ikiwa Kenya haitatoa matamko ambayo yanakemea vile watu wanavyokufa kule Palestina.

Bw. Spika, tunaelewa kwamba kila mwaka kunakuwepo na mwezi mtukufu wa Ramadhan. Wakati wa mwezi mtukufu wa Ramadhan kila mtu anataka amani kwa sababu huu ni wakati wa kuzingatia akili zetu ziwe mbele ya maombi na kujiweka mbele ya Mwenyezi Mungu. Lakini utapata kwamba Waisraeli wako katika mstari wa mbele wakati wa amani kama huu ambapo inatakikana kuwe na amani ulimwenguni na watu wanafunga kwa sababu ni mwezi mtukufu. Kila mtu anaelekeza uso wake na fikira zake kwa Mwenyezi Mungu na kuomba kwamba amani iweze kupatikana katika nchi ni makossa sana kwa Israeli wale upande ule wa Palestina na mabomu na kuua watu.

Wakati mwingi tunaona kwenye runinga akina mama wakikimbia na watoto wadogo kabisa. Tunaona wakipelekwa mahospitali. Katika hizo harakati tunaona mara nyingi Wapalestina wengi ndio wanaokufa.

Huu ni wakati wa Kenya kuweza kujitambulisha katika mataifa ya ulimwengu ya kwamba wanakemea vikali tabia za Israeli kuua wenzao wanaoishi pamoja. Tunajua mipaka ya Israeli na mipaka ya Palestina haitageuka hata kidogo milele na milele. Kwa hivyo, ni lazima hawa watu waanze kuzoeana, kujuana na kupendana ili amani ipatikane katika hii mipaka yao.

Bw. Spika, ninaunga mkono.

The Speaker (Hon. Lusaka): Those remaining, let us keep our contributions brief so that we make progress.

The Senate Majority Leader (Sen. Poghiso): Mr. Speaker, Sir, I know that it is a Statement. We do not have much time to speak about it, but I wish to make some corrections on the Mover of this Statement because the Mover seems to say that Kenya is silent on the matter, and that also the Government might be biased on the matter, which I think is misplaced.

I should say that this is a very complex matter that the Kenya Government has an official position. It is a matter which comes up in the UN so often, it comes up in the AU and it comes up in our official position.

If we are already members of the UN Security Council, we need to find out what our position is. Our Government has already spoken and I want to use this opportunity to say a few things which our permanent representative has said clearly officially that Kenya has consistently supported diplomatic negotiations conducted in an environment

of peace to achieve a two-State solution. That is not being biased. That is not taking any sides.

It says to achieve a two-State solution this is our official position diplomatically in which Israel and Palestine live within secure and recognized borders in line with the June 1967 borders. This is what is said officially at the UN.

As we say things about this, let us make sure that we quote properly and we present our position very clearly. I know that many things have been said. Kenyans themselves as members of the international community have spoken during their demonstrations. So, we would like to ensure that this is not a matter that we can blame anybody for. It is a matter where we all worry about a general situation of conflict specifically when it takes on a religious nature. It gets more deadly when religious places of worship are targeted.

Amb. Kimani has also said that it runs counter to establish agreements and resolutions. It is influenced passions that run counter to successful negotiations for peace. It is also important that the agreed status quo on Jerusalem be respected according to Amb. Kimani. Many things have been said, but we can get the official position of Kenya. We sympathize with the position as it is. We worry about lives; we worry about international agreements that are being broken and so on. However, we must remain clear that Kenya has respected the two States position.

Thank you, Mr. Speaker, Sir.

Sen. Wako: Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak on this very important matter brought by the Senator for Mombasa.

I think ever since 1949 when Israel was recognized there have always been situations which have created a lot of animosity between the Palestinians and the Israelis. This has over time turned into what is called the intifada, the first one being in 1987 which went on for about three years.

I had the opportunity to be involved on the periphery in that particular one as UN Special rapporteur on the issue of summary or arbitrary executions. The second one was the year 2000. At each intifada which is really intense fighting and intense loss of life meted by a charge which is supported by the big powers, it has all the weapons against defenseless Palestinians, many lives were lost in both intifadas.

Mr. Speaker, Sir, in each one the Israel Government always at the end of it said: "We have now dealt a mighty blow to the Palestinians and they will not rise again." They said so in 1987, they said so in the year 2000 and now we are seeing another intense fighting between the two.

Mr. Speaker, Sir, this one is more serious in that whereas the other two involved fighting outside Israel, it does appear now that within Israel itself the neighbours are fighting the Israelis who are Arabs and those who have come from other areas are now fighting. We are now dealing with an extremely serious situation.

I support the Majority Leader who has said what I was going to say that the Kenya Government has made a Statement before the Security Council which is very balanced and takes into account the interests of both sides. It also called for a ceasefire and negotiations.

I support that because over time starting with the Israeli Prime Menachem Begin, US President Jimmy Carter and His Excellency Anwar Sadat, some agreement was reached. Later on under the auspices of the Norwegians, we had the Oslo I and II Accords. In these accords, the Israeli side was being led by a veteran general called Ariel Sharon and thereafter by the indefatigable Minister for Foreign Affairs of Israel, a man who was for a peaceful solution to these problems; Mr. Shimon Peres.

There is an opportunity for a ceasefire followed by intense negotiations. What is a bit disappointing and frustrating here is that the Trump Government gave the Prime Minister Netanyahu so much support that in a sense has increased hate. This is because contrary to international opinion, Jerusalem was immediately recognized by USA. According to international opinion, the Golan Heights which should have been a subject of negotiations were handed over to Israel.

The domestic situation in Israel was such that the Prime Minister Netanyahu appears to be trying to get support internally. As we know, they have in recent times undergone more than six general elections but somehow, he cannot get enough support.

One wonders whether this attack on – mosque where people had gone peacefully to exercise their right of religion during the last ten days of the Holy Month of Ramadhan - was not in itself a bit provocative.

The Speaker (Hon. Lusaka): You have to summarize. Keep it short.

Sen. Wako: The matter is going on in the Security Council where the US has vetoed three times. My appeal now is to the US which is the big power in that region behind Israel to try to enter into diplomatic negotiation the same way Jimmy Carter and Clinton, all of whom were Democratic Party Presidents did. We now have a Democratic Party President in the US. I appeal to him to try his best to provide the enabling environment for proper negotiations where the rights of the Palestinians and Israelis are recognized.

I am a Christian and I would want the rights of Israelis to be recognized. I also want the rights of the Palestinians to be recognized. After all, they are cousins of the same family. The book of Psalms says it is blessed to have a family which is very peaceful.

The Speaker (Hon. Lusaka): Next Statement is by Sen. Cherargei.

OGP AS A TOOL FOR LEGISLATIVE OVERSIGHT
AND TO PROMOTE ACCOUNTABLE GOVERNANCE

Sen. Cherargei: Thank you, Mr. Speaker, Sir. This is governance week and it is an honour that you have allowed me to read this Statement.

I rise pursuant to Standing Order No. 47(1) to make a Statement on Open Governance Partnerships (OGP) as a tool for legislative oversight and to promote accountable governance. The Open Governance Partnerships (OGP) is a global multilateral initiative that brings together 17 Member countries and 78 local governments to promote transparency, participatory, inclusive and accountable governance.

Member states participate in the partnership by a way of submitting two-year action plans with country commitments to achieve within the action plan period. Kenya

became a member of OGP in 2011 and has so far implemented three national action plans (NAPs) and is currently implementing its fourth NAP for the period 2020-2022. Kenya is also a member of the Global Steering Committee for the period of 2020-2023.

Mr. Speaker, Sir, the OGP Co-chairs is the Republic of Korea represented by Mr. Hae-cheol Jeon. Minister of Interior and Safety, and Mr. Maria Baron the Global Executive Director of *Directorio Legislativo* in Argentina launched by Global call to action by all OGP members in 2021 to use their new and existing action plans to make ambitious commitments that address four challenges. These include anti-corruption, civic space, participation and digital governance where they can share their expertise and experience.

The OGP community in 2021 is looking to join forces and use open government approaches to ensure an inclusive recovery from the Pandemic and deal back from inadequate and critically strained health care systems, a global economic recession and social inequalities to save lives and livelihoods and to protect democratic institutions and spaces for civil society.

Open government has a role to play in tackling each of these issues. As a member of the partnership and global steering Committee, Kenya is contributing to the partnership collective effort to tackle these major global challenges. In the NAP for 2020-2022, Kenya has committed to advance a beneficial ownership transparency and civic space and will model best practices in strengthening its anti-corruption, civic space and digital space.

As a member of the partnership and its steering and given Kenya's standing in Africa, Kenya is keen to ensure it models best practices by building political support not only across national, county, civil society, private sector, nationally, but also in Pan-African institutions and other OGP participating countries in Africa as well.

In order to share these skills, knowledge, resources and expertise with others in the region, Kenya must be on the forefront in using OGP solutions to tackle governance challenges crisis in the region.

Today, Africa has a number of challenges unique in some respects, namely debt transparency and open equitable access to vaccine. Debt transparency is a cornerstone of accountable, sustainable management of debt that can benefit leaders and citizens alike. It allows counties maintain sovereignty over domestic infrastructure and natural resources, increase government credibility and encourage investment from potential lenders.

Without this transparency, we face a situation where potential lenders are not accurately assessing risk associated with buying bonds issued by particular countries, increases to the cost of borrowing, loss on investor confidence and ultimate steep concessions of ceding control of their resources as we have seen in some cases with China. An OGP approach incorporating transparency participation and public accountability can help tackle the challenges relating to this.

Mr. Speaker, Sir, the second one and of course, most vital during this era of Coronavirus Disease (COVID-19) pandemic is open and equitable vaccine access. The pandemic impact includes massive unemployment. According to the Kenya National Bureau of Statistics (KNBS), by last year November or thereabouts, 1.7 million Kenyans had lost their jobs due to the effects of the COVID-19 Pandemic. Lockdown measures

and corruption has deepened inequality and poverty, especially among women, youth and other marginalized groups.

Getting vaccines to African citizens fast, efficiently and equitable should be the core priority of every leader and government on the continent. As of September 2020, the African Development Bank (ADB), the International Monetary Fund (IMF) and the World Bank had collectively disbursed around USD60 billion to African governments. Currently, they have plans to issue further USD650 billion of special drawing rights.

Mr. Speaker, Sir, open government measures must accompany all efforts to raise resources for vaccines and ensure that the purchase and donated vaccines through Covax get to those who need them the most, especially in Africa. These open government measures will help citizens and the international community better trust governments. Open and equitable access to vaccine will protect lives, livelihoods and ensure African economies recover quickly which are the pillars of the global response to COVID-19.

To achieve that, we need to invest first in open, inclusive and accountable procurement processes. Opening the procurement process will enable citizens, civil societies, media and other stakeholders to help inform the planning process, monitor the supply chain, identify corruption risks and detect illegalities.

Mr. Speaker, Sir, secondly, innovative citizen centered programmes that ensure, especially through public participation, an equitable distribution of vaccines during this time of COVID-19 with a focus on getting to the poorest and marginalized are still in the middle and upper classes.

Creating mechanisms for citizens to provide feedback on vaccine distribution and related services. Vaccine registration portals, and I think for us in Kenya, all the county governments got a share of the vaccine that was through AstraZeneca. We hope the second one will be availed to county governments and our public hospitals so that our people in our counties can access this vaccine either in both or second doses.

Mr. Speaker, Sir, vaccine registration portals, for example, offer an interesting opportunity to close the feedback. Loop allows it to submit grievances if they are unfairly denied vaccines or experience other issues. Registration portals should play a vital role in helping the Government to collect information on who and where citizens have been vaccinated.

To allow accountability, this information will need to be shared with citizens easily through readable formats while maintaining potential data privacy. I think even as vaccination continues as a nationwide exercise, there should be a way we should have feedback the way you get a short message from the Ministry of Health when you have been vaccinated and when to expect your second dose. As Sen. Wetangula said in the morning, most Kenyans have “*kabambe*”, I believe those “*kabambe*”, we can still use the short messages.

In finality, as we embark on the implementation of the National Action Plan Fourth 2020-2025 in harness, Kenya hopes to continue being an Open Government Partnership (OGP) ambassador in the region and globally. To this end, the National Action Plan Fourth activities are designed to institutionalize open government and build great resilience of OGP to withstand the future political transitions, economic shocks

among other instabilities, therefore, ensuring sustainability of open government discourse.

Mr. Speaker, Sir, commitment in the action plan includes beneficial ownership, transparency and open contracting. I think that is very important especially with our counties and procurement processes. There is open data for development. It is good to note that we already have the Data Protection Act in place. I have seen the Ministry of Information Communication and Technology has gazetted the regulations.

Public participation is key in government decision making and legislative openness. For us under Article 118, public participation is a key component especially through our legislative process in Parliament in this Republic.

Mr. Speaker, Sir, with regard to improving public service delivery performance and access to information, I think Access to Information Act has been appended and assented to by the President. We hope that the Ministry concerned will ensure regulations on the Access to Information Act are gazetted or put in place to ensure there is access to justice, which we discussed in the morning. For us, this to be in our Constitution is key and important. There is also building open government resilience.

Parliaments continue to be key players in supporting and delivering open governance reforms in this country. They play a critical role of oversight in open governance, completeness, legislative action and building support for the reformers.

The legislature in its power to legislate and allocate resources plays a key role in supporting sustainable open government reforms. Legislation and budgetary resources help to ensure that the executive branch of OGP commitment are sustainable and effectively implemented. This is a specific need for OGP in Kenya, a proactive stance by the Senate.

Mr. Speaker, Sir, I want to insist this. Proactive stance by the Senate in this case will help to ensure the institutionalization and effective implementation of commitments in our action plan. The legislature has constitutional responsibility of overseeing Government activity including Government implementation of the action plan. Although the OGP is independent, reporting mechanism provides valuable feedback on the implementation of the action plan.

Parliamentary oversight itself increases the likelihood that actions are taken in response to the feedback and providing valuable accountability to encourage full implementation of action plan commitment. This is a crucial need to overcome the implementation gap. For instance, a public hearing that reviews progress on commitments or the independent reporting mechanism report maybe valuable addition to the review process, in particular, if these hearings are conducted in a professional and constructive manner.

Mr. Speaker, Sir, finally, I therefore, urge the Senate in exercising its constitutional mandate to engage with the relevant Government agencies with a view to ensuring an equitable access to vaccines whichever the Government approves, through the Pharmacies and Poisons Board (PPB). Also, table measures to ensure debt transparency especially borrowing by Government and other institutions.

In conclusion, I thank your office since you have been very instrumental in ensuring open governance. The Deputy Majority Leader, Sen. Dullo, has also been very

instrumental in these issues of open governance. I remember, Mr. Speaker, Sir, it is your office that directed the Senate. I urge Senators to be active on this. When Parliament of Kenya was chosen, it is through your leadership Mr. Speaker, Sir, that you directed that we need to establish the Senate Desk.

Mr. Speaker, Sir, I urge my colleagues from both the Minority and Majority side to be part of this process. I have raised pertinent issues. I know when we will launch---

I do not know why there is distraction by Sen. Cheruiyot. I do not know the excitement of wanting to join the OGP. Maybe I will list his name later.

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Cheruiyot?

Sen. Cheruiyot: Mr. Speaker, Sir, what we are doing; we are calling out Sen. Cherargei's tricks of staying longer than usual on the microphone. When he realized that you were beginning to look at your watch and seeing that it is slightly a few minutes, he started showering you with accolades. He was saying that it is through your guidance. That is a form of bribery. Please, do not fall for it.

(Laughter)

The Speaker (Hon. Lusaka): Sen. Cherargei, can you conclude?

Sen. Cherargei: Mr. Speaker, Sir, it is good to note because your office has been very instrumental, especially your leadership. The Senate will be informed when we will be launching it officially. You have tasked me and part of your secretariat of the Senate to work and ensure success. I was just noting. It is important to celebrate your unmatched leadership qualities and skills especially on this matter.

We have had a discussion. I want to welcome disciples like Sen. Cheruiyot and Sen. Sakaja. They can join us so that they can understand what we are discussing at OGP. I hope by close of business today, I would request colleague Senators from both the Majority and Minority side to join us in the noble cause that we are having.

The Speaker (Hon. Lusaka): Sen. Sakaja, now that you are listed to talk why do you not just wait? Okay, you want to be informed.

Sen. Cherargei: Mr. Speaker, Sir, it is okay, Sen. Sakaja can go ahead.

Sen. Sakaja: Mr. Speaker, Sir, while I appreciate the invitation that Sen. Cherargei is inviting us to participate in the OGP, I would like to inform Sen. Cherargei that we are the ones who started OGP, the open Parliament working group. That was before he was lucky to come to Parliament. We are grateful that he has taken its leadership now. I would like to inform him to pick up from where we left with Hon. Jessica Mbalu in the last Parliament.

It is a very important element of Open Government Partnerships (OGP). Apart from focusing on the Executive, there is an open Parliament. An open Parliament is what has been lagging behind. We can open up all the processes and have all the spaces in Parliament for all Kenyans to do more meaningful engagement in public participation. I was just informing him that we are in that struggle together. He is not alone; we are already part of what he is doing.

Thank you.

Sen. Cherargei: I thank Sen. Sakaja for that point of information. We normally go to church on Sunday and maybe we have received salvation. I will however learn a lot from him. He is a good friend of mine. We can have *China* rice together and some Hot and Sour as we compare notes.

Mr. Speaker, Sir, we look forward to the cooperation of your office and the Secretariat, so that we can make it a success. I look forward to the end of this year when the International OGP Conference will be held in South Korea. With your guidance and blessings, we shall be part of it and transform the Senate into a world class institution.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Thank you, Sen. Cherargei. When he was showering praises on me, it reminded me of the former Minister for Education, Hon. Peter Oloo Aringo, when he invited President Moi to preside over a graduation ceremony. He would say that Kenya is an island of peace in a sea of turbulence.

Sen. Sakaja, do you want to contribute? No? That is okay.

The last Statement is from Sen. Shiyonga.

Sen. Shiyonga: Mr. Speaker, Sir, I seek your guidance. I have two personal Statements and a Committee Statement, which has been pending for the last five months. What do I do?

The Speaker (Hon. Lusaka): What is your priority Statement?

Sen. Shiyonga: My priority is the Committee Statement, because I am the Chair, and I need to show that I am working. My personal Statement is also a priority. I will take less than five minutes. Sen. Sakaja has been given a lot of time.

The Speaker (Hon. Lusaka): Sen. Shiyonga, I recommend that you do the Committee one when the House is full, so that you are appreciated and people can contribute to it. Do one personal one.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir, for your guidance. I have two Statements, which I will have to read.

ILLEGAL HUNTING OF BUSH MEAT IN TSAVO NATIONAL PARK

Sen. Shiyonga: I rise, pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee of Land, Environment and Natural Resources on the rise of illegal hunting of bush meat, which poses a threat to Dik-dik and giraffes among other animals in the Tsavo National Park.

In the Statement, the Committee should-

- (1) provide detailed data from the Kenya Wildlife Services (KWS) on the current distribution of Dik-diks and giraffes among others in the said national park in comparison to the other years. I am happy that this Statement has come when KWS is carrying out a survey on the number of wild animals that we have.
- (2) explain and justify the reasons leading to the spark of illegal hunting for bush meat;
- (3) elucidate on the actions taken, if any, against the poachers;

- (4) state the measures put in place to sensitize the community living around the park on the risks of illegal game meat trade; and,
- (5) explain the actions taken by the KWS to curb illegal across border bush meat trade.

STATE OF PREPAREDNESS OF NAIROBI CITY
COUNTY FIRE BRIGADE

Mr. Speaker, Sir, I rise, pursuant to Standing Order 41 (1) to seek a Statement from the Standing Committee on National Security, Defence, and Foreign Relations on the state of preparedness of Nairobi City County Fire Brigade in suppressing fire disasters in the City.

In the Statement, the Committee should-

- (1) state the measures put in place to equip fire stations with advanced equipment and adequate personnel to run disaster and emergency operations;
- (2) explain the factors which inform the levels of response by the fire brigade towards fire outbreaks;
- (3) assess the current state of fire equipment being used by fire stations in the City and provide detailed data on their findings; and,
- (4) elaborate on the mechanisms put in place to adequately train and retrain fire fighting personnel, and equip them with the most relevant and recent technologies in updating fire fighting knowledge in dealing with fire disasters.

Thank you, Mr. Speaker, Sir. Those are my personal Statements. I will read the other one next time, as per your guidance.

The Speaker (Hon. Lusaka): Next Order.

MOTION

THANKS FOR THE ADDRESS TO PARLIAMENT BY
THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the Address to Parliament, by Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania, delivered on Wednesday, 5th May, 2021.

(Sen. Poghiso on 11.05.2021)

*(Resumption of debate interrupted on 11.05.2021
– Afternoon Sitting)*

Sen. Cheruiyot: Asante, Bw. Spika. Niliposimama kuongea, nilimskia mmoja wa Maseneta akisema nizungumze kwa Lugha ya Kiswahili. Sijui kama alikuwa ameingia akilini mwangu, kwa sababu nilijiandaa leo kutia bidii na kuzungumza kwa Kiswahili.

Wiki iliyopita, rafiki yangu ambaye ni mwanahabari tajika anayefanya kazi katiza Kituo cha Televisheni cha *Citizen*, Bw. Rashid Abdalla, alinihimza sana. Aliniambia kwamba kila tunapozungumza, mimi hutumia Lugha ya Kiwahili, lakini mbona hajawahi kuniona nikizungumza katika Kiswahili huku Bungeni ilhali nimesoma? Katika shule ya msingi, nilisoma Lugha ya Kiswahili kwa miaka minane. Baada ya hapo, nilienda shule ya upili na kujifunza Kiswahili miaka minne mengine.

Sasa nimekuwa Bungeni karibu miaka saba, lakini sijawahi kuzungumza katika Kiswahili. Nilisema kwamba nitajikaza kuzungumza katika Kiswahili tutakapojadili Hotuba ya Rais Suluhu Hassan. Nitapeana mawazo yangu kuhusu jambo hili ili nijihisi kama niko miongoni mwa wale wanajumuika katika Jumuiya ya Afrika Mashariki. Inasemekana kuwa tusiwe tu watu wa kujumuika kwa sababu Mwenyezi Mungu amesema tuishi pamoja, lakini tujaribu kuwiana kupitia lugha yetu na tuzungumze lugha ambazo tunaielewana.

Bw. Spika, sifikiri kama kuna lugha nyingine yoyote ambayo inaeleweka sana katika Jumuiya ya Afrika Mashariki kuliko Kiswahili. Kwa hivyo, nitajikaza niseme mambo haya.

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

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

Bi. Spika wa Muda, kabla sijaanza ningependa kusema jambo fulani.

Bi. Spika wa Muda, yamkini mwaka mmoja umepita tangu Bunge la Kitaifa kukubaliana kuzungumza Kiswahili kila Ijumaa. Iwapo wewe hufuatilia mazungumzo yao katika runinga, mara nyingi, Wabunge huko hujikaza. Sio kwamba ati wanaelewa Kiswahili sana ama lugha yao ni nzuri zaidi lakini ni tabia ambayo watu wanajifunza. Kidogo ninaona hata rafiki zangu ambao katika hali yao, hawaelewi hii lugha sana lakini sasa wamejifunza hadi wanaweza kuzungumza.

Kwa hivyo, ninatoa changamoto kwa ndungu zangu katika Seneti, kwamba tujikaze. Sio lazima mmoja wetu alete Hoja hapa lakini tutenge siku moja ya kuzungumza Kiswahili. Ninajua sisi sote katika Bunge hili ni Wakenya na Kiswahili ndio lugha ya kwanza tuliyojifunza baada ya lugha ya mama. Ninajua hata kwa wengine, Kiswahili ndio lugha yao ya kwanza. Tujikaze na tutenge siku ya kuzungumza Kiswahili ili tudumishe utamaduni wetu.

Bi Spika wa Muda, wacha niseme mawili au matatu ambayo nilijifunza kutoka kwa Hotuba ya Rais Suluhu Hassan, majuma mawili yaliyopita. Bado ninakumbuka mambo hayo vizuri sana na pia ninafikiria wakati wowote ninapofikiria kuhusu uhusiano kati ya Kenya na Tanzania. Tanzania imebarikiwa na viongozi wa kike ambao wanaendesha uongozi wao kwa njia inayofurahisha. Iwapo wewe hufuatilia maswala ya Bunge la Tanzania na uongozi, utanielewa. Kuna viongozi watatu wa kike ambao mimi huwafuatilia sana uongozi wao na yale wanayofanya.

Kiongozi wa kwanza ni Dr. Tulia Ackson, ambaye ni Naibu wa Spika katika Bunge la Tanzania. Kwa wale ambao hushiriki michezo ya mwisho wa mwaka miongoni mwa Mataifa ya Jumuiya ya Afrika Mashariki, mnajua yeye hupenda riadha. Mbali na

hayo, nimefuatilia uongozi wake pia. Mwingine ambaye pia tumepatana michezoni na nimefuatilia na kupenda uongozi na mawazo yake, ni Mama Salma Kikwete. Yeye ni Mbunge Mteule na pia kiongozi nchini Tanzania.

Kiongozi wa tatu wa kike ambaye nilikuwa nikimfuatilia tangu akiwa Naibu wa Rais, ni huyu Mama, Samia Suluhu Hassan. Sijui kwa nini lakini ninaona mambo mengi aliyosema katika Hotuba yake hayakuwa mageni. Sio mambo ambayo hatujawahi kuzungumzia hapa Bungeni au kuyasikia kutoka kwa viongozi wengine. Hata hivyo, alizungumza kwa sauti yake ya upole na ustaarabu, alichukua nafasi yake na kutueleza huku akisita ili kuhakikisha tunamwelewa.

Mambo hayo yamebaki akilini mwangu na kwa Wakenya wengi. Iwapo unafuata mazungumzo ya Wakenya katika maeneo ya burudani au hata mitandao ya kijamii, utaona Wakenya wengi wameelewa umuhimu wa kuwa na uhusiano mwema kati ya nchi hizi jirani. Mhe. Rais alitukumbusha kwamba Mwenyezi Mungu hakukosa kutuweka pamoja katika Jumuiya ya Afrika Mashariki. Alisema kwamba kuna watu wenye fikira potovu nchini Tanzania na pia Kenya, watu wanaofikiria wanaweza kunawiri peke yao bila wenzao. Alituhimiza tuwache mawazo kama hayo na kwamba ili haya mataifa jirani kustawi zaidi, ni muhimu kutembea pamoja na kusaidiana. Aliongeza kusema kwamba Watanzania wanaweza kutusaidia katika mambo tunayopambana nayo humu nchini. Vile, kuna mambo ambayo Watanzania wanaweza kujifunza kutoka kwetu. Hilo ni himizo nzuri sana.

Rais Suluhu alieleza jambo moja ambalo hata mimi sikujua. Alisema ati tunaona uchumi wetu ni mdogo sana lakini Kenya inaorodheshwa katika nafasi ya tano kwa mataifa yanayowekeza sana nchini Tanzania. Hata hivyo, hatuchukui hiyo nafasi ya tano kwa sababu ya kushindwa na wengine. Mataifa tunayoshindana nayo yameendelea sana na yana utajiri mwingi. Alitaja Marekani, Uingereza, China, India na hatimaye Kenya.

Mhe. Bi Suluhu alieleza kwamba kuna viongozi wasiochungu matamshi yao. Unakumbuka miaka miwili au mitatu iliyopita, Mbunge mmoja alisema maneno ambayo hayafai kutoka katika mdomo wa kiongozi. Aliomba msamaha baadaye na kusema hakuwa amefikiria vyema. Alikuwa ameamuru Watanzania waondoke Kenya.

Ni vizuri kwamba viongozi katika Wizara ya Maswala ya Kigeni walitoa taarifa chini ya masaa mawili. Wakati huo, sikuelewa kwa nini mambo hayo yalikuwa yanafanyika kwa haraka hivyo. Ziara ya Rais Suluhu na Hotuba yake imenipa fursa ya kuelewa uhusiano wetu na Tanzania ni muhimu sana.

Tanzania ni nchi tunayopaswa kuheshimu kwa sababu hata nao wametualika kwao kufanya biashara. Pia wafanyibiashara wengi hapa Kenya wanafanya biashara huko Tanzania. Niko na uhakika hawawezi kuwa wanafanya biashara huko bila faida. Kwa hivyo, sisi kama Waafrika, ni vizuri kuheshimu na kuishi vizuri na yeyote aliyekualika kwake na ukanawiri.

Ninamshukuru Mhe. Rais kwa kututembelea na kutupatia taswira ambayo Wakenya wengi hatukuwa nayo. Ni kwamba hizi nchi mbili zinapozidi kushikana na kujenga uhusiano wa maana na tuwe na mtazamo wa kuinuana, tunaweza kufaulu hata zaidi badala ya mabishano na kutopendana.

Kuna jambo la pili ambalo lilinufurahisha lakini sio kutokana na Hotuba yake. Ukisoma mawazo ya Rais huyu na vile anachukulia mambo, yeye sio mtu wa kupenda

ubishi. Ni msomi. Mkiwa na tofauti za kimawazo, anaamini akupe nafasi useme yako kisha na wewe umsikize na hatimaye mkubaliane.

Sijui nitakuwa nimekosea nikisema hili lakini jambo hilo lilifanya nikafikiria tungekuwa na viongozi wengi wa kike hapa barani Afrika, pengine tungekuwa mbele zaidi, kinyume na sisi wanaume tulio uongozini. Sisi wanaume tunaamini kama hukubaliani na mawazo yangu, basi tupigane, turushiane cheche za maneno ili nikuonyeshe jinsi niko na nguvu. Hayo hayakuwa mawazo ya Rais Suluhu.

Nimeeleza kwamba hayo hata sikupata kwa mazungumzo yake peke yake bali nimekuwa nikimfuatilia hata akiwa kwao.

Mimi nimepata nafasi kumfuatilia hata akiwa kule nyumbani kwao. Nakumbuka wakati mmoja alikuwa anazungumuza na wafanyikazi wa serikali wanaofanya kazi katika Tanzania Revenue Authority (TRA), kitengo chao cha kukusanya ushuru. Alikuwa anawazungumzia akiwaeleza kuhusu uhusiano kati yao na wafanyibiashara.

Hapa nchini Kenya, Bi. Spika wa Muda, unajua kama kuna jambo ambalo wafanyibiashara wanaogopa na pahali wanateswa zaidi ni katika ofisi za Kenya Revenue Authority (KRA), wale ambao wanakusanya ushuru nchini. Mara nyingi, watu wengi hawapendi kuenda kule.

Nakumbuka wakati mmoja nikiangalia Rais Suluhu Hassan akizungumza na wale akiwaeleza, “Tafadhalini, kama mna jambo ambalo mmetofautiana na mfanyibiashara yeyote, hakikisha kwamba mmekaa chini mkaelewana. Msiwe tu wenye haraka ya kufunga biashara za watu.”

Hapa Kenya, wakati mwingine hata bila ya kuelezwa wakikutumia barua pepe ya kwanza na ya pili, ya tatu jambo ambalo utajua ni kupata akaunti zako za benki zimefungwa. Yeye alikuwa anawaeleza kuwa si hivyo. Aliwahimiza watembelee ofisi za wafanyibiashara hao na kuelewana ili nao kama kuna pesa fulani mnawadai, fanyeni hesabu ya pamoja na mkubaliane vile hao watalipa.

Ukiangalia yale mawazo ambayo alikuwa anapeana katika shida ambazo huwa zinatokea mara nyingi kati yetu na Tanzania, wewe wajua wale madereva wanaoenda masafa marefu wanapofika Namanga, mara nyingi huwa tuna shida kati yetu na jirani zetu. Mimi nilisikia yeye akizungumza akisema, “Jameni, haya ni mambo sisi twaweza kuzungumza na kuelewana. Si mambo magumu.”

Mara nyingi nimesikia viongozi kutoka upande ule na viongozi kutoka huku kwetu wakisema mambo ambayo hayasaidii katika mgogoro huu. Kwa hivyo, namshukuru sana.

Bi. Spika wa Muda, nikikaribia kumaliza, najipa kongole sana. Sikuwa na imani kwamba ninaweza kuzungumza Kiswahili mpaka hii taa iwake. Nilifikiri baada ya dakika tatu nitapotea hapo lakini naona karibu masaa yanakwisha. Kwa hivyo, nafikiri nitakuwa ninafanya jambo hili. Nashukuru rafiki yangu aliye nihimiza kwamba nitie bidii na nizungumze kwa Kiswahili.

Bi. Spika wa Muda, nitamalizia nikizungumza kuhusu Jumuiya ya Afrika Mashariki. Nilifurahishwa sana na mapendekezo na mawazo ambayo yule Rais wa Jamhuri ya Tanzania alitoa alipokuwa akizingumzia. Kwa mfano, ukitembelea mbuga

yao ya Serengeti kule Tanzania na upande huu wetu wa Maasai Mara, alisema mara nyingi tukienda katika nchi za ng'ambo, sisi twafanya tukiwa wafanyibiashara na mtu atafikiria ni mambo mawili tofauti, mbuga ambazo hazitani.

Lakini tutakapokaa na kuelewana, yawezakuwa kwa wale ambao tunawatembelea katika nchi za kigeni na kuwaeleza kuwa waweza kuja kufanya starehe na burudani hapa nchini na tuwauzie jambo ambalo ni kubwa. Kuna vile unavyotengeneza mawazo na ile *package* unampa mtalii yeyote ambaye yuko sehemu zingine za duniani yaweza kuwa bora zaidi ukimuuzia ya Jumuiya ya Afrika Mashariki kuliko ukimuuzia ya nchi tofauti kama Kenya ama Tanzania.

Bi. Spika wa Muda, ningependa kutoa himizo kwa sisi viongozi ambao tuna nafasi za uongozi na tuko katika siasa ya kwamba tunapopata fursa kama hizi; na sisi wakati mwingi huwaita viongozi wa serikalini, mawaziri ama makatibu wa kudumu, hapa lakini hatujawai kuwa na mawazo ya kuwasukuma kuwauliza, "Je, ninyi mmefikisha wapi mazungumzo haya ya kuangalia kwamba katika miaka mingine 20 inayokuja, Jumuiya yetu ya Afrika Mashariki iwe kitu kimoja?"

Twakumbuka kwamba kule zamani kabla sijazaliwa, pengine viongozi wengine walio hapa walikuwa wamezaliwa wakati huo, mimi husikia tu kuwa Jumuiya ya Afrika Mashariki ilivunjika kwa sababu Wakenya walifanya vile, Watanzania walifanya vile na Waganda walikuwa na haya. Mimi nina imani kwamba tukifuata mwelekezo ambao sisi tulipewa na Rais Suluhu Hassan, tutaweza kuungana tena na wakati huo biashara zetu ambazo mingi ziko hapa Kenya na kule Tanzania zitaweza kuwa na nguvu zaidi kuliko inavyopatikana hivi sasa.

Bi. Spika wa Muda, yangu nikumalizia na kusema tafadhalini, sisi kama viongozi tukishapewa fursa kama hii na kuelezwa mawazo mazuri kama yale, tujihimize na tuangalie ni vipi tunaweza tukatekeleza yale mapendekezo aliyotupa kwa upande wetu.

Yeye alisema ninyi kama Wakenya lindeni upande wenu. Mimi ninawahikikishia nikiwa Rais wa Tanzania kwamba moja ya *agenda* zile nitahakikisha nimestawisha na kunawiri chini ya uongozi wangu ni Jumuiya hii ya Afrika Mashariki.

Natumai katika wiki ambazo zinakuja, Rais wa Jamhuri ya Kenya atakuja kutupa hotuba ambayo anatupa kila mwaka. Moja ya mambo ambayo lazima wale ambao wanaandika hotuba yake watuletee katika Bunge hili kwa sababu najua wanafuatilia mazungumzo haya ni vipi na mikakati ipi ambayo Rais wetu, Rais Uhuru Kenyatta, ametia katika mipango yake kuhakikisha kwamba kuna uwiano mzuri kati ya jamii hizi ambazo zinaishi na nchi hizi ili sisi wote tuweze kustawi na tuwe na Jumuiya njema.

Bi. Spika wa Muda, nashukuru. Namkaribisha tena aje kwa sababu wakati alikuja kulikuwa na furaha sana nchini. Mgeni huyo azidi kuja ili sisi tupone.

Asante, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Pareno): Hoja ya nidhamu kutoka kwa Sen. Madzayo.

Sen. Madzayo: Bi. Spika wa Muda, shukrani kwa kunipa nafasi hii.

Nataka kusema ya kwamba ametamka akisema ya kwamba siku zinazokuja hapo mbeleni. Hiyo ni sawa kabisa, tumemuelewa. Lakini kitu kizuri Sen. Cheruiyot angesema ni siku za usoni.

Ni hayo peke yake nilikuwa nataka kusema. Lakini la muhimu zaidi ni kwamba nataka nimpatie kongole sana Sen. Cheruiyot kwa ujasiri wake wa Lugha ya Kiswahili. Ameongea Kiswahili mufti ambacho hata mimi nimekipenda.

My brother, Seneta wa Kericho, keep it up. Hiyo ni shining hapo.

Asante, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Pareno): Hiyo haikuwa hoja ya nidhamu. Ilikuwa ni kama kumpongeza Sen. Cheruiyot.

Ni vizuri tumpongeze Sen. Cheruiyot. Amejaribu sana.

Karibu, Sen. Sakaja.

Sen. Sakaja: Asante, Bi. Spika wa Muda.

Sikuwa nimepanga kuzungumza kwa Lugha ya Kiswahili lakini kama Sen. Cheruiyot anaweza kuzungumza Kiswahili, hakuna yule ambaye hawezi.

Bi. Spika wa Muda, wajua katika taifa letu tuko na wale ambao ni Nilotes, Bantus na Cushites. Wale ambao wametoka katika ukoo wa Nilotes wakizungumza Kiswahili kwao ni changamoto kubwa sana. Haswa, wakijaribu wanaweza kujikwaa au kuteguka. Ni ngumu sana hasa kwa wale wametoka Nyanza.

Lakini hata sisi wengine tukijaribu wengine wetu tumezaliwa Nairobi na Kiswahili chetu ni kile cha mtaa. Nakumbuka Rais Suluhu akisema *anaenjoy* akisikia tukizungumza Kiswahili chetu.

Ningeomba Sen. Madzayo, Seneta wa Kilifi na wale walio na uzoefu wasitukosoe sana kwa sababu watafanya tufe moyo na tusiwe tunajaribu kuzungumza kwa Kiswahili.

Bi. Spika wa Muda, pia mimi nitajaribu kuchangia Hoja hii ambapo tunatoa shukrani ya Seneti kwa Rais wa Tanzania, Rais Samia Suluhu Hassan kwa hotuba ambayo alitoa katika Bunge letu kwa Kikao cha pamoja wa Bunge la Kitaifa na Seneti ambayo tulihudhuria sote au baadhi yetu.

Rais Samia Suluhu alitamataisha hotuba yake kwa kutupa baraka kubwa kwa kusema hudumu undugu wa Wakenya na Watanzania. Alisema wadumu viongozi, Mungu aibariki Jamhuri ya Kenya na Mungu aibariki Jamhuri wa Muungano wa Tanzania.

Bi. Spika wa Muda, nilifurahi sana kukutana na Rais wa Tanzania alipokuja kwa sababu nilikuwa miongoni wa wale viongozi ambao walimpokea kama Seneta wa Nairobi.

Kabla ya kutoa Hotuba yake, tulipata muda kidogo wa kuzungumza naye. Rais Suluhu alinishangaza sana kwa sababu alikuwa na utulivu sana. Sio kawaida ya Rais. Alikuwa anataka kujua mambo mengi. Aliuliza kuhusu jinsi Maseneta huchaguliwa. Nakumbuka alishangaa sana alipoelezwa mimi ni Seneta wa Nairobi. Aliniuliza iwapo nilichaguliwa Nairobi nzima. Alishangazwa na umri wangu. Lakini nilimweleza kwamba tulikuwa tunafuatilia uongozi wake.

Baadaye, Sen. Madzayo alikuwa na sisi. Tulimweleza kwamba tumekuwa tukiwasiliana na viongozi wengine katika Jamhuri ya Tanzania na kuwa sisi ni marafiki. Kwa mzaha, tulimwambia kwamba hatutaki arudi Tanzania ila abakie Kenya kwa sababu tulikuwa na furaha sana kumwona.

Bi. Spika wa Muda, Rais Samia Suluhu aligusia mambo muhimu sana. Kwa vipengele ambavyo alizingatia, jambo muhimu alilogusia ni kwamba, nchi yoyote

ulimwenguni inaweza kubadilishwa kwa muda mchache sana kwa sababu ya kiongozi mmoja.

Bi. Spika wa Muda, Rais Samia Suluhu hajakuwa Rais kwa muda mrefu. Hapo awali kulikuwa na fikra ambazo hazifai kati ya nchi zetu, lakini kwa muda mfupi sana, taswira au mandhari ya kisiasia na uhusiano wetu umebadilika. Amerudisha matumaini kwamba, Kenya na Tanzania ni nchi zinazoweza kuangaliana kama ndugu. Tuna mengi ambayo tunakubaliana nayo kuliko yale ambayo hatukubaliani nayo.

Bi. Spika wa Muda, alinikumbusha kuhusu Waziri Mkuu wa Singapore, Lee Kwan Yew, ambaye alibadili nchi ya Singapore. Jirani wao wa Malaysia walikuwa wamekataa kuungana nao. Alisema kwamba hakuna shaka wataweza kustawi kama nchi. Alibadilisha nchi yake. Rais wa Rwanda ameweza kuinua nchi yake ya Rwanda baada ya vita au uhusama. Ni nchi ambayo watu wengi wanatamani au ni mfano ambao unaweza kufuatwa na nchi zingine.

Nilifurahi na nilipata matumaini kwamba uongozi--- Mwandishi John Maxwell alisema kuwa kila kitu huanza na kukamilika na uongozi. Uongozi ndio unabadilisha maisha ya watu na nchi. Nampongeza sana.

Nilifurahi nikimwangukia Rais Suluhu kwa sababu mtoto wangu wa kike anaweza kuwa na matumaini ya kuwa Rais siku moja. Sisi kama taifa tumekuwa tunasema kina mama lazima wapate nafasi ya uongozi. Rais Suluhu ni mfano mzuri sana. Uongozi bora unaweza kutoka kwa mwamamme au mwanamke.

Tunamtakia kila la heri Rais wa Tanzania kwa kazi kubwa ambayo anayo. Mojawapo ya sheria arobaini na nane za uongozi au *48 laws of power*, inasema usijivishe viatu vya kiongozi mkubwa. Yeye amefuata kiongozi ambaye alikuwa kiongozi imara na shupavu, Dr. John Pombe Magufuli. Nina uhakika na amani kwamba Rais Samia Suluhu anaweza, anatosha na ataendelea kuongoza Taifa la Jamhuri ya Tanzania.

Bi. Spika wa Muda, ni jambo la busara ambalo sisi kama Wakenya tunafaa kufurahia. Hii ni kwa sababu Rais Suluhu alisema kwamba ilikuwa ni ziara yake ya kwanza rasmi kama Rais, kuja Kenya. Yeye ndio Rais wa tatu tangu Bunge la kwanza la Kenya kuja kutoa Hotuba Rasmi katika Bunge la Kenya. Wa kwanza alikuwa Rais wa Nigeria Jonathan Goodluck. Wa pili alikuwa ni Rais Kikwete. Alitoa Hotuba Rasmi katika kikao cha pamoja cha Bunge la Kenya. Wa tatu ni Rais Samia Suluhu. Tunamshukuru sana.

Kenya inaheshimika sana. Alikiri kwamba alipata mapokezi mazuri na alifurahia kuwa Kenya. Hii ni kwa sababu kadhaa alizotaja. Ya kwanza ni undugu wa damu ambao upo kati ya Wakenya na watanania. Mipaka yetu ni bandia. Ni mipaka ambayo haikuwa. Alirodhesha majina kama Otieno, Oboke, Namelock ambayo yako Kenya na Tanzania. Pia, alitaja ndugu yetu Seneta wa Mombasa. Alisema jina Faki Mohamed Mwinyihaji ni jina la Kizanzibari. Mhe. Faki alifurahi sana kuwa Rais wa Tanzania anamjua. Tuko na umoja wa ukoo au undugu wa damu.

La pili, ni historia kati ya Kenya na Tanzania tangu kuzinduliwa kwa Jumuiya ya Afrika Mashariki mwaka wa 1967. Nakumbuka Spika wetu alipata shida kidogo kutamka tarehe kwa Kiswahili. Nchi zetu zimekuwa na uhusiano katika *East Africa Common Services organization*, zikiwemo nchi za utawala na ukoloni wa Waingereza. Kenya na Tanzania inahitajiana.

Jambo la tatu ni la kijografia. Ukiangalia mambo ya kijografia, alisema kwamba ni Mwenyezi Mungu ambaye aliamua sisi tuwe majirani na sio sisi. Tuko na mipaka baharini na ardhini katika nchi kavu. Ikolojia yetu ni moja. Alitoa mfano ambao Sen. Cheruiyot alijaribu kusema, kwamba, wanyama wetu wa pori hutoka Serengeti na kupata mimba katika Maasai Mara na wakirudi, hao ambao wamezaliwa tunasema ni wa Tanzania au Kenya?

Kwa hivyo, kutokana na ukweli huo na ushirikiano kati ya Tanzania na Kenya, hatuna hiari, bali kufanya kazi pamoja. Mungu ameamua na sio lazima tuendele. Katika uwekezaji, aliorodhesha Kenya kama nchi ya tano ambayo imeweka uwekezaji mkubwa sana nchini Tanzania na idadi ya takwimu ya Tanzania ambayo iliorodhesha. Ukiangalia Amerikani, Uingereza, kisha China na India, tuko na taifa la Kenya.

Alisema kuna kampuni ya wawekezaji 513 kutoka Kenya ambao wanafanya biashara katika nchi ya Tanzania na wao wana kampuni kama 30 hivi ya kazi na biashara. Kuna Wakenya 2,000 ambao wameajiriwa katika nchi ya Tanzania na pia hapa tuko na Watanzania.

Kwa hivyo, ni uhusiano ambao lazima uendele. Nilifurahia sana vile aliweza kuwaonya wale ambao wanafanya kazi katika Serikali ambao hujaribu kuzingatia yale ambayo tunatofautiana kuzidi vile wanazingatia yale ambayo tunakubaliana. Ni jambo ambalo kwa Kimombo tunasema *political goodwill*. Kwa Kiswahili ni nia nzuri ya kisiasa ambayo inahitajika kati ya nchi zetu. Sio tu nia nzuri ambayo inapatikana katika Serikali upande wa utekelezaji au Executive, lakini pia uhusiano wa Mabunge yetu ni muhimu.

Alitoa salamu kutoka kwa Spika wa Bunge la Tanzania.

Bi Spika wa Muda, Rais wa Tanzania alimtaja Rais wa kwanza wa Tanzania Mwalimu Julius Kambarage Nyerere ambaye alisema ya kwamba: -
“Tukipoteza muda mwingi kuwagawana kibaba, tutapoteza wasaa wa kuvuna pishi.”

Bi Spika wa Muda, nilikuwa na fursa ya kumtembelea Mama Maria Nyerere kule Tanzania. Nilipata fursa hiyo miaka miwili iliyopita tukiwa pamoja na aliyekuwa Waziri Mkuu Raila Odinga na viongozi wengine. Tulikuwa tumeenda mambo ya michezo.

Wakati huo alikuwa patron wa team ya Gor Mahia na mimi wakati huo nilikuwa pia patron wa team ya AFC Leopards. Huko Tanzania tulikuwa tumeenda kucheza na Yanga na Simba. Tulipata muda wa kuenda kumtembelea Mama Maria Nyerere. Hapo pia tulikutana na aliyekuwa Jaji Mkuu Warioba na viongozi wengine ambao wamekuwepo kwa muda mrefu.

Nilifurahia kusikia wakisimulia uhusiano kati ya Kenya na Tanzania. Ukisoma kitabu cha aliyekuwa kiongozi shupavu Kenya, Bw. Tom Mboya, kitabu ambacho kinaitwa: “A Man Kenya Wanted to Forget” anasimulia vile alipokuwa anawindwa na wale wakoloni alipokuwa akiishi Shauri Moyo na Kaloleni hapa Nairobi. Walikuwa wakija kwa nyumba yake mara kwa mara na wanampata amekaa na Julius Nyerere wakizungumza mambo ya vile tutapata uhuru kati ya Kenya na Tanzania.

Uhusiano wetu unaenda miaka na miaka. Ni vizuri ya kwamba tumepata kiongozi sasa katika Jamhuri ya Tanzania ambaye pia anataka kuhakikisha kwamba uwiiano na umoja huu utaweza kuendelea.

Ningependa kuwasihi viongozi wenzangu tuzidi kutembeleana. Nilifurahi vile Rais Samia Suluhu alisema haitakuwa mara yake ya mwisho kuja Kenya. Tunamkaribisha aje tena. Ningependa kumwambia ya kwamba amekaribishwa Nairobi City County na akija wakati mwingine tutaenda kutembea na tuone sehemu nyingi katika taifa letu.

Nina marafiki wengi katika Bunge la Tanzania. Ndugu yangu January Makamba ambaye aliwania urais alikuwa namba tano. Alikuwa na miaka arobaini. Nilimweleza, kweli mmepata rais mzuri. Alicheka na kusema, kweli tuko na rais mzuri. Labda miaka ijayo yeye pia atakuwa rais wa Tanzania. Huwezi kujua mipango ya Mungu. Labda mimi nitakuwa rais wa Kenya katika siku za usoni. Popote ambapo tutakuwa, tutahakikisha ya kwamba uhusiano wetu lazima uendelee.

Nikimalizia ningependa kukubali ya kwamba kwa muda mrefu mimi mwenyewe pia nilikuwa miongoni ya wale ambao tulikuwa hatukubali kwa kina mambo ya political federation kati ya Kenya, Tanzania, Uganda, Rwanda na Burundi. Lakini nakumbuka mwaka wa 2010 nilipokuwa na ambaye alikuwa Waziri wa Fedha wakati huo na sasa ni Rais wa Kenya alinikosoa akasema “hapana Sakaja”. Nilikuwa nafikiria kama uchumi wetu uko mbele, tukiungana na hizi nchi zingine uchumi wetu utashuka. Akaniambia “Hapana. Hapa Kenya tuko na shida ya ukabila. Tunafikiria kuhusu, Wakikuyu, Wajaluo, Wakamba. Sasa tukiongeza Waganda na Watanzania; nchi ambazo hawazingatii kabila, tutakuwa tumemaliza mambo ya ukabila. Ndio tunaweza kuwa labda tumepunguza viti katika muungano wa mataifa lakini ile nguvu ambayo tutakuwa nayo kama political federation itakuwa nzuri zaidi.”

Alinibadilisha mawazo kutoka siku hiyo na ninamshukuru sana Rais wetu wa Kenya kwa sababu alinibadilisha mawazo. Kwa sababu ya hiyo, ningependa kuhimiza wabunge mara nyingi tukifanya ziara, tunaenda kwa nchi za mbali, Marekani, China. Tutembe, Burundi, Tanzania na Uganda tuanze kujuana. Hii ni kwa sababu hizi nchi kubwa ambazo tunafanya nazo biashara ni Uganda na Tanzania, usare wetu pia itabidi iongezeke.

Rais wa Tanzania aligusia miundo msingi, zile projects ambazo zinafanyika kati ya Kenya na Tanzania. Nitagusia tu kidogo kwa sababu ziko na manufaa mengi, sana kwa wale ambao wako Pwani na Sen. Madzayo atakubaliana na mimi. Ukiangalia barabara kutoka Lamu, Mombasa, Tanga, Bagamoyo ni kilomita 454. Hii itabadilisha uchumi.

Rais wa Kenya alisema ya kwamba Watanzania wana uhuru wa kuja Kenya kufanya kazi bila kutafuta leseni ya kazi au work permit. Ningependa pia Bunge la Tanzania lijadili jambo hili pia watupe ruhusa wafanyibiashara wa Kenya wafanya vivyo hivyo.

Aliongea juu ya barabara ya Arusha-Holili-Taveta-Voi ambayo ina urefu wa kilomita 2060 ambapo pia huko niko na ukoo kidogo. Huko tuko na mambo mengi ambayo yanafanana kuliko hata ukoo. Barabara hiyo itasaidia uchumi na watu wetu wataweza kusafiri kufanya biashara baina yao. Ilifunguliwa rasmi mwaka wa 2012.

Pia, kuna mambo ya huduma za mipakani ama one-stop border post. Hiyo one-stop border post hapo Namanga na Holili, Taveta, vituo hivyo vimeahirisha shughuli za

biashara mipakani na uvukaji wa watu. Kuna mambo mengi ambayo tunaweza kufanya kati yetu.

Tunamshkuru sana kwa kuja hapa na ninaomba kwa sababu alimwalika Rais wetu Uhuru Kenyatta awe mgeni wa heshima katika wakati watakuwa wanaadhimisha siku yao ya uhuru, ningependa pia apewe heshima vile, pia aweze kuhutubia Bunge lao kwa sababu mambo ambayo atatamka hapo, itabidi mawaziri wetu wahakikishe yametekelezwa. Naomba ya kwamba kusiwe na yeyote katika Serikali yetu ambaye atakataa kufuata amri ambayo Rais wetu alisema na kusiwe na yeyote katika Serikali ya Tanzania ambaye atatenda kinyume na maagizo ambayo Rais Suluhu alisema.

Mwisho kabisa alisema ya kwamba tumeanza ushirikiano wa kupigana na mambo ya COVID-19. Nimefurahi vile alikuja, tuliona alikuwa amevaa barakoa. Juzi amepata ripoti kutoka Wizara ya Afya, aliuliza wale ambao wamekimu katika mambo ya biolojia na kutoa ripoti ya kwamba sasa wanafuata sayansi. Tunawaomba kila la kheri Watanzania.

Ningependa waje Kenya wazungumze na KEMRI kwa sababu KEMRI wamepata uzoefu wa mambo ya testing ya COVID-19 na kupata chanjo ya COVID-19. Tunawaomba kila la kheri. Tunaomba pia wafuate masharti kwa sababu hatungependa kupoteza ndugu zetu Watanzania kwa janga hili la COVID-19.

Tunamshukuru sana Rais Suluhu Hassan. Karibu tena Kenya; karibu tena Nairobi.

Sen. Madzayo: Bi Naibu Spika wa Muda, kama ingekuwa mtihani wa Kiswahili, nafikiria ndugu yangu Sakaja, ama wale wanaomuita “Saks” kama mimi, ningekuwa nimempatia asilimia 99 juu ya mia moja. Ameongea Kiswahili sanifu ambacho kimeeleweka katika kuchangia katika huo mjadala wa kuhusikana na Mhe. Suluhu, Rais wa Muungano wa Jamhuri ya Tanzania, ilikuwa jambo la kutabasamu. Ninafurahi sana na ningependa kumhimiza, aendelee na moyo huo huo. Endelea na Kiswahili hicho hicho na nina hakika kila mtu katika Kenya leo amekusikia ukiongea Kiswahili, tena sio kile Kiswahili cha *sheng*, ni Kiswahili mufti.

Asante Bi. Spika wa Muda.

The Temporary Speaker (Sen. Pareno): Lakini umesahau maombi. Aliomba kwamba katika siku za usoni anaomba kwamba atakuwa rais wa taifa hili. Kwa hivyo, umuombe na umuunge mkono.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity. Before I continue I want to apologize to Sen. Madzayo that I will speak in English. I do not have the high variety of Kiswahili. As a linguist, I would rather go the high variety. However, I will still improve in my Kiswahili.

I want to support this Motion on the Address by President Suluhu to the Joint Sitting of the Parliament of Kenya.

That visit speaks volumes about the future of Kenya and the United Republic of Tanzania. Some years ago, there has been a strained relationship between Kenya and Tanzania. President Suluhu’s visit to Kenya was the first after taking over as the President of the United Republic of Tanzania. It is a great honour for this Republic and the United Republic of Tanzania because we are neighbours and quite a number of times, we have had relationships that were not sound for business.

Even the way she came to Kenya speaks volumes about women in leadership. We could see the President accompanied by womenfolk. Some of her security officers were also female. This is a plus also to the gender perspective; that even when it comes to presidential security, it is also good to have the gender perspective integrated in the sense that we can also have female presidential security.

I also saw the female touch when she went to Mombasa and was able to get in touch with other female legislators. I could see her with hon. Mishi Mboko and the rest, and they were even able to break the fast. That was just showing how even in leadership, the female will still remain female. They have the motherly touch which is also---

The Temporary Speaker (Sen. Pareno): Sen. Cherargei, do you have an intervention?

Sen. Cherargei: Madam Temporary Speaker I would not want to interrupt the train of thought of Sen. (Dr.) Musuruve, but she should know on a point of information that according to state official page, the breaking of fast known as *iftar* was done at State House Nairobi and not in Mombasa.

The Temporary Speaker (Sen. Pareno): Tuna Hoja nyingine kutoka kwa Sen. Wetangula.

Sen. Wetangula: Madam Temporary Speaker, I like the enthusiasm and skills of debate of Sen. (Dr.) Musuruve, but is she in order to continuously portray the President of the United Republic of Tanzania as a woman, when we know that she is not a president because she is woman, but because she has capacity, ability, with all that requires a president to be?

This is how women lose this plot. Somebody is so competent, is a professor, president, scientist or astronaut, but we want to portray them as if they are where they are because they are women and have capacity, ability and brains comparable to any other human being.

Is it on order for Sen. (Dr.) Musuruve to continue belaboring and belittling the stature of the President of the United Republic of Tanzania as if she is what she is because she is a woman? She is what she is because she is a consummate politician. I have known her for many years that she has been in Parliament. She is competent in her own right regardless of her gender.

The Temporary Speaker (Sen. Pareno): Sen. (Dr.) Musuruve, labda ungependa kufafanua kwa njia ambayo inaonyesha kwamba Rais wa Jamhuri ya Muugano wa Tanzania, Mhe. Samia Suluhu Hassan, ameteuliwa kwa kuwa na ujasiri na kuwa anaweza kufanya kazi hiyo.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, statements are also understood differently by different people. I am just commending the fact that she is able to multi-task in terms of executing her duty and appearance.

She is also communicating to us that we should never forget that we are also mothers, mentors to girls and so on. I have not belittled the President as it has been misunderstood greatly by Sen. Wetangula. I dismiss that on the Floor of this House. I am speaking genuinely that this is a noble woman that despite being a President, she also knows that she has to mentor girls, women and everyone.

The coming of the President to this country was also important because it was promoting bilateral talks, which are very important and core to ensuring that business thrives. For business to thrive and do well, the environment needs to be economically viable.

The fact that the President came and held bilateral talks with our President is a plus for Kenya because it was very clear that now visas and work permits will be given to Tanzanians who want to come and do business and to Kenyans who want to go and do business in United Republic of Tanzania.

It is clear that when it comes to business, Kenyans are good. I am not dismissing Tanzanians; they are also good in business. Kenya is also good at exporting quite a number of things to the United Republic of Tanzania. We are able to export lime, cement and many other things. Likewise, the United Republic of Tanzania exports to Kenya. When the relationship is good and healthy, it becomes so even social-economically.

The relationship between Kenya and the United Republic of Tanzania is important for East Africa. Given that our President is the Chair of EAC, there is need for the bilateral talks to be even and have agreements that will ensure that the two countries are working together.

I remember as if it was yesterday when the late President Dr. Magufuli died. Our President was touched and said he had to go there and pay his last respects. That is one country speaking to another. We need that kind of communication and a good relationship in order to ensure that the two countries are doing well economically.

Madam Temporary Speaker, some years back, the relationship between the United Republic of Tanzania and Kenya was very good. There was a lot of intermarrying. I also remember that my father, Mr. Inimah, met my mother Kafuyai in Tanzania, which is how the Inimah's family came about. With this relationship, we are also going to have a number of intermarriages.

I liked the way President Suluhu could remember Senators here, such as Sen. Faki. She even mentioned that there are lots of commonalities between Kenya and Tanzania in terms of names, food and language. Both countries use Swahili, which is a lingua franca that helps a lot in business. However, the fact that both Kenyans and Tanzanians can speak Swahili, it is possible for them to do business together. That is what will develop us.

That session was very important. I remember the time when I was in the Senate Committee on Trade and Tourism, where there was a report that some maize was even stopped at the border. This has come to a stop because President said clearly that Kenyans and Tanzanians are free to do business. This will help in each country accessing each other in markets.

As the East African region, we have to see how to boost each other.

There are many times we import things from Europe. Some of these things maybe they can be found in Tanzania. There are times also Tanzanians import from Europe, but some of these things they import sometimes they can be found in Kenya. These talks and coming was important. I am looking to a situation when the East African Commission (EAC) that was mentioned will be formulated so that there is an East African cohesion between Kenya and Tanzania.

Madam Temporary Speaker, I support this Motion. I hope that we will continue relating well with the Government of Tanzania so that we look for business opportunities in Tanzania for our business people. I know that Kenyans are very good business people. They can go to Tanzania and create employment. When someone begins a business, the person will need a workforce to help in the business. If Tanzanians come to Kenya start business they do, they will create employment opportunities for our people.

When it comes to tourism, it means that it will be possible for Kenyans to go to Tanzania freely. The Kenyan tour guides will be free to walk tourists around and likewise to Tanzania. I support this Motion. I believe and hope that we will continue relating well with Tanzania. We will continue visiting each other and creating an opportunity to have commonalities as East Africa.

Madam Temporary Speaker, thank you for giving me an opportunity to support this Motion.

The Temporary Speaker (Sen. Pareno): Naona Sen. Cherargei umesimama tayari kuongea Kiswahili. Sen. Cheragei, endelea. Na leo tunachapa Kiswahili.

Sen. Cherargei: Bi. Spika wa Muda, ninatoa shukrani zangu kwa kunipa fursa hii niweze kuchangia hoja hii kwa siku ya leo. Mwanzo kabisa namshukuru Rais wa awamu ya sita wa Jamhuri ya Muungano ya Tanzania, Mhe. Suluhu Hassan, kwa kufanya ziara rasmi nchini Kenya na katika Bunge la Kitaifa na Seneti.

Nilikuwa na fursa nadra na adimu sana kuwa baadhi ya viongozi ambao walihudhuria na kusikiliza Hotuba ambayo alitoa katika Bunge la Kitaifa. Tulijua kwamba kiongozi wa awamu ya sita Mhe. Suluhu Hassan ni kiongozi ambaye ameleta undugu na urafiki hasa katika mataifa yetu mawili ya Tanzania na Kenya.

Bi. Spika wa Muda, ningependa kugusia mambo matatu kulingana na hotuba yake. Kwanza ni kumshukuru na kumtakia kila la heri hasa wakati huu anapochukua hatamu za uongozi ingawa alichukua wakati ambao mtangulizi wake; Rais John Pombe Magufuli, aliaga dunia. Nilifurahishwa sana kwa sababu alitushangaza sana kusema kwamba anafuatilia hasa hoja na miswada ya mabunge mawili, hasa Bunge la Seneti. Huo ni wakati tulitoa risala zetu za rambirambi na pole ambazo ziliwekwa katika kumbukumbu la Bunge la Seneti. Hiyo ilikuwa inaonyesha kuwa tuko na uhusiano ama mnato fulani kati ya nchi hizi zetu za Kenya na Tanzania.

Aligusia mambo mawili na kwanza ni kuhusiana na uwekezaji. Alisema kwamba mataifa ya Tanzania na Kenya yako na kurasa mpya ikizingatiwa mtangulize wake hayati Rais Pombe Magufuli alikuwa na kusesitiza kuwa Tanzania kwanza kuliko nchi nyinginezo. Nafikiri uwekezaji ambao tumepata kama taifa hili umetupatia changamoto, hasa wafanyibiashara wetu.

Bi. Spika wa Muda, tumeona kwamba hata ingawa tulikuwa na wasiwasi kidogo wakati kulikuwa na mkutano katika hoteli ya kifahari hapa jijini Nairobi, kuna mfanyibiashara mmoja kutoka nchi ya Tanzania tuliona katika kanda ya video katika mitandao ya kijamii. Alikuwa analalamika kwamba ameshindwa karibu miaka miwili au tatu kupata fursa ya kufanya biashara katika taifa letu la Kenya.

Nafikiri hiyo ni changamoto ambayo taasisi ambayo inahusika na uwekezaji ambayo ni Kenya Investments Authority (KIA) kushughulikia masuala hayo ndio tuweze kuwa na yale mambo ambayo tunatakikana kufanya biashara kwa njia rahisi. Tuhakikishe

ofisi za Serikali zinasaidia wawekezaji wapate fursa ama wasisumbuliwe. Kama ni kupata stakabadhi ama leseni fulani ili waweze kufanya biashara basi wapewe nafasi hiyo. Hii ni kwa sababu hatuwezi kutegemea nchi za ng'ambo kama Uchina, Marekani na Uingereza. Lazima tuanze katika nchi za Afrika. Nafikiri ni muhimu kama tunaweza kufanya hivyo.

Bi. Spika wa Muda, akaweza kutaja mamiloni. Inaonekana Wakenya wanafaidika zaidi hasa tunapoweza kufanya uwekezaji katika taifa la Tanzania. Nataka niwasihi kwa sababu hata alitoa changamoto kwamba wafanyibiashara wanachukua hatua muhimu zaidi kuliko serikali zetu. Nafikiri serikali, na alituomba kama Bunge la Taifa na Seneti, tuweke sheria ambazo zitasaidia kurahisisha na kuhakikisha kuwa biashara katika kanda hili la Afrika Mashariki imenufaika.

Jambo la pili ni kuhusiana na mambo ya biashara. Dada yangu Sen. (Dr.) Musuruve amesema kwamba kulikuwa na tofauti, hasa wafanyibiashara ambao huwa wanachukua watalii kutoka Kenya au Tanzania wakija nchini Kenya. Alisema suluhu tutaweza kupata. Amesema yeye atakuwa suluhu kulingana na jina lake na kuhakikisha wale wafanyibiashara ambao wanasafirisha watalii wanaendelea na shughuli zao bila pingamizi yoyote.

Bi. Spika wa Muda, pia tumeona wale madereva wa malori ambao wanasafirisha bidhaa kutoka nchi yetu wakienda katika Tanzania na wakitoka Tanzania wakija Kenya. Wamekuwa wanasumbuliwa kwa sababu ya kupimwa maradhi ya korona au COVID-19 na pia kuhusu mambo ya ushuru. Amesema ni muhimu Wakenya waelewe--- Ni kuwa Kenya na Tanzania wataweka huduma za pamoja mpakani ama kwa lugha ya kimombo, *One Stop Border Post*. Ndio wahakikishe tuwe na utaratibu na tusiwe na msongamano wa magari ambao wanasafirisha bidhaa zao kutoka nchi ya Kenya kuelekea Tanzania ama kutoka Tanzania wakielekea Kenya. Hiyo ni muhimu. Alisema tutakuwa na huduma za pamoja mpakani. Ninamshukuru Rais Suluhu kwa sababu hiyo ndio imekuwa ikileta joto la kibiashara kati ya mataifa haya mawili.

Bi. Spika wa Muda, tuko na ukanda wa pwani ama ile inaitwa *coastal corridor*. Ni muhimu kuhakikisha wale wanaoushughulika mpakani kama maafisa wa ushuru na uhamiaji wahakikishe wamefanya njia iwe rahisi.

Jambo la tatu ni Jumuiya ya Afrika Mashariki. Kwanza, tuna Bunge la Afrika Masharika. Bunge la Seneti tuko na kamati maalum ya kushughulikia masuala ya Afrika Mashariki. Bi. Spika wa Muda, hata wewe mwenyewe umewahi kuwa Mbunge katika Bunge la Afrika Mashariki. Tunawapa heko na kongole waheshimiwa Wabunge kwa sababu wamejaribu kuleta uhusiano mwema kati ya mataifa ya Afrika Mashariki. Tunataka kuona mng'ato katika kibiashara, undugu na jamii. Sio tu kijiografia lakini katika uwekezaji na biashara.

Bi. Spika wa Muda, jambo la nne ni ujenzi wa miundo misingi. Sen. Sakaja alitaja barabara ambazo zitakuwa miundo misingi mzuri sana na zitarahisisha biashara kwa wale ambao wanabeba bidhaa zao kutoka Kenya kwenda Tanzania. Miundo msingi ikiwekwa vizuri, itarahisisha kufanya biashara na kusafirisha watu na bidhaa. Ni muhimu sana.

Kuna jambo la umeme wa kilo volti mia nne. Dunia haiwezi kuendelea bila umeme, ni muhimu sana. Namshukuru Rais Suluhu Hassan kwa kugusia kuwa nchi zetu zipige hatua. Mojawapo ya Ajenda Nne ya Serikali ya Kenya ni kushughulikia viwanda.

Viwanda vinahitaji umeme. Lazima tuwe na umeme wa kutosha. Kwa hivyo, ni lazima turekebishe sekta ya umeme katika taifa letu.

Tumeongea na wawekezaji wengi sana katika taifa letu, na wengi wao wanalalamikia bei ghali ya umeme. Tukifanya ushirikiano kwa sekta ya umeme, itarahisisha kufanya biashara katika taifa letu. Hii itafanya tusipoteze wawekezaji kwa sababu ya bei ghali ya umeme.

Bi. Spika wa Muda, mhe. Samia aligusia jambo la bomba la gesi litakalotoka Tanzania hadi Kenya. Ni jambo muhimu sana kwa sababu sheria ya swala la fedha za mwaka wa 2021/2022 imesema kwamba kutakuwa na kodi kwa mambo ya gesi. Tunajaribu kuwaambia Wakenya wasitumie kuni kupika chakula kwa sababu wanaharibu mazingira. Tukipata bomba la gesi nchini Kenya, wananchi walio kwenye vitongoji kama Kibra, Mlango Kubwa, Mathare na kadhalika, wataweza kupata gesi kwa bei nafuu. Tuchunge mazingira yetu na tuhakishie kuwa ni safi kwa sababu tutakuwa na bomba la gesi litakalofanya bei ya gesi kuwa nafuu.

Nina mambo mawili mazito ya kumalizia nikikunja jamvi. Ningependa Seneti izingatie ushirikiano wa usalama, taasisi za Serikali, madola ya Serikali na mambo ya usalama. Hii ni kwa sababu tunajua kuwa kuna changamoto ya uhalifu, ugaidi, maharamia wa bahari, na ushirikiano wa taasisi za usalama.

Pia, kuna mambo ya ufisadi. Tunataka kuona ushirikiano kati ya wale wa wanaopambana na rushwa katika Taifa la Tanzania na tume ya kupambana na ufisadi katika taifa letu. Wafanye ushirikiano ili wale wanaojaribu kuiba pesa za umma wasiweze kuziweka nchini Tanzania au Kenya bali wafunguliwe mashtaka. Ninafikiri kuwa hii ni muhimu.

Bi. Spika wa Muda, ningependa kusesitiza kuwa tuwe na ushirikiano wa taasisi za usalama. Taasisi za kukusanya ushuru nchini Tanzania na Kenya wawe na ushirikiano, ili tuwapatie wafanyibiashara na wawekezaji nafasi bora ya kufanya biashara kwa urahisi. Hii itasaidia uchumi wetu kukua.

La mwisho, kama vile Sen. Sakaja alisema, kazi ambayo Rais Suluhu Hassan--- Baada ya kutoka hapa, jopo hilo limeanza kupendezeka kuwa waanze kuvaa barakoa na kuzingatia sayansi kukabili Virusi vya korona. Nilifurahi wakati niliona Rais Suluhu Hassan akiwa kwenye mkutano wa wazee. Alitoa ilani kwa umma kuwa lazima wavae barakoa nchini Tanzania. Hii ni muhimu kwa sababu janga la korona limeendelea kuhangaisha watu kiafya na kiuchumi.

Tumefurahi kwa sababu tumeona kuwa jopo hilo limesema kuwa wanaweka mipango kabambe kuhakikisha wamezuia kuenea kwa virusi vya korona katika taifa la Tanzania na Jumuiya ya Afrika Mashariki. Tunapongea, nchi ya India imekuwa na mlipuko wa jana wa korona. Ni lazima tuwe na mpango kabambe.

Lazima Rais Suluhu Hassan ahakikishe kuwa wameingia katika muungano wa COVAX, kama walivyoambiwa na World Health Organization (WHO). Hii itahakikisha kuwa wamepata chanjo za Korona katika Taifa la Tanzania.

Jambo ambalo wenzangu hawajagusia ni kuwa tumeona kuwa kulikuwa na msukosuko wa kisiasa. Nchi ya Tanzania walifanya uchaguzi mwaka jana. Tuliona Chama cha Demokrasia na Maendeleo (CHADEMA) na Chama cha Mapinduzi (CCM), ambacho kinaongozwa na Rais wa sasa.

Kulikuwa na kutoaminiana na ukiukaji wa haki za kibinadamu. Kuna watu waliokuwa wameshikwa kwa sababu ya siasa. Taarifa kwamba Rais Suluhu Hassan hakuwaachilia walioshikwa kwa sababu ya kupigania haki za binadamu na siasa haikudhibitishwa.

Bila kuzingatia dini, chama au siasa, ningemuuliza Rais Suluhu Hassan ajaribu kuwaleta Watanzania pamoja. Kwa sababu yeye ni kiongozi shupavu, ajaribu kurudisha haki za binadamu. Kama kuna watu walishikwa kwa sababu ya siasa, waachiliwe. Katika Hotuba yake, nilisoma kuwa anaheshimu Bunge la Kenya na Kenya kwa ujumla, kwa sababu ya upana wa demokrasia yetu. Tunataka pia kuona upana wa demokrasia ya Tanzania. Tunawatakiya kila la heri.

Asante, Bi Spika wa Muda, kwa kunipa fursa hii. Ninafikiri kuwa kuna wale ambao hawakuwa wanatarajia kuwa ninaweza kuongea Kiswahili sanifu. Ningependa kuwahakikishia kwamba Kiswahili ambacho nimeongea hapa ni cha hali ya juu. Ninatarajia kuwa katika siku za usoni tutakuwa tunafanya mijadala ya Bunge, Miswada na mambo ya sheria kwa Kiswahili.

Wakenya waelewe Kiswahili kwa sababu kinafaa kutukuzwa. Tulifunzwa kuanzia shule za msingi, shule ya upili na vyo vikiu. Nafikiri kuwa lugha ya Kiswahili inaweza kueleweka kwa Wakenya wote, haswa kwenye vitongoji na ofisi kubwa.

Ningependa kuwarai Maseneta wajaribu kuongea Kiswahili. Nitabaki hapa nimsikize Mwenyeketi wa Kamati ya Sheria, Ulinzi, na Haki za Binadamu, ambaye nilikuwa mtangulizi wake, aongee Kiswahili sanifu ili tupate fursa ya kunufaika.

Kufikia hapo, ninakushukuru. Ninaunga mkono na kumtakia Rais wa sita wa nchi ya Tanzania, Mheshimiwa Samia Suluhu Hassan, kila la heri.

Pia ninaomba kuona Tanzania inaendelea kidemokrasia na katika maswala ya haki za kibinadamu na undugu katika Jumuiya ya Afrika Mashariki.

The Temporary Speaker (Sen. Pareno): Najua umejisifu, lakini Mswahili alisema: “Mgema akisifiwa, tembo hulitia maji”. Sasa usitie maji. Sen. Madzayo alikuwa ameweka sahihi na kuwapa mfano, lakini hayupo kwa sasa. Kwa hivyo, ninakupa alama ya ‘A’ kwa sababu umeongea vizuri.

Sen. Omogeni, endelea.

Sen. Omogeni: Bi Spika, kwanza ninakushukuru kwa kunipa nafasi hii ili nichangie katika kutoa shukrani kwa Rais Suluhu Hassan kwa Hotuba yake. Ninampongeza aliyekuwa Mwenyeketi wa Kamati ya Haki na Maswala ya Sheria na Haki za Binadamu, kwa kuzungumza Kiswahili sanifu mchana huu.

Ninaungana na Maseneta waliyozungumza mbeleni kumpongeza Rais Suluhu Hassan kwa kuchaguliwa kama Rais wa Jamhuri ya Muungano wa Tanzania. Pili, ninampongeza kwa kuanzisha urafiki na ujirani mwema na Taifa la Kenya kwa kututembelea.

Waswahili husema: “Fimbo ya mbali haiui nyoka”. Hivyo basi, tukiwa na jirani ambaye ni Tanzania na tunahusiana vizuri, ni wazi kwamba tunaweza kumtegemea. Uhusiano wa hizi nchi mbili unaweza kuleta manufaa sana.

Pia ninampongeza Rais Uhuru Kenyatta kwa kumpa Mhe. Rais Suluhu Hassan nafasi ya kipekee kuhutubia kikao cha Pamoja cha Bunge la Kenya. Marais wengi

wametutembelea hapa Kenya lakini hawajawahi kupata nafasi ya kuhutubia Kikao cha Pamoja cha Bunge.

Isitoshe, ninamshukuru Rais Mhe. Suluhu Hassan kwa mambo aliyozungumzia katika Hotuba yake. Ninampongeza kwa kuwa mstari wa mbele kutambua kwamba janga la COVID-19 limeleta madhara makubwa kwa watu wote wa Jumuiya ya Afrika Mashariki.

Alizidi kusema tuungane sote kama Jumuiya, ili kuhakikisha tunapigana na janga hili lililosababisha matatizo mengi. Alihimiza haya mataifa mawili yapime wananchi wanaovuka mpaka wa Kenya na Tanzania ili kuhakikisha hakuna kusambaza hivi virusi. Rais Suluhu alitambua kwamba tusipoweka jitihada za kupambana na hili janga la COVID-19, huenda litatusababishia madhara makubwa sana.

Tunapoangalia Jumuiya ya Afrika Mashariki, ni vizuri pia tuangalie jinsi jumuiya zingine zimefaidika kwa kuwa na uhusiano wa karibu wa kiuchumi. Jumuiya ya Mataifa ya Ulaya imeweka mikakati ya biashara miongoni mwao. Watu wanaoishi katika hiyo Jumuiya, wanafanya biashara kana kwamba ni watu wa nchi moja. Watu wanatoka taifa moja hadi jingine kana kwamba wako katika taifa moja.

Ninamshukuru Rais Suluhu kwa kutukumbusha kwamba sisi ni mandugu. Nilipokuwa katika shule ya upili, nilifundishwa Kiswahili na mwalimu kwa jina Bw. Peter Joseph, ambaye alikuwa Mtanzania. Alikuwa amebobea katika lugha ya Kiswahili. Wakati huo, Kenya haikuwa na walimu wa kutosha na ndio tukachukua walimu kutoka Taifa jirani la Tanzania. Ninakumbuka pia katika somo la Kiingereza, tulikuwa na mwalimu kutoka taifa jirani la Uganda.

Kwa hivyo, sisi kama mandugu, tunahitaji kushirikiana na kufanya kazi pamoja. Tunapaswa kutambua kwamba mipaka iliyowekwa na Wakoloni haitakiwi kututengenisha. Zipo faida nyingi ambazo tutapata, ikiwa tutazidi kukuza uhusiano ambao tumekuwa nao kwa miaka mingi. Rais Suluhu alikuja tu kutukumbusha kwamba ni vizuri tuongeze jitihada kuhakikisha tunaboresha uhusiano uliopo baina ya mataifa yetu.

Sisi na Tanzania tunafanya biashara. Magari mengi kutoka Kenya husafirisha bidhaa hadi Tanzania. Kwa hivyo, tukiwa na uhusiano mwema, wafanyibiashara watakuwa na nafasi nzuri sana na kuendeleza biashara zao.

Rais Suluhu pia aligusia maswala ya utalii. Alieleza jinsi wanyama pori hutembea kati ya hizi nchi mbili. Mara wanatoka Tanzania na kuingia Pori la Maasai Mara huku Kenya, halafu wanarudi Tanzania. Tukitunza haya mataifa yetu, tutaendelea kudumisha uchumi wetu wa kiutalii. Tunaweza hata kujenga reli kutoka Mombasa kuja hapa Nairobi, ielekee Malaba, Uganda na hatimaye Tanzania.

Hivyo ndivyo usafiri ulivyo katika Jumuiya ya Ulaya. Wakati mmoja nilikuwa Ulaya na nikapanda gari la moshi kutoka Ufaransa, nikapita Ubelgiji na hatimaye Uholanzi. Ningependa Jumuiya ya Afrika Mashariki tujitahidi sana na hii reli yetu itoke Mombasa kuja hapa Nairobi, iende Nakuru na hata ipite Malaba na kupenyeza mataifa yote ya Afrika Mashariki.

Ninawapongeza Marais, Uhuru Kenyatta wa Kenya na Suluhu Hassan wa Tanzania. Ninawaomba marais wa mataifa mengine waige mfano mwema uliowekwa na

hawa marais wawili. Wamejiweka mstari wa mbele kustawisha uhusiano wa karibu na kuboresha biashara na uchumi baina ya mataifa yetu mawili.

Nikimalizia, ikiwa hizi nchi zetu zitakuja pamoja, hata kupigana na ufiadini itakuwa rahisi. Tukiwa na uhusiano mzuri, itawezekana kubadilisha habari za ujasusi kati ya mataifa yetu na haswa Jumuiya nzima ya Afrika Mashariki.

Bi Spika wa Muda ninakupongeza wewe pia kwa sababu umeangazia sana faida tunazoweza kupata tukiwa na uhusiano mwema na Tanzania. Ninakumbuka nilipokuwa Mwenyekiti wa Shirika la Wanasheria nchini Kenya, tulisafiri hadi Uganda kukutana na Rais wa Uganda, Kaguta Yoweri Museveni na tukakubaliana kwamba mawakili wa Jumuiya ya Afrika Mashariki wawe na uhuru wa kufanya biashara yao katika mataifa yao.

Sisi tuliporudi nyumbani tulienda tukachapisha nakala maalum katika ile *Kenya Gazette* na tukaruhusu mandugu zetu kutoka mataifa haya waje kufanya biashara ya uwakili katika taifa letu la Kenya.

Bi. Spika wa Muda, tukizungumza hivi leo, kuna Waganda wengi ambao walichukua hiyo nafasi wakaja huku Kenya na kwenda kuhitimu katika shule ya kufundisha wanasheria, Kenya School of Law (KSL), na sasa hivi ni mawakili.

Lakini haya mataifa mengine haswa mataifa la Uganda na Tanzania hawajafungulia mipaka wale mawakili kutoka nchi ya Kenya kwa sababu wanasema wakiwaruhusu Wakenya wengi kule wataenda kufanya ile biashara ambayo wanaita *ambulance chasing na insurance*.

Lakini nataka kuwaambia kwamba Wakenya sio watu wabaya. Wakenya ni watu wazuri na tunaheshimu sheria. Ni vizuri tukienda kule Tanzania pia tutafundisha madada na mandugu zetu wa mataifa hayo njia mufti ya kufanya biashara.

Kwa hivyo, itakua jambo la busara sana ikiwa tutafungulia wale ambao tunaita *professionals* kutoka mataifa hayo waweze kuwa na nafasi ya kufanya biashara zao katika mataifa yote matatu.

Bi. Spika wa Muda, sitaki kuzungumza mengi. Namalizia kwa kusema kwamba kwenda mbele, tungependa kuona kwamba uhusiano huu unanawiri na tunampa pongezi Rais wetu kwa kumpa nafasi nzuri Rais wa Tanzania, Suluhu Hassan kwa kuja.

Pia, tunamuomba yeye awatemelee na tuweze kuhakikisha kwamba uhusiano huu utaleta faida kwa wananchi wetu, hasa kiuchumi.

Bi. Spika wa Muda, nashukuru sana kwa kunipa hii nafasi. Asante sana.

The Temporary Speaker (Sen. Pareno): Kiswahili kitukuzwe.

Sen. Wetangula hayupo.

Sen. Kasanga.

MOTION

ADJOURNMENT OF DEBATE UNDER STANDING ORDER 105(1)

Sen. Kasanga: Madam Temporary Speaker, I wish to request pursuant to Standing Order No.105(1) that the debate be now adjourned.

I request Sen. (Prof.) Kindiki to second.

Thank you.

Sen. (Prof.) Kindiki: I second.

(Question proposed)

(Question put and agreed to)

(Debate on the Motion was adjourned)

The Temporary Speaker (Sen. Pareno): Next Order.

BILL

Second Reading

THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)

Sen. Kasanga: Madam Temporary Speaker, the Mental Health (Amendment) Bill (Senate Bills No.32 of 2018) is back again in this House.

I remember the day when we moved this Bill and how well it was received in this House. I have to say that I am so proud of the Senators of Kenya, of this 12th Parliament. Because of them, the conversation of mental health has become a national conversation.

Because of the Senators and their voices, the Executive has had no choice, but to rise to the occasion, recognise the impact that mental health has on Kenyans, on their lives, economy and their day to day businesses, and have begun to do something.

Whereas it is unfortunate that the Bill had to come back to the House given the challenges that we had, I think it is also good to say that everything happens at its own time and at God's timing. It is not really the wrong time, but of course, the wish of many Kenyans who we have walked this path together is that this Bill would have seen the light of day by today.

Madam Temporary Speaker, we moved this Bill before COVID-19 came. When COVID-19 came, the underbelly of the gaps that are there really showed themselves. The cracks opened up and were exposed. They were exposed because the fact that we have not dealt with mental health as it should be, and giving it the prominence that it should be given, then Kenyans have really suffered during the COVID-19 times.

I remember when we sat in the *Ad hoc* Committee of COVID-19 with Sen. Sakaja as the Chairperson, mental health was right at the centre and the Ministry had to come and tell us what they are doing about mental health. I am proud that at that time, we were all seized of the issues.

Madam Temporary Speaker, we are here again; this Bill was brought back. Public participation was conducted and I really have to thank the Standing Committee of Health because, even in the first round, they gave it the time that it deserved with all the submissions that were brought. Even in the second round, still, several of submissions have come.

Kenyans are now fully awake and aware and they want to see something happening when it comes to mental health. It was part of the campaigns of this House and the voices of this House that moved the Government to have their first mental health conference, I remember in 2019. It is from that conference that the President gazetted a task force for mental health that went around collecting views from Kenyans on the status of mental health.

They produced a good report, which I remember when we sat at the *Ad hoc* Committee of COVID-19, we had to insist that that report be made public because even after the work of the Committee had been done, the report had not yet been unveiled to Kenyans.

When it was unveiled and presented to the President and made public, we were happy because the report did canvas, the length and the breadth of the issues of Kenyans. It actually called for the government to declare mental health a public emergency.

That is just the extent and the weight of what it was, and of course, a raft of measures that could be taken in the short term and in the long term to deal with mental health issues. At the centre of it is funding and financing.

Madam Temporary Speaker, that shows you that this country has come of age when it comes to tackling and accepting that we have a problem in the country and we must deal with it head on.

I can tell you that as of today, the President has gazetted a mental health advisor for the President with Dr. Njenga who is a psychiatrist; we call him the father of psychiatry. It is because of him that the Ministry has come round to give support to the Bill, and they actually brought in their submissions when the submissions were being done in the second round.

This just shows you a full cycle of where we have come. It is a proud moment for all the stakeholders, who have participated in putting this Bill together. It is one of the most comprehensive Bills. Because we are so far behind in implementing it, many conversations we are having right now is that there is still a lot that can be done in this country as we wait for this legal framework to be put in place.

I like quoting and recognizing the work that has been done in Makueni County, for instance, where community based approach towards mental health is actually happening. It just takes the goodwill of a governor to realise that we have a situation here and we do not need to wait for the national Government or for Parliament to give us a framework in which our citizens can be helped and given access to these issues.

Kisumu County is another one that is really working hard. They have a Directorate of Mental Health and they are working really hard to put out some policies where they can begin training even faith healers and herbalists to join in this campaign.

Madam Temporary Speaker, there is a lot that still can be done as citizens, even as we wait for this very comprehensive legal framework to---

One of the things that I must say here on the Floor of the House, which has been requested for by stakeholders, is that we must recognise as Legislators that the best way to deal with mental health, the best practice so far that is working globally is approaching it from a community based point.

We have to approach it from the home level where we have a battalion of community health workers, psychologists and counsellors who are working at the home level and then we scale it up. This is because we do realize that if we handle it from the home level, and then integrate mental health with primary health care, there will be very little need for institutionalization. This is because we are dealing with issues as they arise rather than waiting until somebody has ailed so deeply and the mental health issue has become so severe that they will require hospitalization.

Madam Temporary Speaker, as part of fighting stigma, we must approach mental health from a community-based point of view. The reason I am not going into the details of the Bill itself is because this House canvassed this Bill so comprehensively. In fact, each of the 24 Senators who spoke, we even took the HANSARD, published their words into a book and into a publication, which is online called many faces. That is just how deeply this Bill was canvassed in this House. It is because of these conversations that we are where we are. Where we can appreciate, some steps have been done and a lot more needs to be done.

I really appreciate that. More so, is to look forward to the legislation. This is because it gives the accountability factor. It is necessary that the two levels of Government are tasked by law to do what they need to do, give Kenyans access to mental health, and health care for their mental wellness with the dignity that it deserves.

Madam Temporary Speaker, today, I will not speak a lot. This is because I can go on when it comes to mental health. There is always something to talk about. There is the multi-sectorial approach that is required towards mental health. There are the stop gap measures that can be done, legislation that need to be changed, and pin codes that needs to be looked into.

Various rafts of legislation from the Marriage Act, Suicide Decriminalization and many others that can be looked into, even in the individuals that can help Kenyans begin to access mental health without having to fear and without having to undergo any strict laws that are preventing them from accessing this mental health.

There are issues like National Hospital Insurance Fund (NHIF) and Universal Health Care (UHC). This is an issue we have tried to tackle as much as possible wherever we can. The Universal Health care needs to expand its services to accommodate Kenyans with mental illnesses. This does not necessarily require a legislation. This has to do with the goodwill of the Executive wanting to roll out a UHC.

There is no health without mental health. It is something we are always saying. Many at times, we have realized that somebody will go and get a raft of diagnosis whereas what they are ailing from is not physical, but mental.

NHIF must expand their services. Right now, they have good coverage for civil servants. They have expanded their coverage for our men and women in uniform when it comes to mental health access for inpatient. However, for the rest of the citizens, more needs to be done. I know NHIF is undergoing many reforms, but mental health has to be put first.

All this said and done, I really want to thank this House. I thank the support of the Senators. When I called for training to get ambassadors, the Senators came. We actually

have ambassadors of mental health in this House. I am very proud that we can walk as leaders in this country and tell our fellow Kenyans that it is okay not to be okay.

Let us not be afraid to speak on mental health issues. Let us begin to fight stigma as leaders, so that we can encourage the rest of our citizenry to come out and fight the stigma, reach out and get some help.

I would like to remind Kenyans, especially during this time of COVID-19, and this is something we have to remind them as leaders. These are tough times we are going through. We are navigating very difficult times globally. The pressure is high on everybody.

Let us be gentle towards one another. I keep reminding people that you do not know where somebody has been, how they slept, and woke up. A little kindness and gentleness goes a long way to alleviate somebody's anxiety, stress and also helping them to reach out, so that they can get some help.

Madam Temporary Speaker, I look forward to this Bill moving forward. Kenyans need it. I look forward to the National Assembly receiving it and adding any components of money that we could not touch at that point. Because they are required, let them be added at the National Assembly.

In the shortest time, it is my sincere hope that the President will leave this as his legacy. That he has put in to place a framework for mental health for posterity, such that any other Government coming in has no choice, but to continue funding mental health.

With all this said, I want to invite the good Senator of Nairobi, Sen. Sakaja, to second this Bill. He is a champion of mental health. He is also an ambassador of mental health amongst many others. I invite him to second the Bill. I really thank you for this.

The Temporary Speaker (Sen. Paredo): You can thank me, but you need to move your Bill.

Sen. Kasanga: Sorry, Madam Temporary Speaker. I move and I beg Sen. Sakaja to second.

(Sen. Sakaja waited for the microphone at the Dispatch Box to be sanitized)

Sen. Sakaja: Thank you, Madam Temporary Speaker. I want to thank the Serjeant-at-Arms for sanitizing the Dispatch Box. We still remember that we are living in times of COVID-19.

Madam Temporary Speaker, I am honoured to have this opportunity to second the Mental Health (Amendment) Bill, 2020 that has been sponsored and moved by Sen. Kasanga.

You have heard her giving accolades to Members of the Senate. She has told us the progress that the conversation on mental health has been able to progress and taken in this country.

Madam Temporary Speaker, the one person. Sen. Kasanga cannot give the accolades, but she deserves because you cannot blow your own trumpet. I want to take this opportunity on behalf of the rest of the Senate to congratulate and thank Sen. Kasanga for the work she has done since she came to this House in 2017 around mental health.

In the history of this country and this Parliament, there has never been a stronger champion for these issues on mental health. She has moved out of her comfort zone and on television. I know it was a new world that was opening up to her. She has gotten champions. She has lobbied.

She has spoken to stakeholders. She has knocked doors of Ministry or Government or private sector and she has brought to light a conversation that for a long time pushed the back bands of the political and policy discourse in this country.

It is the efforts of Sen. Kasanga that the conversation around mental health is where it is today. We have had the taskforce, the report, mental health adviser, Dr. Frank Njenga who is my great friend and that we even have this law that has come to us.

I would like to ask her not to be dismayed that it has come back. There is a reason for everything. Part of the reasons why it has come back is the strengthening of this bicameral system. I have five Bills that have come back that I was very happy had already gone to the National Assembly.

Madam Temporary Speaker, the one Bill that we worked on together, the Pandemic Response and Management Bill is back. That start up Bill which is seeking to help our entrepreneurs and innovators is back. I sponsored the Prompt Payment Bill with Sen. Farhiya. It is a back. The National Disaster Management Authority Bill which I sponsored with Sen. Mutula Kilonzo Jnr. is back. There are a few more that have also come back, including one for county governments and the County Public Service Boards.

There is a reason for everything. However, as we discussed in the Senate Business Committee, we have resolved that we will find a way to fast track these Bills administratively so that we do not have to go through the entire process that will be required for Bills. We have done public participation, we have brought in amendments and I am glad the amendments have been incorporated in the new Bills that have been published.

We had gone a long way in processing these Bills and so we do not need to be caught up with technicalities but really just send them back to the National Assembly. I hope there is a better working relation between the Senate and the National Assembly so that we are not caught up in the sibling rivalry that has existed before in terms of processing Bills and our respective mandates. As we shall realize, this country needs us to work together. I hope that we can also as leadership push for the co-sponsoring aspect in our Standing Orders so that we do not have the issue of money Bills when Bills that are co-sponsored come to the House of Parliament.

Madam Temporary Speaker, Sen. Kasanga has said it and we have had this discussion. I remember when she first brought the Bill and then later published a book, one of the things we said is that we must realize as a country that indeed it is okay not to be okay.

For a long time we have felt there has been a lot of stigma, fear and hushed conversations around issues of mental health. For the common Kenyan if you talk about mental health, they think about Mathare and they think that you have lost your mind. However, there are very many aspects of mental health illnesses. In fact even the definition of mental health by the World Health Organization is really a state of well-being whereby individuals recognize and realize their abilities and are able to cope with

the normal stresses of life, work productively and fruitfully and make a contribution to their communities. Anything that adversely affects that is what mental health efforts seek to address. That is what mental health is.

It has been categorized in many aspects by medical professionals. We have what we call schizophrenia, obsessive compulsive disorders, Attention Deficit Hyperactivity Disorder and bipolar disorder.

Recent medical research goes into areas which initially had never been classified as mental health disorders such as depression, anxiety, borderline disorder, eating disorders, alcohol and substance addiction and post-traumatic stress disorder.

When you see a lot that happens with our brothers and sisters who have been in the armed forces, a lot of it has had to do with post-traumatic stress disorder or after a disaster has happened.

Many times we are not able to give post-traumatic stress counselling and then we wonder why there are all these happenings within our forces. An example is, if you look at the military veterans in the US they have really focused on addressing this but we have not been able to do it as much in this country.

Many do not know why there is need for this legislation. Before that I would like to inform Kenyans of the real state of mental health. One, there are only 14 facilities in this country that are dealing with mental health. These 14 facilities are not necessarily all public institutions. Many are out of reach of Kenyans.

Madam Temporary Speaker, there are only 88 psychiatrists and 47 nurses qualified to deal with this for a population of close to 50 million Kenyans. In these hospitals the bed capacity is actually 25 in the whole country. So we are staring at a potential crisis.

I heard somebody say that the real crisis that will come after COVID-19 is the mental health crisis. Mathare Mental Hospital which is in my county and which is a national facility, has a bed capacity of 700. Moi Referral Hospital has a bed capacity of 70. Beyond that we are talking about a very small capacity of just 25.

Majority of Kenyans also suffer from these illnesses but do not know. Due to lack of proper staffing and focus they are not even able to be diagnosed properly when they have these mental health disorders. So they continue suffering. They become worse and worse and situations that could be saved early deteriorate rapidly and it leads to a breakdown in society.

Madam Temporary Speaker, one thing many of us do not know is that Kenya is actually the sixth in terms of the highest numbers of mental health cases - especially depression and mental anxiety - within the African Continent and that should be cause for concern. That is why the in the World Health Organization report; it is not something that we have made up.

Twenty-five percent of outpatients and 40 percent of inpatients in health facilities suffer from some form of mental health condition according to a report in 2011 by the Kenya National Commission on Human Rights which means that possibly that number is much higher.

One in four Kenyans at one point in their lives - because these disorders are not necessarily permanent - are likely to suffer from a mental disorder. Those numbers are scary and they tell us why we need to focus on it.

In the last Parliament I remember very well one of our colleagues had a mental health disorder when we were in Parliament and she had to go and see a psychiatrist. I remember her going to the Speaker then in the National Assembly and asking, why it is that even in our insurance scheme of provision, her psychiatrists or doctors cannot be paid because they have not been listed among the service providers.

Very quickly - I thank the Parliamentary Service Commission - they were able to list them. Believe it or not, if you ask those in the PSC, as of now that is one of the most used of the categories of medical practitioners consultants within the scheme of Parliament.

When we are talking about dentists, opticians, gynaecologists, mental health is actually used more. Many times as politicians we do not want to admit that the stresses of our work, interaction and shock---

I thank God that I started this career very early in life but when you just come from a different career and you suddenly get into politics the change in life and expectations really affect a lot of Members. I would like to tell you that there is no shame. It is okay to be not okay, but you need to get that kind of assistance.

It is here with us; it is in our families. We all know our loved ones who have had to go through some form of medical attention but many Kenyans cannot afford, many Kenyans do not have access to dealing with this.

I happen to be a patron of a foundation where a friend of mine lost his son and that son who was like my son as well. He committed suicide. It was all linked to mental health. Many parents are not able to know what our children go through. The world has become competitive to a fault. We are all out there trying to make it and forget our families. Due to that there is an outbreak of mental health conditions.

I had the chance to visit Dr. Frank Njenga in his office. He has been my friend for many years. He told me: "This issue you are trying to talk about, come, let me show you what is happening." I went to one of his facilities in Nairobi and I was shocked.

When I was there I found many of my friends there. There were people I was studying with in campus, people who are educated. I found many of my friends' children there, from the age of 13, hospitalized because of one or another form of mental health disorder.

I felt that really I must be a champion to just tell us that we need to pay more attention and put more focus. I got more time to sit down with the practitioners. They were doing some training upstairs. I sat down with them and they told me things that indeed this Bill addresses.

One of the things that they were able to tell me was that in their profession, within the counties and the County Public Service Board they are not able to be hired by counties. Therefore, we do not have mental health practitioners within our counties hired because it is not seen as one of the fields where our county hospitals are supposed to hire officials from.

That is something that I said I would take up as the chairperson of the Committee on Labour and deal with the County Public Service Boards. That is something that we are still working on. I thank Sen. Kasanga because she does not stop reminding us of our duty. On this one, you can take me up on it. I will not leave this Senate before we achieve. At least we intend to have a forum with the County Public Service Board chairpersons.

Incidentally, on the same day that I visited Chiromo Lane Medical Centre, I was meeting the chairpersons of all the County Public Service Boards at Weston Hotel.

Our CPAIC and Budget and Finance Committees must ensure that of the health budgets that are being passed by counties, there is a provision for employing mental health practitioners, there are facilities and the personnel are trained to deal with mental health issues.

I like what Sen. Kasanga has said that we must first deal with it in the society by talking about it because prevention is always better than cure. Even then, there are already active cases out there that need that kind of cure. These practitioners in their own different ways can help us break the stigma and talk about it.

I ask Sen. Kasanga not to get tired. You are not done – keep going. The rest of us will keep mentioning it because there is no enough advocacy that has been done on this issue.

As of now, the Mental Health Act that we have--- before I spoke, I was chatting with a friend of mine and he asked me if there was an Act that we are amending. Many people do not know if there is an Act. The mental Health Act of 1993 is outdated.

First, it is not aligned to our Constitution, 2010 and does not take cognizance of this developing area which has developed since 1993 when mental health was seen differently from how we view it now.

Madam Temporary Speaker, looking at the Health Act, 2017, Section 73 provides - that is why there is need for this law- for the establishment of mental health legislation.

It says-

"There shall be established by an Act of Parliament, Mental Health. Legislation to—

- (a) protect the rights of any individual suffering from any mental disorder or condition;
- (b) ensure the custody of such persons and the management of their estates as necessary;
- (c) establish, manage and control mental hospitals having sufficient capacity to serve all parts of the country at the national and county levels;
- (d) advance the implementation of other measures introduced by specific legislation in the field of mental health; and
- (e) ensure research is conducted to identify the factors associated with mental health."

I believe this legislation intends to do so. This is the legislation that is envisaged in the Health Act that needs to be enacted.

We already have the Mental Health Policy, 2015-2030 which provided for the framework of interventions but its implementation is very slow due to lack of up-to date legislation which is why we need this legislation. It is extremely important.

Many may not realize that a population that is suffering from mental health illnesses is detrimental to not just the social life of a country but also to the economy. That is why we need to focus on it.

An officer who is dealing with mental health conditions loses five hours and thirty-six minutes a week compared to one-and-a-half hours of the non-depressed workers. It is something we need to look at. We do not need to shy away from it. We need to ensure this country focusses as much as it must on mental health.

This Bill provides for the Cabinet Secretary who is in charge of health who before was called Minister. It aligns the provisions of 1993 Act to the current one that we have. It talks about the Director General of Health. We no longer call them mental hospitals but mental health facilities.

A person suffering mental disorder is now referred to as a person suffering mental illness. It has the County Executive Committee Members (CECM) and brings in the aspects of devolution, which are extremely important as I said earlier because we devolved a lot of health issues.

The provisions of the Bill are there for all of us to see. I do not need to go through all of them because I can see there are other two Members who want to contribute. I now see it is one, so I must continue. This House must never rise before it must rise.

Clause 4 of the Bill states the purpose of the Bill, which is to-

(a) promote the mental health and wellbeing of all persons, including reducing the incidences of mental illness;

That is the preventive aspect we are talking about.

(b) co-ordinate the prevention of mental illness, access to mental health care, treatment and rehabilitation services of persons with mental illness;

(c) reduce the impact of mental illness, including the effects of stigma on individuals, family and the community;

(d) promote recovery from mental illness and enhance rehabilitation and integration of persons with mental illness into the community; and (e) ensure that the rights of a person with mental illness is protected and safeguarded.

We must move from the Kenyan thinking that if somebody has a mental illness, they have gone mad. That is not what it is. All of us at one point or another deal with aspects of this.

It is very good and I thank Sen. Kasanga for clearly outlining the obligations of both national and county governments in New Part 1A. The national Government provides the necessary resources for the provision of mental health care at the national referral health facilities which I think are four or five and then develops the standards.

We need uniform standards to be applied throughout the counties on mental health facilities. We also need the right number of qualified health personnel, the ratio and equipment required.

I was able to see some specialized equipment that I am sure are not available in our hospitals. There are equipment which are there in private institutions. This cannot have served as an only-offer-the-rich. Every Kenyan needs this.

Obligations of the county is to provide this care, treatment and rehabilitation within the county health facilities. Counties do not need to set up new facilities because there, we get into a discussion where they say they do not have the resources.

Within the facilities as it is today, they need to provide that care. Counties which are more resourced can set up other facilities. There is also community based care and treatment of persons with mental illness. That is extremely important because we have many community health volunteers who are an asset. I do not see why many counties see them as a liability or a cost.

In Nairobi, I have thousands of them. These are the ones who will tell you, "In this estate in Soweto, in this House, we have this issue. These children miss vaccine." This is especially so within the low income areas.

When I go to Kawangware and Dandora, the community has volunteers and we have always said that a portion of the budget in our counties should be set aside for community health volunteers. I keep urging the Nairobi Metropolitan Services (NMS) and the Nairobi City County to set aside a certain amount for just stipends. I do not want salaries but just allowances.

If we strengthen these community health volunteers, generally and specifically on mental health, the cases will go down. That means the strain on these facilities will go down and we end up saving. It is not a cost but an opportunity for us to cut down on costs.

Beyond what the county provides, there are functions that are clearly for the CECM. Beyond that, there are the different interventions in schools for women, youth and Persons with Disabilities (PWDs).

It is tailor-making because many health facilities are not youth friendly. Teenagers and youths are mainly stressed by school and relationships. They should not be chased from a facility by being told they are becoming naughty but need to be accepted.

We need facilities that can listen to our young people. That is why they are rebelling and burning schools. Cases of teenage pregnancy are going up because young people are not getting someone to talk to. They are not able to express themselves or get a facility that is youth friendly.

These facilities as they deal with mental health should also know how to deal with the elderly, youth and women. I am glad in Mukuru, I have one of my centres - by a friend of mine - that deals with domestic violence. Whenever we go there, we realize there is direct correlation between domestic violence and mental health issues. These centres must be able to align and deal with that because there is a spike.

It is good that these things came to the attention of our Sen. Kasanga incidentally who was by then my Vice-Chair in the Covid-19 response Committee and later became the very able Chair.

These centers must align and deal with that because there has been a spike. As I have said, it is good these things came to light to us. Sen. Kasanga, incidentally then, was my Vice Chairperson in the Committee on the Situation of COVID-19 in Kenya and she

later became the very able chairperson. It came out that within the last two years, there has been an outbreak of these issues.

Madam Temporary Speaker, I know my time is running out. I do not know how many more minutes I have. However, an aspect that we need to state clearly is that many people sometimes take advantage of a family member or associate who gets a mental health illness. Their rights to their property and issues of custody are taken advantage of.

This Bill stipulates how that needs to be done to protect them from abuse both physical, mental and economic to help them get a sponsor or somebody who together with the doctor can go through what the treatment is and for them to choose. There are many people who, for instance, if you want to deal with someone, you just say take them to a mental health facility and say they are mad.

Madam Temporary Speaker, if today I was to kidnap you for instance and I take you to Mathare Mental Hospital, God forbid, and I tell the doctor that she is mad. The doctor will ask you, are you insane. What will you say? No. If you say no, he will tell you that you are. If you say, yes, you are confirming. There is no right answer. In many of these facilities they do not have the ability to make sure. So people will take advantage of that to have you locked up.

Our mental health facilities in many respects have become prisons because of other conflicts that occur within the family. They want to inherit land. They say their parents have gone mad. It is happening across the country. This Bill at least I am sure and with the regulations that will accompany it, will stop that which is happening in many parts of our country.

Madam Temporary Speaker, as I finish so that I can give Sen. (Dr.) Musuruve - who I know definitely has something to say on this Bill, because she is very widely read and always has something to say being a doctor - time to also speak on this, I want to thank profusely on behalf of all the Senators and people of Nairobi County who will benefit from these provisions. I am not shy to say it.

I thank Sen. Kasanga. This is a bold and landmark Bill. This is one of those Bills like Lady Justice Njoki Ndung'u's Act on sexual offenses. This is like the 30 per cent which I did, if I am allowed to tweak a bit of my own. These are those Bills which you will always remember because many Kenyans are affected but many have been too shy to talk about it.

Madam Temporary Speaker, as I finish, it is okay not to be okay. Thank you. I second.

(Question proposed)

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

Sen. (Dr.) Musuruve: Madam Temporary Speaker, thank you for giving me this opportunity to join in the debate on the Health (Amendment) Bill. I begin by thanking Sen. Kasanga for coming up with these amendments.

Before I proceed, I also thank Sen. Sakaja. I know you are my Chairperson in the Committee on Labor and Social Justice. I like your leadership and thank you for the kind words.

When we look at this Bill, the principle Bill was in 1989 before the 2010 Constitution. That has implication that the principle Bill does not cater for county governments. When you are talking of the 2010 Constitution, all services were devolved meaning that this Bill does not really cater for that common Kenyan. This is because it has not been devolved.

Madam Temporary Speaker, when you look at the amendments that Sen. Kasanga has brought on board, these are amendments that as a Senate we should push for and hope that the National Assembly will fast-track this Bill. This is so that it becomes a matter of law.

The Amendment Section 248 that Sen. Kasanga proposes is important. According to the amendment, she has substituted the Long Title. In the Long Title that she has substituted, we see that it incorporates the prevention of mental illness.

This is important because when you are talking about mental health, we must be alive to the fact that mental health can also be prevented. It also speaks about provision for care for persons with mental health. It umbrellas treatment of mental health. It talks about rehabilitation of mental health and general management of persons with mental health.

Madam Temporary Speaker, mental health does not mean that when someone has a mental issue then the world has come to an end for that person. There are various causes of mental health. Some of them can be addressed directly or indirectly. Some of the causes of the mental health which the title has captured is stress, financial problems, loss of loved ones, divorce and underlying problems like diabetes.

These issues that cause mental stress affect all Kenyans. Common *wananchi* go through these problems. When it comes to issues of finances, you will find that there are people who have a large family. They are not able to support the children and family. They are not able to provide their families' needs. That can lead to mental health.

Madam Temporary Speaker, such an issue can very well be addressed if the person is talked to, counselled and advised on how to manage the resources. Some people also go through mental health because their loved one has passed on. Such people need to be counselled and be comforted and all that. That is addressing prevention of mental health before the problem becomes a big issue that is not manageable.

Sometimes even issues of divorce can lead to mental health. I have seen people sometimes after a divorce walking on the streets and talking to themselves. Some of them look like they have run mad and all that. The case is that they need counselling and to be talked to. They need to be comforted that the world does not come to an end. It is possible to move on with life.

Madam Temporary Speaker, some of these issues can be addressed. I thank the Mover of this Bill that she has come out to state clearly about prevention of mental health. When people have mental problems, sometimes they are isolated, abandoned and there is that stigma that goes with mental health. Sometimes you find people being named and name-calling destroys a person. A name can make you feel like you are demeaned. Name-calling can also reduce your confidence. Some of these things need to be addressed. It is good that the Long Title captures that.

The Long Title also captures provision of care. Most people who have mental illnesses are abandoned. Sometimes they are neglected by their families. You will find a spouse running away from a partner because he or she has a mental problem. There is need to provide care for those with mental illness. They need a support and caring system for them to know. Yes, you seem to be facing a mountain but this mountain with time will come down.

Madam Temporary Speaker, there is also the issue of treatment which is important. Sometimes people with mental health problems are just abandoned and not even taken by their loved ones for treatment. They also need rehabilitation. Some of them are not rehabilitated and they do not know how to fit into the society. Someone with a mental health problem already has an issue that needs to be sorted out, so that eventually, the person is rehabilitated into the society and lives normally, just like any other person.

This Bill also speaks about the obligations of the county and the national Government. When you look at the principal Bill of 1989, it does not capture the obligation of the county governments and national Government, yet, when it comes to effective service delivery, it is done when services reach the common man. When it comes to counties and services being devolved, this is when we reach out to *mwananchi* and address the issues that are ailing them.

I am happy that the national Government and county governments have been brought on board by this Bill. The national Government needs to come up with policies that will help in prevention management by giving resources to county governments. What happens at the national Government should cascade to county governments?

There is need for resources to be put aside by the national Government to ensure that centres that will attend to people with mental illness are in place. If it is counselling, the counsellors need to be paid; they need to be in a payroll.

There is need for a corroborated effort between the county governments and national Government to ensure that persons with mental illnesses are being cared for. When it comes to issues of mental illness, everyone is a candidate. You can lose a loved one and out of shock, you find yourself mentally affected.

If that issue is not addressed, it can bring depression. If it brings depression, then it will lead to mental illness. There are Kenyans languishing in mental illness and have no one to help them. Some are excluded by their family, while others have lost their jobs.

It is good that the Bill is coming out clearly on the insertion of rights of persons with mental illness. They need to have a right to education, clean water, shelter and highest attainable standards of health.

Sometimes persons who have mental illnesses are abused sexually and in various other ways. There is need to sanction those who abuse persons who have mental illnesses. All human beings have basic needs.

Psychologists have stated clearly the hierarchy needs. On level one, everyone needs a home, shelter, clothing and food. After that, everyone needs social security. When it comes to persons with mental health, some of them are insecure because they lose the social fabric that gives them protection from the state and their family. This Bill brings the state and families to account in ensuring they provide security to persons with mental illness.

When you look at Article 43(3) of the Constitution, it speaks on the issue of security; that everyone has a right to security, even the vulnerable and those who cannot provide social security for themselves. Government needs to provide security for them.

There is need for the Bill to be supported, so that people with mental illnesses live a dignified life. I have seen many people on the streets with no shelter and a support system. We have to look at this issue differently to ensure that we are supporting the vulnerable. There is need for the county governments to allocate resources to identify people with mental illnesses and categorise the type and cause of mental illnesses.

After categorising, they have to look for a mechanism of supporting and intervening to ensure they get back to normalcy. It is not always the case that when someone has mental illness, they have to be rushed to Mathari Hospital. There are cases that can be remedied at home.

There is need for the national Government to come up with a policy that is implementable, to ensure that we are addressing Kenyans suffering because of mental illnesses. Even when it comes up with a policy, it must be implemented by the county governments. Kenyans live in county governments.

In the 47 county governments, we have Kenyans with mental illnesses, whose issues have not been addressed. There is need for us to look for a mechanism of ensuring that we are addressing these Kenyans. For the purpose of redeeming time and fast-tracking the Bill, I would like to stop so that the Mover can reply. Thank you for the opportunity.

I support Sen. Kasanga's Bill.

The Temporary Speaker (Sen. Pareno): I see no other request. I ask Sen. Kasanga to respond.

Sen. Kasanga: Thank you, Madam Temporary Speaker. Let me thank Sen. Sakaja for seconding the Bill colourfully and Sen. (Dr.) Musurube for adding her thoughts and insights. Generally, I thank this House for the support, and the Secretariat for the support they have given towards the Bill.

I can comfortably say that the legal team that worked on this Bill need a commendation. They put together this Bill and it is one of the most comprehensive Bills, based on all the research that we had done and put together.

Some of the issues that have been raised by Sen. Sakaja because of the fears that we have seen loved ones locked up in a mental health institution because they do not have the capacity to express themselves. Those issues have been addressed in this Bill. This Bill has been brought in line with the human rights convention.

We have a Bill to be proud of as legislators and I look forward to it going to the National Assembly to be debated there as well, so that they can have their day. I have no doubt that it will be well received because it is the sort of thing that Kenyans need with a lot of urgency.

I beg to reply

I wish to request that pursuant to Standing Order No.61(3) the putting of the question be deferred to a later date.

Thank you.

The Temporary Speaker (Sen. Pareno): Hon. Senators, I note that this is a matter that concerns counties and it is right that you have asked that it be adjourned to another day, so that it can be subjected to a division.

The matter is, therefore, deferred to another day for purposes of division.

(Putting of the question on the Bill deferred)

ADJOURNMENT

Order Senators! Hon. Senators, there being no other business, it is now time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 25th May, 2021, at 10.00 a.m.

The Senate rose at 6.30 p.m.