

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 5th August, 2021

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

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

PRAYER

PETITION

PROPOSALS TO AMEND ARTICLES 47 AND 49 OF THE COK, 2010 AND OTHER LAWS RELATING TO CRIMINAL OFFENCES

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, this is a Petition to the Senate by Mr. Taratisio Ileri Kawe regarding proposals to amend Articles 47 and 49 of the Constitution of Kenya 2010 under the Bill of Rights and other laws relating to criminal offences.

I hereby report to the Senate that a Petition has been submitted through the Clerk by Mr. Taratisio Ileri Kawe regarding a proposal to amend Articles 47 and 49 of the Constitution of Kenya, 2010 under the Bill of Rights and other laws relating to criminal offences.

As you are aware, Article 119(9)(1) of the Constitution states and I quote-

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

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

(1) That there has been a high number of extrajudicial killings and murders purportedly conducted by Government agencies;

(2) That the state of insecurity in Kenya has continued to deteriorate rendering security agencies and the people of Kenya frustrated, hopeless and helpless;

(3) That the law should recognize and provide clarity on the nature of criminal cases, the bonds and bails terms, the punishment and the timeframe under which the cases should be concluded in courts;

(4) That crimes such as murder, rape, robbery with violence and abduction should be investigated when the suspects or the accused persons are in custody and awaiting trial;

(5) That Articles 47 and 49 of Chapter Four of the Constitution were introduced to tame the frequent abuse of rights by previous governments on issues to do with arrests and detention of suspects without trial. However, there is need to amend Article 49(1)(f)(i) and

(ii) to increase the duration of which the suspects are held in custody to allow for comprehensive investigations;

(6) That Section 25 of Evidence Act Cap.63 of the Laws of Kenya is ambiguous on what constitutes a criminal offense;

(7) That most serial offenders have been released on bond which has continued to encourage them to commit more serious offenses. This frustrates the security agencies mandated with investigations and the institutions mandated with prosecution of such cases. While on bond, rape and murder, suspects end up threatening witnesses thus shattering the window of justice; and,

(8) That there is urgent need to amend the Constitution of Kenya on the Bill of Rights and other relevant laws, including the Penal Code and the Anti-Corruption and Economics Crime Act, the Evidence Act, the Criminal Procedure Code Cap. 75 among others, that govern the judicial system and dispensation of justice to provide for the threshold of criminal offenses and the duration of their conclusion in courts.

The Petitioner therefore prays that the Senate intervenes with a view to-

(1) Amending Article 49(1)(f) (i) and (ii) of Chapter Four of the Constitution of Kenya by introducing a classification of types of offenses and a maximum number of days a suspect of specific offenses is held in custody;

(2) Amend Section 123(1) of the Criminal Procedure Code Cap. 75 to provide the perpetrators of offenses such as theft of public funds, corruption and fraud crimes should not be released on bail;

(3) To amend relevant legislation to provide a precise timeframe within which the judicial process should be concluded on criminal offenses; and

(4) To introduce any other laws that ensure justice prevails for victims of criminal offenses.

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

Sen. Khaniri: Mr. Temporary Speaker, Sir, allow me to thank Mr. Teratisio Kawe for presenting his Petition to this House. The fact that he has presented the Petition to this House and not the other House is a clear demonstration that Kenyans have faith in the House of the Senate.

The matters that he is raising in his Petition are very fundamental issues that go to the core of our Constitution 2010. To me, the biggest gain that Kenyans got in the Constitution 2010 is devolution and the Bill of Rights, Chapter 4.

The implication of what he is proposing to me is the beginning of the introduction of things like detention without trial and so forth. I was part of the team although I was very young then that fought for the second liberation of this country. I was detained and I know the pain. I stayed in custody for a long time without being presented to court. The Constitution of Kenya 2010 cured those malpractices. Although any Kenyan, as you read, is free to petition any House of Parliament on any matter, I just want to urge the Committee that will look at this Petition to be very careful. We do not want to lose what we gained in our Constitution 2010.

The Committee should approach this Petition with a lot of caution, listen to the grievances and the pleas of Mr. Kawe. However, also at the back of their mind, they must

know that the biggest gain in Constitution 2010 was the Bill of Rights and we do not want to interfere or tamper with Chapter 4 of our Constitution.

I thank you.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. Listening to you reading the Petition by Mr. Taratisio Kawe sends a chill down my spine. Mr. Taratisio could be a retired policeman who is probably suffering from nostalgia of the bad old days because it is a terrible proposal to claw back on the Bill of Rights.

How our clerks even processed this as a Petition fit to come to this House defeats logic. The man wants detention without trial, denial of bail and he wants us to go back to the bad old days when people used to be arrested and the DPP would walk into court flamboyantly and say: “This is not a charge. It is just a holding charge” and calls upon the court to hold the suspect *ad infinitum*. That is what this Petition is asking us to do.

The Committee of JLAC that is likely to look at this Petition should be very careful as the Senator for Vihiga has said because if this House can countenance any backward steps on the Bill of Rights it tells you that then we have learned no lessons from our history.

People like the late Martin Shikuku, George Anyona and Jean Marie Seroney were arrested within the precincts of this House. There was a time when the late George Anyona was talking about corruption in Mombasa and the then PC for Mombasa, the late Mahihu was in the gallery of Parliament showing Anyona a gun; and nothing happened to him.

We do not want to back go to those days. My brother here from Embu knows because he has been around longer. Kenyans have fought, died, shed blood and been locked up to get this freedom.

The only point that the Committee should take up from this Petition is expeditious disposal of cases. We do not want cases to linger in court forever and say “hold people for longer”. He is even suggesting that the suspect should be locked up as investigations go on. On what basis do you lock up somebody when you are investigating? You can only take people to court upon conclusion of investigations. So, the JLAC Committee - and I think Sen. Mutula Kilonzo Jnr. is a Member - should treat this Petition with extreme suspicion and caution.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Cheruiyot: Thank you, Mr. Temporary Speaker, Sir, for this chance to make a comment on this Petition. I have quickly taken time to read through it with shock. I may not be as old as my colleagues who have spoken, but I have read it and I know what it means to go back to what the petitioner wants.

The only point of disagreement would be that while our senior colleague, Sen. Wetangula, believes that this takes us back, I actually think we are already there. The unfortunate thing that has happened of late to us as leaders is that when problems are not facing my side of the political divide, we imagine that it is okay and fair. The silver lining in this Petition is that it presents us with an opportunity to ventilate on these issues because for a long time I have thought for a while that JLAC needs to look at the whole regiment of laws on the criminal justice system, specifically with regard to a suspect being produced before court.

We remember how we cheered on the issue of *Kamata Kamata* Fridays yet little did we know that actually our police officers were slowly entrenching it into practice. The unfortunate thing is that even the DDP himself has publicly spoken about this issue. I

remember seeing him once saying in Mombasa: “What is the problem? Even when you were young, people used to be arrested and it would take two to three days.”

Our colleagues who serve in the JLAC Committee, you have a duty to the country to clean up those flaws. The many things that are being used by the Executive to clamp down on the rights of various citizens so that a criminal justice system is used to serve the only purpose for which it was intended which is to ensure that if you are guilty, you go to jail. If you are innocent, you walk free. Nothing else in between.

We see this practice being inculcated slowly. Unfortunately, even the Judiciary has bought into this silly game. I have seen magistrates of late begin to set very exorbitant bail terms, Kshs10 million, Kshs20 million, Kshs100 million yet to the best of my understanding, world over, bail is only meant to guarantee your appearance in court. It has nothing to do with whether you are innocent or guilty.

Nowadays when you go to court, you will hear them say: “because of the amount of money involved here---” How have you reached to the case yet the point is about whether you are innocent or guilty?

Mr. Temporary Speaker, Sir, I challenge our colleagues who serve in JLAC Committee to look into this Petition and tell petitioner about the place where we want our country to go back to.

However, look into some of these practices that are slowly creeping back to our society. We can go ahead and set up a law that states the procedure and the minimum amount that can be set as bail. I have heard some magistrates say that it is not their duty to do that. A few of our colleagues represent their clients in court. I once heard a magistrate telling some of them that they are the lawmakers who should make the bail limits clear in law for it not to punish people.

Otherwise, bail can be used to clamp down on people’s rights yet our present and past colleagues paid for this freedom using their sweat and blood. We should not throw away this Petition. Instead, it should act as a reminder that we ought to have done this for us not to have such petitions.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I think that we should temperate the right to petition the Senate. If there was a summary jurisdiction of the Speaker, we would have dismissed this Petition. What this person is asking is extremely dangerous. The Chapter on the Bill of Rights is protected under Article 255 of the Constitution. The Secretariat should have told this good gentleman, at the first instance, that he cannot amend Chapter Four of the Bill of Rights without a referendum. He needs a million people to start such a process. All fundamental rights---

(Several Senators consulted loudly)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Hon. Senators! Please consult in low tones.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, Sen. Murkomen is from a particular place. I do understand.

The principle under fair trial, a fundamental right is a clause in the Constitution, which is not encumbered, it has no exception. Therefore, to suggest that you can deny somebody bail is anathema in a new Kenya. To give people bail terms of Kshs10 million

is anathema and we must condemn it. I told Sen. Wetangula that I represented Sen. Khaniri when he was an Assistant Minister. He was released on his own personal cognizance. I walked out with him. What will Kshs10 million do in the Judiciary? Money paid as bail cannot be spent. It is put in a suspense account and it cannot earn interest. It is useless money.

One of my clients, Governor Mulei, was taken to court at 3.00 p.m because Mr. Amos Kimunya did not want him at Central Bank of Kenya. He posted a bail of Kshs3 million at 3.00 p.m. Bail is a way of punishing people. One looks for money all over just for the prosecution to lose interest in the trial. Trials in Kenya are determined by how long you can be detained before you are bailed out. That is wrong.

I was in this country when Miguna was deported and I went to court. What is wrong is wrong and you must call it the way it is. A duck is a duck. When I hear my brothers on that side complain, I wonder where they were at that time. The Constitution that was being violated in the recent times is the same Constitution that is being violated right now. One of them wanted to say that what is good for the goose is good for the gander, but ended up saying that what is good for the goose is good for the duck. We must condemn these things.

I was in this country when Willie Kimani was killed and put in a gunny bag because of the things that he was doing. We wrote a Petition and it was tabled here by our Chairman. People have been killed in this country and their families have been asked to pay for the bullets. We cannot do this.

Some of our colleagues have been detained and that is why we say “no” to some petitions. Return it to the sender. We cannot go back there. We cannot violate people’s rights for whatever reason. It was visited on other people, it is being visited on somebody and the more we allow it, the more it will worsen. Sen. Orengo once told the Speaker that if he allows them to do certain things to Parliament, he is the one who will one day be arrested.

This is not the kind of Petition that should see the light of day in a place where we have good lawyers. It is wrong.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir, for allowing me to make a few comments. I will slightly differ with my colleagues. Everyone has a right to Petition this House and we should accept every form of Petition. When we look at the Petition, we will be able to understand where the problem is.

I have had the opportunity to look at the Petition that was sent to the Clerk of this Senate. From it, I can attest that the petitioner is a frustrated investigator. In fact, he says that the investigation agencies in Kenya are frustrated because of the freedom that is given to the accused people. He has said that the victims are never considered.

I will be brief because my colleagues have almost given the direction in which this Petition should take. I want to appeal to the Committee on Justice, Legal Affairs and Human Rights to look at the Petitioner’s written Petition, look at what makes it difficult for the criminal investigators to perform their duties and ways in which we can correct them. I agree with the petitioner that we, as a Parliament, need to review the Penal Code. The Penal Code violates the Bill of Rights.

We should not condemn the petitioner or make certain insinuations. We should not ask to throw out the Petition. Instead, we should look at the salient issues and go deeper into them. We should assist where we can and tell him of the areas that we cannot assist.

We will all defend the right of an accused person to be brought before a court of law within 24 hours. However, we also need to figure out what happens in the process. The petitioner is arguing that very many people who commit offences and are out on bail continue committing offences because of the duration of time that it takes for a matter to be concluded. Once a matter is dismissed in a lower court, there is an appeal process and that process goes all the way to the Supreme Court.

Let us look at the issue that the petitioner is raising. Let us put ourselves in his shoes. As an investigator, he is finding it difficult to carry out his tasks. I hope that the Committee on Justice, Legal Affairs and Human Rights will take time to look at the Petition. They should get copies of the Petition and look at the legislation that he wants to be amended.

As Sen. Mutula Kilonzo Jnr. said, a Petition should be disqualified based on what the Petitioner is seeking. One cannot seek to amend the Constitution without a referendum. A person seeking to amend the Constitution should collect a million signatures the same way the proponents of the Building Bridges Initiative (BBI) and *Punguza Mzigo* did.

On this Petition, I request that we listen to the investigator. We should put ourselves in the shoes of the Directorate of Criminal Investigation (DCI) and listen to the challenges that they go through. Some of the challenges that the DCI face are brought about by us, the politicians, depending on which side of political divide we are in. If you are in the Government, you make it very difficult for an accused person.

We politicians are also arrested and detained. They work hard to arrest us on a Friday. We need to address some of those issues. This Petition gives us an opportunity to address those issues.

Mr. Temporary Speaker, Sir, I hope that we will have justice and not condemn every petition that is brought before this House.

I thank you.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I also want to take a different view from the view taken by my colleague Sen. Khaniri that Taratisio Kawe made a good decision to come to this and not the other House.

The fact that he chose to bring this Petition here, for me, I think he must be having a low opinion of who we are and what we do in this House. I say this because this Petition is an invitation to the Senate of the Republic of Kenya to claw back on the gains achieved through Chapter Four of the Constitution on fundamental rights and freedoms under the Bill of Rights.

Listening to that Petition, I was saying to myself that leaders who went before us--

(Loud consultations)

Mr. Temporary Speaker, Sir, I seek to be heard. There is too much consultation.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators! Consult in low tones.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I was saying that listening to the contents of that Petition, I am very sure leaders who went before us such as Kenneth Matiba, Martin Shikuku and George Anyona must be turning in their graves wondering

what the Senate is being invited to do. We are being told that we should go back to the days when people would be detained without trial and denied bail on flimsy grounds.

I want to associate myself with the views held by some of my colleagues that before petitions come to the Floor of this Senate, the secretariat should scrutinize them. It is true that people have a right to petition this House on any matter, but those rights also have limitations. This is such kind of a petition that should never have found its way to the Floor of this Senate.

Mr. Temporary Speaker, Sir, I oppose it.

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this Petition. The Petition by Taratisio Kawe raised very fundamental issues.

If you look at the current practice, some suspects are taken to court with just an affidavit for being suspected of committing certain offences and they are detained by courts for 14 or 21 days and so on and so forth. That is in contravention of the people's rights under Article 49 of the Constitution.

To some extent, this Petition seeks to legalise what the police are currently doing to suspects. Some of them are charged with minor offences that are bailable under the law. If this Petition is processed, it can seriously dent the reputation of this Senate.

Although it has already been admitted, I request the Committee on Justice, Legal Affairs and Human Rights to expeditiously deal with it so that we are not party to the attempts to claw back on our Bill of Rights.

Article 47(3) of the Constitution states that-

“Parliament shall enact legislation to give effect to the rights in clause (1) and that legislation shall—

(a) provide for the review of administrative action by a court or, if appropriate, an independent and impartial tribunal; and

(b) promote efficient administration.”

No legislation has been passed by Parliament. Therefore, that allows the police and other investigative agencies to claw back on the rights of citizens under Article 49 of the Constitution.

Mr. Temporary Speaker, Sir, I urge the Committee on Justice, Legal Affairs and Human Rights to seriously consider dealing with this Petition summarily.

I thank you.

Sen. Murkomen: Mr. Temporary Speaker, Sir, this is a very serious Petition that touches on very important issues. The Bill of Rights is the core of our Constitution, particularly the rights of suspects as provided for under Article 49 of the Constitution.

While I agree with Sen. Olekina that any petitioner has a right to petition this House, I think this is one of the petitions that the Committee should not waste a lot of time dealing with it because the contents are so obvious. We may never condemn the petitioner for bringing it here. I am almost in agreement with Sen. Wambua who said that this petitioner is thinking very lowly about this House for him to even have the courage to bring it here.

Be it as it may and considering that we came here to represent citizens who have different opinions, my advice to the Committee is to dispense with this matter immediately without further investigation, or even trying to carry out public participation. This is because the wisdom, capacity and knowledge of the Committee led by a senior counsel

should just come to the conclusion that this is one of those petitions that the Committee, on the face of it, can write back to the petitioner telling him that this is the kind of a petition that should not be entertained beyond the advice of the Committee.

I am saying so because we established the Constitution of Kenya, 2010 with a background of detentions without trials. Today we are in a country where arrests take place on Friday.

Mr. Temporary Speaker, Sir, you are a victim of that. You were arrested in Nairobi and taken somewhere in Samburu in the name of going to write a statement. What is this madness with police officers arresting public servants or citizens on Friday, particularly when the person being arrested is a political stature like you or any other Senator in this House?

If we allow this kind of petitions, the Government of the day may use that window to charge any of us. They can even charge you for murder and say it is because of the seriousness of the offence that you must be held for a month or two.

In this country, the criminal justice system has been extremely abused. I agree with Sen. Mutula Kilonzo Jnr. that some of the magistrates and courts give ridiculous bail terms. There was one particular magistrate at the Milimani Law Courts who was transferred recently. How can you give someone a bail of Kshs100 million, Kshs70 million, Kshs50 million or Kshs12 million?

Why do we have bail in the first place? It is for the suspect to appear in court. If a suspect is a Senator, there is no way that suspect will leave this country because they have interest in matters of governance. It is enough for them to deposit their passport and confirm that they will appear in court at a particular time.

Mr. Temporary Speaker, Sir, the other day we had the case of Hon. Gachagua. You investigate someone for two years and after that, you arrest him on Friday. You then charge him on Monday with others not before the court. Up to now, you have not even arrested them neither have they written statements.

In the last two years, we have witnessed abuse of the criminal justice process to arrest and punish people in the interim. Since you know that they will not be found culpable, the easiest way to punish your enemies is to arrest them on a Friday. If they are public servants in office, you arrest and charge them and ensure the corruption case takes more than two years so that you take advantage of the Anti-Corruption Act and say after two years, that person should leave office. Many people are jobless because of the misuse of the criminal justice system.

Mr. Temporary Speaker, Sir, I request the Chairperson, Sen. Omogeni that today, it is the 'hustler nation' who are being persecuted through this process and the other day it was the Orange Democratic Movement (ODM). Today, ODM is in Government enjoying the proceeds of the State. Tomorrow, when the 'hustler nation' will be in office and yours truly will be sitting on the other side of Government, we want to ensure the law will apply no matter where Murkomen will be today or tomorrow.

For that reason, such kinds of Petitions must be dealt with to finality. In future, we must discourage other petitioners from bringing other petitions that ask us to work towards derogation of rights enshrined in Chapter IV of our Constitution.

This House should ensure we ban Friday arrests. By law, we should come up with a legal framework that stops Friday arrests, unless you are being arrested for an offence

you committed that particular day and there is no possibility that you will be committing more offences if you are left until Monday. If we do this, we will do away with this draconian application of the law by oppressive regimes.

Mr. Temporary Speaker, Sir, please just give me one minute. The Chairperson of this Committee is from ODM, the Party that recently joined Government through the handshake. The other partners have left them. They are a smaller part of Jubilee now running the Government. The Chairperson always talks about having fought for human rights and being detained without trial.

Mr. Chairperson, tell your Principal the things he is doing today thinking it will hand him the opportunity to be given the presidency on a silver platter by the outgoing President, he is establishing a legal order that will become punitive to him and his supporters.

Thank you.

(Loud consultations)

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

Sen. Omogeni: Mr. Temporary Speaker, Sir, you know the country is watching and the people of Nyamira County are watching. Being a senior counsel is not a small thing. The Senator for Elgeyo-Marakwet County, Sen. Murkomen, keeps referring to my party leader. If you read our Constitution, we have the Head of State who is the President and a Deputy President who is the principal assistant of the President.

If there are any transgressions being conducted by the Government of the day, Sen. Murkomen should be telling us what his close friend, the Deputy President, is doing to ensure the human rights of Kenyans are not trampled upon.

I do not see how my Party Leader, the Right Hon. Raila Odinga, comes in to direct the Jubilee Government how it should conduct its business when the Government is in the safe hands of President Uhuru Kenyatta and the Deputy President, Hon. William Ruto. He should not be going on record as he makes reference to the Chair of JLAC and telling me to tell my Party Leader this or that. My Party Leader is not part of Government.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Senators! We have two other interventions.

Sen. Nyamunga, proceed.

Sen. Nyamunga: Mr. Temporary Speaker, Sir, I rise to inform Sen. Murkomen that the direction he is taking is a very dangerous one. If he has an issue with my Party Leader, he should just wait outside this House and raise it. We are discussing a very important issue and we should stick to the rules and regulations of this House.

There is no need of digression and bringing to this House issues that we should not. It is very uncalled for. I think he is looking for something else apart from the discussion that we have on the Floor of the House. He knows what he should be doing if he is looking for something else. He knows where he should do it and not on the Floor of this House.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, we are past the 30 minutes for the comments on this Petition.

I give Sen. Murkomen the last chance to conclude his comments on the Petition.

Sen. Murkomen: Mr. Temporary Speaker, Sir, I think the Party Leader of Sen. Omogeni should not choose when to become a brother and co-president of the President in the “Handshake” Government”. When it does not favour him---

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Hon. Senators! We need to give out comments to this Petition.

Sen. Murkomen: Mr. Temporary Speaker, Sir, it is Jesus who said: “Unless you are new in Jerusalem.” We all know where the Party Leader of ODM falls in the onion ring that the Government is.

(Loud consultations)

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

Sen. Murkomen: Mr. Temporary Speaker, Sir, if you are not new in Jerusalem---

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Sen. Murkomen! Sen. Pareno, go on.

(Loud consultations)

(Several Senators stood on a point of order)

An Hon. Senator: Point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Senators! We already have Sen. Pareno on intervention. Therefore, we do not expect any other point of information or order.

Continue, Sen. Pareno.

Sen. Pareno: Mr. Temporary Speaker, Sir, Sen. Murkomen knows the subject this evening is not about Hon. Raila Odinga. If he wanted to discuss him here, can he bring a substantive Motion and substantiate what he is talking about? He cannot keep on talking about a party leader who is not here yet some of us are his lieutenants and we are ready to defend him in whatever cause he can bring forth and into whatever format. The best he can do is restrain himself. Let us not discuss our principals here because it is not today’s subject. So, put him to order.

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

Sen. Madzayo: Bw. Spika wa Muda, ninasimama kwa Hoja ya Nidhamu. Kulingana na sheria zetu, ni haki kuongea juu ya mtu ambaye hayumo humu Bungeni, ama katika nafasi ya kujitetea, kisha tena uongee kwa njia isiyo na heshima? Lazima tuwaheshimu viongozi wetu.

Sisi sote ni Waafrika na tunajua heshima kwa mtu mzima aliyekupita kwa umri ni jambo la muhimu. Hapa yeye haongei juu ya mtu asiye muhimu. Huyo ni muhimu tena mkubwa wake kwa umri na hata anaweza kuwa baba yake. Kwa hivyo, itakuwa ni matusi Sen. Murkomen kutumia lugha isiyofaa kwa kiongozi wa taifa hili ambaye amelea amani humu nchini. Ni makosa sana.

Je, ni haki kutaja mtu asiyeweza kujitetea ndani ya hili Bunge; hususan kutaja kiongozi wa Chama cha ODM mimi nikiwa mwanachama wake?

(Loud consultations)

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

Sen. Sakaja: Mr. Temporary Speaker, Sir, this matter of arrests and detentions is so important. I am dismayed at how we have gone into irrelevant issues of political shadow boxing.

As I speak, two young men were arrested and found dead in Embu County. I am sure the Senator for Embu County might have a statement about it. That is what we should be talking about. We cannot start talking about political issues while we have young people being arrested every day. Those two are dead and families are mourning. Kenyans who are watching expect us to seek justice for those people when we talk about arrest and detentions. They do not expect us to start political shadow boxing which can be done elsewhere.

Mr. Speaker, Sir, our Standing Orders are clear on the matter of relevance. Can we stay relevant to the Petition and move forward?

I hope that there is a substantive Statement because we want to talk about what concerns Kenyans right now, which is what happens when these arrests and intentions are done against the law that we have.

Mr. Temporary Speaker, Sir, I am just asking for relevance. There are many opportunities for us to do politics. We can do it elsewhere. Right now, let us focus on what is key in the mind of Kenyans. I have not seen any Statement. Without anticipating debate, there is the matter of those young boys. One is from Embu Technical Training Institute and I think another one was in the fourth year in university. They were arrested and found dead.

(An. hon. Senator spoke off record)

You cannot anticipate debate. It is not the only case that has happened. There are many similar incidences in Nairobi. Please let us go to that discussion, if that is the discussion. However, the relevant subject matter right now is Petitions. It is not about who is outside, inside, or whose brother is in the Government. That is neither here nor there.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, we need to conclude on this matter.

Sen. Murkomen, you have one minute.

Sen. Murkomen: Mr. Temporary Speaker, Sir, I agree with colleagues who say that this matter should rest. I was only sending a message to the Government of the day---

The Senate Minority Leader (Sen. Orengo): On a point of order, Mr. Temporary Speaker, Sir.

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

Sen. Murkomen: I thought I was on a point of order?

The Senate Minority Leader (Sen. Orengo): Mr. Temporary Speaker, I rise on a point of order to support what Sen. Sakaja said. When there is a substantive issue like the pros and cons of this Petition, the issue of relevance is very important. We are not some village *baraza* where you can just arrive and start talking things that come to your head without thinking through them. We are a House of record, and the rule of relevance applies.

I would have thought that Sen. Murkomen would remind the House the position he took when this House was discussing the Security Laws (Amendment) Bill. The position he took is what is making it possible for the police to do the kind of things that are being done now.

You will remember that we went to court to challenge the Security Laws (Amendment) Bill, which he supported. If this law is affecting him now, he should not blame others for it. He is finding himself in a terrible situation out of his own conduct.

Mr. Temporary Speaker, Sir, without anticipating what we are going to say later on in this House, I want us to stick to the rule of relevance, because we have a lot of things to say about Sen. Murkomen, who denies that he is in Government and he is sticking in the Government. I have never seen him walk to the Senate Minority side. He is still part of the Government. He still attends Cabinet meetings. Today, he held a meeting in the Government premises and he still blames others for being a part of the Government. I think that the rule of relevance is very critical.

(Loud consultations)

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

Proceed, Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): If he wants us to talk about principles, he can bring that debate here. We have things to say about his principles. The only problem is he has not made up his mind on what his principle is. When he wakes up in the morning, he is of the Jubilee Party and in the evening, he is in another party whose colours he does not bear.

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

Sen. Murkomen: Mr. Temporary Speaker, Sir, to start with, Sen. Orengo should know one thing, I supported the Security Laws (Amendment) Bill (2014), and I have no regret. In fact, it is because of our support for the Security Laws (Amendment) Bill (2014) that we were able to manage and bring down the issue of terrorism. My conscience is clear. No one here can get me one clause of that Bill that violates any right today or in the future.

(Sen. Orengo consulted loudly)

I am the one on the Floor. Sen. Orengo, I kept quiet when you were talking. Do not heckle, but listen.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order! Address the Chair.

Sen. Murkomen: Number two, and more importantly, why is Sen. Orengo so jittery when we tell him that he is on the side that is currently in Government? We know that they dine and plan with the President. They are the ones who are now announcing Government projects. Why does it become so painful if the Senate Minority side is already accommodated in Government?

The only thing that I said on the Floor of this House is that for the short period that they are enjoying the largesse of Government, they should not forget that tomorrow may come. It is the same thing that Sen. Orengo was trying to tell me another time, that the Government

“eats its own”. That statement is not factual. Sen. Orengo should have added that he is the one carrying the knife because he is the one holding the knife today.

Mr. Temporary Speaker, Sir, I just want to conclude.

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

Sen. Murkomen: Mr. Temporary Speaker, Sir, I am concluding. My point is this. I have said that those who are in Government today when extrajudicial killings are happening, when police brutality is up, when people are being killed in Runyenjes, must know that another time like that can come tomorrow. They used to make the loudest noise yesterday. That is the only thing I am saying.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators! Pursuant to Standing Order 232 (1), the Petition should be committed to the relevant Standing Committee for consideration. In this case, I direct that the Petition be committed to the Standing Committee on Justice, Legal Affairs, and Human Rights.

In terms of Standing Order 232 (2), the Committee is required in not more than 60 calendar days from the time of reading the prayer to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate.

Hon. Senators, we are now going to rearrange the Order Paper. I therefore call the clerk to call Order No. 8 and Order No. 9.

BILLS

Second Reading

THE PROMPT PAYMENT BILL
(SENATE BILL NO. 16 OF 2020)

(Sen. Sakaja on 22.07.2021)

(Resumption of debate interrupted on 29.07.2021)

(Division)

BILL

Second Reading

THE NATIONAL RESOURCES (BENEFIT SHARING) BILL
SENATE BILLS NO. 25 OF 2020)

Sen. (Dr.) Zani on 29.07.2021)

(Resumption of debate interrupted on 03.08.2021)

(Division)

The Temporary Speaker (Sen. (Dr.) Lelegwe): I now direct that the Division Bell be rung for two minutes.

(The Division Bell was rung)

Hon. Senators, kindly pronounce your vote for the two Bills.

(Voting in progress)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I request that those who are voting virtually to appear on the screen. Proceed.

Sen. (Dr.) Ochillo-Ayacko, we cannot hear you and we cannot see you.

Sen. (Dr.) Ochillo-Ayacko: Mr. Temporary Speaker, Sir, I am live. Can you hear me now?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Yes, but we cannot see you.

Sen. (Dr.) Ochillo-Ayacko: Mr. Temporary Speaker, Sir, maybe it is poor internet connectivity. I am seeing myself and I can see. I hope I am being seen now.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Ochillo-Ayacko, vote for the two Bills.

(Voting in progress)

Hon. Senators, we are going over the list again for those who were not able to vote when they were being called.

(Voting in progress)

DIVISION

ROLL CALL VOTING

(Question, that The Prompt Payment Bill (Senate Bills No.16 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen.

(Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Farhiya.

NOES: Nil.

Teller of the Noes: Sen. Kavindu Muthama.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, the results of the Division are as follows:-

AYES: 35

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 35 votes to nil)

(The Bill was read the Second Time and committed to a Committee of the Whole tomorrow)

DIVISION

ROLL CALL VOTING

(Question, that The Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Farhiya.

NOES: Nil.

Teller of the Noes: Sen. Kavindu Muthama.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, the results of the Division are as follows:-

AYES: 35

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 35 votes to nil)

(The Bill was read the Second Time and committed to a Committee of the Whole tomorrow)

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, we now proceed and I call upon the clerks to read Orders No.10 to Order No.13. Those are the Bills that were canvassed and the only item left is Division.

COMMITTEE OF THE WHOLE

THE WILDLIFE CONSERVATION AND MANAGEMENT
BILL (SENATE BILLS NO. 30 OF 2020)

(Division)

COMMITTEE OF THE WHOLE

THE COMMUNITY HEALTH SERVICES BILL
(SENATE BILLS NO. 34 OF 2020)

(Division)

COMMITTEE OF THE WHOLE

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)

(Division)

COMMITTEE OF THE WHOLE

THE NATIONAL FLAG EMBLEMS AND NAMES
BILL (SENATE BILLS NO. 36 OF 2020)

(Division)

COMMITTEE OF THE WHOLE

THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)

(Division)

COMMITTEE OF THE WHOLE

(Order for Committee Read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, please take your seats. Do not go away. We need to do the Committee of the Whole. Those online do not log off.

Ring the bell for five minutes.

(The Division bell was rung)

The Temporary Chairperson (Sen. Nyamunga): Can the Whips confirm if we have the numbers?

Can the bell be rung again for another five minutes?

(The Division Bell was rung)

Hon. Senators, let us have two Tellers. Sen. Farhiya and Sen. Kavindu Muthama. We are on the Wildlife Conservation and Management Bill (Senate Bills No.30 of 2020).

Hon. Senators, I now put the question, which is that Clauses 2 and 3(as amended), Clauses 4, 5, 6, and 7, the Title and Clause I be part of the Bill. Kindly vote on the two questions.

(Voting in progress)

The Temporary Chairperson (Sen. Nyamunga): Senators, kindly remain online. Please, do not log off. We are still going for the next Bill. Hon. Senators, we are voting on the next Bill, the Community Health Services Bill (Senate Bills No. 34 of 2020).

Sen. Wambua, do you have a point of order?

Sen. Wambua: Yes.

The Temporary Chairperson (Sen. Nyamunga): Give him the microphone.

Sen. Wambua: Thank you, Madam Temporary Chairperson. There is something that we have to do in regards to the resolutions that we make in this House. Unless it has been vacated, the rule is that Members voting online must appear on the screen. However, we are not sure whether it is them voting or what is happening. If it is possible, can we enforce that, because it is a resolution of this House.

The Temporary Chairperson (Sen. Nyamunga): Yes, we can enforce that, but every time they vote you can see their names come on the screen.

(Loud consultations)

That is the problem of the House. I think it is the system that is not showing, because the Members are online. I would like to ask the technical team to kindly make sure that we see the video of the Members.

Hon. Senators, I have already said that we are voting on the Community Health Services Bill (Senate Bills No. 34 of 2020). Can we start the voting?

(Voting in progress)

The Temporary Chairperson (Sen. Nyamunga): Honorable Senators, we are on the next Bill. The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 33 of 2020).

(Voting in progress)

The Temporary Chairperson (Sen. Nyamunga): Let Sen. Halake vote. You should mention that there are two questions.

(Roll call voting in progress)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now on the Coffee Bill (Senate Bills No. 22 of 2020).

We have four amendments on the Bill that we need to vote on. The first vote is on a clause that should be deleted.

(Question put and the Senate proceeded vote)

The next vote is on the new clauses. The third vote is on the clauses with amendments. The fourth vote will be on all the other clauses as listed.

(Question put and the Senate proceeded vote)

(Roll call voting in progress)

Please note that you are voting for the four questions. Do mention that you are voting for the four questions.

(Roll call voting in progress)

The Temporary Chairperson (Sen. Nyamunga): Hon. Members, please do not log off because after this vote, we still have to vote for Third Reading. It is just one vote. So, kindly do not go.

Hon. Senators, we have one more vote. So, stay on. Members who are logged in online, that is the last one. Kindly stay online.

THE WILDLIFE CONSERVATION AND MANAGEMENT BILL
(SENATE BILLS NO.30 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that Clause 3 be amended as proposed,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Muranga County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisumu County; Sen. Outa, Kisumu County; Sen. Orendo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

Teller for the Noes: Sen. Muthama Kavindu

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 31 votes to nil)

(Clause 3 as amended agreed to)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 2, 3 (as amended), 4, 5, 6 and 7, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Muranga County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Onger: Kisii County; Sen. Outa, Kisumu County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil.

Teller for the Noes: Sen. Muthama Kavindu

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 31 votes to nil)

(Clauses 2, 3 (as amended), 4, 5, 6 and 7, the Title and Clause 1 agreed to)

THE COMMUNITY HEALTH SERVICES BILL
(SENATE BILLS NO.34 OF 2020)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 4, 5, 6, 8 and 11 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Abdul M. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi,

Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. (Prof.) Onger: Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil

Teller for the Noes: Sen. Muthama Kavindu

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 27 votes to nil)

(Clauses 4, 5, 6, 8 and 11 as amended agreed to)

DIVISION

ROLL CALL VOTING

(Question, that Clause 3, Clause 4 (as amended), Clause 5 (as amended), Clause 6 (as amended), Clause 7, Clause 8 (as amended), Clause 9 and 10, Clause 11 (as amended), Clause 12-19, Clause 2, the Title and Clause 1, be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Abdul M. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. (Prof.) Onger: Kisii County; Sen. Orenge, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil

Teller for the Noes: Sen. Muthama Kavindu

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 27 votes to nil)

(Clause 3, Clause 4 (as amended), Clause 5 (as amended), Clause 6 (as amended), Clause 7, Clause 8 (as amended), Clause 9 and 10, Clause 11 (as amended), Clause 12-19, Clause 2, the Title and Clause 1 agreed to)

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that Clause 2 be amended as proposed,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeri: Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil

Teller for the Noes: Sen. Kasanga

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 27 votes to nil)

(Clause 2 as amended agreed to)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 2 (as amended), 3, 4, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru: Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil.

Teller for the Noes: Sen. Kasanga

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 27 votes to nil)

(Clauses 2 (as amended), 3, 4, the Title and Clause 1 agreed to)

THE NATIONAL FLAG, EMBLEMS AND NAMES
(AMENDMENT) BILL (SENATE BILLS NO.36 OF 2020)

DIVISION

ROLL CALL VOTING

(Question, that Clauses 2 and 3, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen.

(Prof.) Kindiki, Tharaka Nithi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. (Prof.) Onger: Kisii County; Sen. Orengo, Siaya County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil.

Teller for the Noes: Sen. Kasanga

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 27 votes to nil)

(Clauses 2 and 3, the Title and Clause 1 agreed to)

THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that Clause 17 be deleted, put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kamar, Uasin Gishu County; Sen. Kindiki, Tharaka Nithi County; Sen. Kang'ata, Muranga County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Lang'at, Bomet County; Sen. Madzayo, Kilifi County; Sen. Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Onger: Kisii County; Sen. Orengo, Siaya County; Sen. Kasanga, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil

Teller for the Noes: Sen. Kasanga

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 32 votes to nil)

(Clause 17 was deleted)

DIVISION

ROLL CALL VOTING

(Question, that New Clauses 2A, 27A, 27B, 27C, 27D, 27E, 30A, 31A, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31P, 31Q, 31R, 31S, 31T and 32A be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kamar, Uasin Gishu County; Sen. Kindiki, Tharaka Nithi County; Sen. Kang'ata, Muranga County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Lang'at, Bomet County; Sen. Madzayo, Kilifi County; Sen. Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Ongeru: Kisii County; Sen. Orengo, Siaya County; Sen. Kasanga, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil

Teller for the Noes: Sen. Kasanga

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 32 votes to nil)

(New Clauses 2A, 27A, 27B, 27C, 27D, 27E, 30A, 31A, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N,

31O, 31P, 31Q, 31R, 31S, 31T and 32A were read a Second Time)

DIVISION

ROLL CALL VOTING

*(Question, that Clauses 6, 10, 23 25, 26, 27, 32, 40, 41, 43, 53, 60, 66
Second Schedule, Clause 2 and Long Title be amended as proposed
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kamar, Uasin Gishu County; Sen. Kindiki, Tharaka Nithi County; Sen. Kang'ata, Muranga County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Lang'at, Bomet County; Sen. Madzayo, Kilifi County; Sen. Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Ongeri: Kisii County; Sen. Orengo, Siaya County; Sen. Kasanga, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil.

Teller for the Noes: Sen. Kasanga

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 32 votes to nil)

*(New Clauses 6, 10, 23 25, 26, 27, 32, 40, 41, 43, 53, 60, 66
Second Schedule, Clause 2 and Long Title as amended, agreed to)*

DIVISION

ROLL CALL VOTING

(Question, that Clause 3, Clause 4, Clause 5, Clause 6 (as amended), Clause 7, Clause 8, Clause 9, Clause 10 (as amended), Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16, Clause 17, Clause 18, Clause 19, Clause 20, Clause 21, Clause 22, Clause 23 (as amended), Clause 24, Clause 25 (as amended), Clause 26 (as amended), Clause 27

(as amended), Clause 28, Clause 29, Clause 30, Clause 31, Clause 32 (as amended), Clause 33, Clause 34, Clause 35, Clause 36, Clause 37, Clause 38, Clause 39, Clause 40 (as amended), Clause 41 (as amended), Clause 42, Clause 43, Clause 44 Clause 45, Clause 46, Clause 46, Clause 47, Clause 48, Clause 49, Clause 50, Clause 51, Clause 52, Clause 53 (as amended), Clause 54, Clause 55, Clause 56, Clause 57, Clause 58, Clause 59, Clause 60 (as amended), Clause 61, Clause 62, Clause 63, Clause 64, Clause 65, Clause 66 (as amended), Clause 67, Clause 68, Clause 69, Clause 70, Clause 71, Clause 72, Clause 73, Clause 74, New Clauses 2A, 27A, 27B, 27D, 27E, 30A, 31A, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31P, 31Q, 31R, 31S, 31T, 32, First Schedule, Second Schedule (as amended), Clause 2 (as amended), Long Title (as amended), the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kamar, Uasin Gishu County; Sen. Kindiki, Tharaka Nithi County; Sen. Kang'ata, Muranga County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Lang'at, Bomet County; Sen. Madzayo, Kilifi County; Sen. Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Ongeru: Kisii County; Sen. Orengo, Siaya County; Sen. Kasanga, Nairobi City County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Farhiya

NOES: Nil

Teller for the Noes: Sen. Kasanga

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the division are as follows:

AYES: 32

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 32 votes to nil)

(Clause 3, Clause 4, Clause 5, Clause 6 (as amended), Clause 7, Clause 8, Clause 9, Clause 10 (as amended), Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16, Clause 17, Clause 18, Clause 19, Clause 20 Clause 21, Clause 22, Clause 23 (as amended), Clause 24, Clause 25 (as amended), Clause 26 (as amended), Clause 27 (as amended), Clause 28, Clause 29, Clause 30, Clause 31, Clause 32 (as amended), Clause 33, Clause 34, Clause 35, Clause 36, Clause 37, Clause 38, Clause 39, Clause 40 (as amended), Clause 41 (as amended), Clause 42, Clause 43, Clause 44 Clause 45, Clause 46, Clause 46, Clause 47, Clause 48, Clause 49, Clause 50, Clause 51, Clause 52, Clause

53 (as amended), Clause 54, Clause 55, Clause 56, Clause 57, Clause 58, Clause 59, Clause 60 (as amended), Clause 61, Clause 62, Clause 63, Clause 64, Clause 65, Clause 66 (as amended), Clause 67, Clause 68, Clause 69, Clause 70, Clause 71, Clause 72, Clause 73, Clause 74, New Clauses 2A, 27A, 27B, 27D, 27E, 30A, 31A, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31P, 31Q, 31R, 31S, 31T, 32, First Schedule, Second Schedule (as amended), Clause 2 (as amended), Long Title (as amended), the Title and Clause 1 agreed to)

THE WILDLIFE CONSERVATION AND MANAGEMENT BILL
(SENATE BILLS NO.30 OF 2020)

Sen. Mwaruma: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate, its consideration of the Wildlife Conservation and Management Bill (Senate Bills No.30 of 2020) and its approval thereof with amendments.
(Question proposed)

(Question put and agreed to)

THE COMMUNITY HEALTH SERVICES BILL
(SENATE BILLS NO. 34 OF 2020)

Sen. (Dr.) Zani: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate, its consideration of the Community Health Services Bill (Senate Bills No.34 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2020)

Sen. (Dr.) Zani: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate, its consideration of the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.33 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT)
BILL (SENATE BILLS NO.36 OF 2020)

Sen. (Dr.) Zani: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate, its consideration of the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

THE COFFEE BILL (SENATE BILLS NO.22 OF 2020)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the final Bill is the Coffee Bill (Senate Bills No. 22 of 2020).

Mover, Chairperson of the Committee on Agriculture, Sen. Ndwiga, proceed.

Sen. Ndwiga: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Coffee Bill (Senate Bills No.22 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS AND CONSIDERATION OF REPORTS

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO.30 OF 2020)

The Temporary Speaker (Sen. Pareno): Order, Senators We are now reporting progress. I call upon the Chairperson, Sen. Nyamunga.

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.30 of 2020) and its approval thereof with amendments.

The Temporary Speaker (Sen. Pareno): Mover.

Sen. Mwaruma: Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I ask Sen. (Eng.) Mahamud to second.

Sen. (Eng.) Mahamud: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Mover, please move the Third Reading.

Sen. Mwaruma: Madam Temporary Speaker, I beg to move that the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No.30 of 2020) be now read a Third Time. I request Sen. Sakaja to second.

The Temporary Speaker (Sen. Pareno): Sen. Sakaja.

(Sen. Sakaja bowed)

Sen, Sakaja, you need to second. Is that seconding?

Sen. Sakaja: Madam Temporary Speaker, I did that deliberately because most Members do not know that if you just bow you have seconded.

(Loud consultations)

The Temporary Speaker (Sen. Pareno): Order, Senators.

(Question proposed)

Hon. Senators, we proceed to the next reporting. We are going to read all the questions and then we will do one vote for all of them.

Chairperson.

THE COMMUNITY HEALTH SERVICES BILL
(SENATE BILLS NO. 34 OF 2020)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Community Health Services Bill (Senate Bills No.34 of 2020) and its approval thereof with amendments.

The Temporary Speaker (Sen. Pareno): Mover, you are not on microphone.

Sen. (Dr.) Zani: Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report and request Sen. Wambua to second.

Sen. Wambua: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Mover to move for the Third Reading.

Sen. (Dr.) Zani: Madam Temporary Speaker, I beg to move that the Community Health Services Bill (Senate Bills No.34 of 2020) now be read a Third Time and request Sen. Wambua to second.

The Temporary Speaker (Sen. Pareno): Sen. Wambua.

Sen. Wambua: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. Pareno): We will put the question at the end. Next. Chairperson, proceed.

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT)
BILL (SENATE BILLS NO. 36 OF 2020)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.36 of 2020) and its approval thereof without amendments.

The Temporary Speaker (Sen. Pareno): Mover.

Sen. (Dr.) Zani: Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report and request Sen. Wetangula to second.

Sen. Wetangula: Madam Temporary Speaker, I beg to second.

(Question proposed)

(Question put and agreed to)

Sen. (Dr.) Zani: Madam Temporary Speaker, I beg to move that the National Flag, Emblems and Names (Amendments) Bill, (Senate Bill No.36 of 2020) be now read a Third Time.

I request, Sen. Wetangula, to second.

Sen. Wetangula: Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Pareno): We will vote at the end.

THE COFFEE BILL (SENATE BILLS NO.22 OF 2020)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered The Coffee Bill (Senate Bills No.22 of 2020) and its approval thereof with amendments.

Sen. Ndwiga: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report.

I ask the vice Chairman, Sen. Wambua, to second.

Sen. Wambua: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

Sen. Ndwiga: Madam Temporary Speaker, I beg to move that The Coffee Bill, (Senate Bills No. 22 of 2020) be now read a Third Time.

Sen. Farhiya: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. Pareno): We will vote at the end.

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Parliamentary Powers and Privileges (Amendment) Bill, Senate Bills No. 33 of 2020 and its approval with amendments.

Sen. (Dr.) Zani: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report.

I request Sen. Mwangi to second.

Sen. Mwangi: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

Sen. (Dr.) Zani: Madam Temporary Speaker, I beg to move that The Parliamentary Powers and Privileges (Amendment) Bill, (Senate Bills No. 33 of 2020) be now read a Third Time.

I request, Sen. Mwangi, to second.

Sen. Mwangi: Madam Temporary Speaker, I second.

(Question proposed)

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

Sen. Olekina: Madam Temporary Speaker, I rise pursuant to Standing Order No. 31(3) (a).

I beg to move that the House resolve to extend its sitting today, Thursday 5th August, 2021 until conclusion of business appearing on the Order Paper

I request Sen. Sakaja to second.

Sen. Sakaja seconded.

(Question proposed)

(Question put and agreed to)

THIRD READINGS

We will now move to Division; I hope the Whips have whipped whoever is within. We remind those that are on Zoom to remain behind for purposes of voting. Let us ring the Bell for two minutes.

(The Division Bell was rung)

The Temporary Speaker (Sen. Pareno): Can we ring the Division Bell for another two minutes as we confirm from the Whips whether we have the numbers.

(The Division Bell was rung)

*(The Temporary Speaker consulted
the Clerks-at-the-Table)*

The Temporary Speaker (Sen. Pareno): Hon. Senators, we are now going to proceed to vote for Order Nos. 10, 11, 12, 13 and 14.

The Tellers are Sen. Kasanga and Sen. Kavindu. I had already put the question, so let us proceed to vote.

(Roll call voting in progress)

The Temporary Speaker (Sen. Pareno): Sen. Wako we cannot hear you. Can you unmute? Let us proceed as we wait for him to unmute.

(Roll Call voting in progress)

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results are as follows:

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.30 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that the Wildlife Conservation and Management
(Amendment) Bill (Senate Bills No.30 of 2020) be now read a Third Time
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Muranga County; Sen. Kasanga, Nairobi City County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Onger: Kisii County; Sen. Orengo, Siaya County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Kasanga

NOES: Nil

Teller for the Noes: Sen. Kavindu Muthama

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results of the division are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 30 votes to nil)

(The Bill was read a Third Time and passed)

THE COMMUNITY HEALTH SERVICES BILL
(SENATE BILLS NO.34 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that the Community Health Services Bill
(Senate Bills No.34 of 2020) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Muranga County; Sen. Kasanga, Nairobi City County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok

County; Sen. (Prof.) Ongeru: Kisii County; Sen. Orengo, Siaya County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Kasanga

NOES: Nil

Teller for the Noes: Sen. Kavindu Muthama

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results of the division are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 30 votes to nil)

(The Bill was read a Third Time and passed)

THE PARLIAMENTARY POWERS AND PRIVILEGES
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that the Parliamentary Powers and Privileges
(Amendment) Bill (Senate Bills No.33 of 2020) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Muranga County; Sen. Kasanga, Nairobi City County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru: Kisii County; Sen. Orengo, Siaya County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Kasanga

NOES: Nil

Teller for the Noes: Sen. Kavindu Muthama

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results of the division are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 30 votes to nil)

(The Bill was read a Third Time and passed)

THE NATIONAL FLAG, EMBLEMS AND NAMES
(AMENDMENT) BILL (SENATE BILLS NO.36 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, the National Flag, Emblems and Names (Amendment) Bill
(Senate Bills No.36 of 2020) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Muranga County; Sen. Kasanga, Nairobi City County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru: Kisii County; Sen. Orengo, Siaya County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Kasanga

NOES: Nil

Teller for the Noes: Sen. Kavindu Muthama

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results of the division are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 30 votes to nil)

(The Bill was read a Third Time and passed)

THE COFFEE BILL (SENATE BILLS NO.22 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, the Coffee Bill (Senate Bills No.22 of 2020)
be now read a Third Time, put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Abdul M. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Muranga County; Sen. Kasanga, Nairobi City County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Wako, Busia County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

Teller for the Ayes: Sen. Kasanga

NOES: Nil

Teller for the Noes: Sen. Kavindu Muthama

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results of the division are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 30 votes to nil)

(The Bill was read a Third Time and passed)

The Temporary Speaker (Sen. Pareno): Hon. Senators, we are through with the Division and the vote. We, therefore, go back to the Papers.

Next order.

PAPER LAID

SCHEDULE OF CASH DISBURSEMENTS TO COUNTY GOVERNMENTS FOR F/Y 2020/2021

Sen. Sakaja: Madam Temporary Speaker, I beg to lay the following Paper on the Table of the Senate, today, 5th August, 2021-

The Schedule of Cash Disbursements to County Governments for the Financial Year 2021/2022.

(Sen. Sakaja laid the document on the Table)

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

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We have Statements pursuant to Standing Order No.47 (1). Sen. Mwaruma, are you reading on Sen. Faki's behalf?

Sen. Mwaruma: Yes.

The Temporary Speaker (Sen. Pareno): Please, proceed.

STATEMENTS

MISTREATMENT OF KENYAN SEAFARERS WORKING IN CHINESE OWNED FISHING VESSELS

Sen. Mwaruma: Thank you, Madam Temporary Speaker. On behalf of Sen. Faki, I rise, pursuant to Standing Order No.47 (1) to make a Statement on an issue of general topical concern, namely, the mistreatment of Kenyans working on board Chinese-owned fishing vessels.

The vessels, though Chinese-owned, are registered in Kenya and operated by Messrs. Ziegan Enterprises Limited, a Kenyan registered company.

Madam Temporary Speaker, the beneficial owners of these vessels are Qinsdad Yung Tung-Pelagic Fisheries Limited and the Shipping Agent is Mombasa Ocean Agency.

The company owns seven fishing vessels and trawlers, namely-

- (1) Lu Qing Yuan Yu 151;
- (2) Lu Qing Yuan Yu 155;
- (3) Lu Qing Yuan Yu 156;
- (4) Lu Qing Yuan Yu 157;
- (5) Lu Qing Yuan Yu 158;
- (6) Lu Qing Yuan Yu 159; and
- (7) Lu Qing Yuan Yu 160.

Madam Temporary Speaker, there are other fishing vessels, commonly referred to as the long liners, which are owned by different companies, but are currently plying their trade in Kenyan waters.

The long liners are-

- (1) FV Seamer II;
- (2) RA Harakhty;
- (3) Ocean eagle; and
- (4) Newfoundland Alert

Madam Temporary Speaker, these vessels employ many Kenyans as crew. The management of these vessels are depriving the Kenyan crew their rights as provided for under the International Maritime Organization (IMO) regulations pertaining to seafarers.

Madam Temporary Speaker, as I make this Statement, crew on board the MV Lu Qing Yuan Yu 157 downed their tools to protest against poor working conditions and deprivation of their rights under the IMO Regulations.

There is a mutiny on board the motor vessel and the crew have refused to work. Mutiny is a strike by the crew and is equivalent to a mutiny in the armed forces.

Although the owners of the vessels should discharge the crew and afford them safe passage to their home country under the IMO Regulations, the owners of the vessel have

refused to honour this obligation and the crew are stranded on the high seas with serious danger to their lives.

One member of the crew, Yunus Juma Beku, who was working on board the vessel Lu Qing Yuan Yu 158, died on 21st June, 2021 and, to date, his body is yet to be repatriated to Kenya for burial.

The deceased hailed from Magongo Village, in Changanwe Sub-County of Mombasa County and was of Muslim faith.

Madam Temporary Speaker, Muslims are obligated to bury their deceased kin promptly and a delay of more than 40 days, in this instance, is unacceptable.

Madam Temporary Speaker, at the moment, the Vessel Monitoring Centre at Liwatoni Mombasa is not working.

The satellite machine bought to monitor fishing activities is also currently not working. In the circumstances, we cannot monitor and know what is happening in the high seas.

Whereas the Government may have had good intention of providing a good environment and facilities for Kenyans to explore the Blue Economy, the management of these facilities has remained largely ineffective.

Madam Temporary Speaker, due to the grave nature of the issues raised, I request that you refer this matter, pursuant to Standing Order No. 47(3), to the relevant Standing Committee to look into the matter as lives of Kenyans are at stake.

I thank you.

The Temporary Speaker (Sen. Pareno): Hon. Senators, we do not have much time. We have to conclude what is in the Order Paper. I will not allow comments unless we must.

So, we move to the next Statement. That Statement is referred to the relevant Committee of the House.

Sen. Mutula Kilonzo Jr.: On a point of order, Madam Temporary Speaker. I suggest that you give a timeline on that Statement. This is because the matter is very important. We have been informed that there is a mutiny and there is a Kenyan crew and people who are dying under high seas.

The Temporary Speaker (Sen. Pareno): We are proceeding on recess but Committees are sitting. However, they can only report to the House when we resume. I order that the relevant Committee handles that matter and report back to the House immediately we resume.

Next Statement is by Sen. (Dr.) Musuruve.

MISTREATMENT OF TEACHERS IN SICHEKHE MIXED SCHOOL

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I rise, pursuant to Standing Order No. 47(1), to make a Statement on an issue of general topical concern, namely; the undeserved treatment of teachers by the head teacher of Sichekhe Mixed Primary School in Budalangi, Busia County.

Madam Temporary Speaker, teachers in the school in Budalangi were locked out of school for being slightly late. This act highly demeaned the stature of teachers as professionals.

It is professionally required that teachers report to duty on time. It is clearly the case also that there are circumstances that can inhibit this requirement that may be allowable or understandable on humanitarian grounds.

Madam Temporary Speaker, in the case of Sichekhe Mixed Primary School where teachers were slightly late on day one of reopening of schools for the first term, they were denied entry. The watchman was instructed not to open the gate for them. It is notable that the teachers do not reside in the school compound. Some of them commute from as far as Kakamega County.

The teachers accessed the school through the fence, an act that was demoralizing to the teachers, which consequently would make it difficult for the said teachers to assert their authority in class. Chances of class mismanagement are likely to go high in the said school.

Madam Temporary Speaker, teachers are human beings just like anyone else. They have children to take to school just like any other parent. There is need to investigate the circumstances that led the head teacher to behave in such unwarranted manner towards his colleagues.

The success of a school cannot be achieved or determined by one person. That is the head teacher. Rather, it is a collective responsibility of teachers, head teachers, Boards of Management (BOM), Parents Teachers Association (PTA) and everyone else.

I commend *NTV*, for airing the incident and letting everyone know what the teachers were going through. Empathy entails that the wrongs meted on the teachers be corrected.

Madam Temporary Speaker, there is need to investigate whether the teachers had made prior arrangements with the head teacher that they would be late or to find out if teachers had a staff meeting prior to opening.

In an institution of learning, a staff meeting is a prerequisite to smooth running of the school. The meeting sets the pace for everything else to fall in the right place before learning begins. It is during the school opening meeting that teachers express themselves in the event that they would be absent.

Madam Temporary Speaker, head teachers as managers and leaders in the school need to set the right environment for colleagues to perform their duties confidently. Confidence in colleagues can be boosted or drained depending on how the head of the institution carries out his or her role. It is very clear that the relationship between the head teacher in the school and his colleagues is strained.

A strained relationship between the head of the school and teachers is not productive in getting the desired learning outcomes. It is, therefore, necessary that either the head teacher or the teachers change the working environment for this specific school to have desired learning outcomes.

Madam Temporary Speaker, I totally condemn this kind of strained relationship and urge the Teachers Service Commission (TSC) to intervene in this matter so that learner ridicule and defiance upon their teachers is arrested in good time, and a conducive learning environment is restored.

Thank you.

The Temporary Speaker (Sen. Pareno): Similarly, we are not going to allow comments. The Statement is referred to the relevant Committee. Please proceed to your next Statement.

PLIGHT OF ACADEMICALLY BRIGHT CHILDREN FROM
ECONOMICALLY DISADVANTAGED BACKGROUNDS

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker for giving me this opportunity to proceed to my next Statement.

I rise, pursuant to Standing Order No. 47(1), to make a Statement on an issue of general topical concern namely, the plight of academically bright children from economically disadvantaged backgrounds.

There have been many reported cases of students who have performed well in last year's Kenya Certificate of Primary Education (KCPE) examinations, struggling to join Form One, but are stranded because of their parents' or guardian's financial inability to pay their fees.

Madam Temporary Speaker, in one clear case, Billy Steve, a student in Homa Bay County who scored 405 marks could not raise the fees to join Maseno School. He is a child of a single mother who does menial jobs to provide support. His grandfather, who was supporting them, passed on.

The most recent case is that of a student in Bungoma County who scored over 400 marks, who missed the county bursary and his parents considered having the student repeat the previous class.

Another case is that of Valery, a student from Vihiga County, who had been selected to join Vokoli Girls. Her father had passed on as a result of cancer at the time she was sitting her exams, but her guardian could not raise her school fees.

Madam Temporary Speaker, I have witnessed many cases as well in Lugari Constituency of academically bright students unable to take up secondary education because of lack of school fees. I have voluntarily taken up responsibility to pay this year's school fees for five needy cases in Lugari where I come from.

I am alive to the fact that education is a game changer in the lives of children from low socio-economic backgrounds. I acknowledge the Government's initiative of 100 per cent transition of students to secondary schools regardless of their socio-economic background.

No child chooses his background or family but given an appropriate opportunity, all children have the potential of determining their destiny.

I call upon the Government to allocate more resources to education and ensure that the economically disadvantaged learners acquire education, which is their deserving basic right.

Partners and philanthropists need to invest in the education of children around them so that together we can make the world a better place where poverty is completely eliminated and everyone has an opportunity to eke a living.

I thank you.

The Temporary Speaker (Sen. Pareno): The Statement is referred to the relevant committee of the House.

The next Statement is from Sen. Ndwiga.

THE CONDUCT OF POLICE OFFICERS WHILE
ENFORCING COVID-19 CURFEW REGULATIONS

Sen. Ndwiga: Madam Temporary Speaker, I rise pursuant to Standing Order No.47 (1) to make a Statement on a matter of general topical concern, the conduct of police officers enforcing COVID-19 curfew regulations.

There have been several countrywide reports of police brutality in the enforcement of curfew regulations. In Embu County, for example, there has been an exponential rise in cases of police brutality.

The latest, which has shocked the county, is the arrest and subsequent deaths of Mr. Benson Njiru Ndwiga, a first year student at Embu Technical, and his brother, Mr. Emmanuel Mutura Ndwiga, a fourth year student at Kabarak University. They were arrested in Kianjakoma market on Sunday, 2nd August, 2021. Their bodies were later found in Embu Level 5 mortuary under very unclear circumstances.

This incident shocked the residents of Manyatta Constituency causing protests and unrest in Kianjakoma Market where two police vehicles were torched by angry residents within the police station. The deaths of these young men is very painful and especially when they were in their prime age. The unfortunate incident comes in the wake of rampant police brutality in the county.

I wish to convey my sincere condolences to the family of the young men and many others who have suffered similar fate in the hands of the police.

There are several reports of similar cases where individuals have been arrested by police while enforcing curfew regulations and subsequently end up dead in either hospitals or bodies found in mortuaries.

A similar case from this particular county is the arrest of a man by police from Kavutuni Police Station and who later was found dead the following day. A similar encounter took place at Musagori ward, whereby a bar waitress was arrested from her bar and taken to Kavutuni Police Station, where she was detained for four days and later reported to have fallen ill. She was later found dead at Embu level V Hospital Mortuary.

It has been observed that the police have the habit of arresting locals on Friday evenings and locking them up until Monday without taking them to court. This is a way of harassing them to part with bribes to secure their release.

The entire county administration appears to be complacent in this matter, including the County Commissioner and all officers under him.

I, therefore, call upon the Cabinet Secretary for Internal Security and Coordination of National Government as well as the Inspector-General of Police to look into this matter with a view to investigating the atrocious acts and conduct a thorough investigation into these deaths.

In the meantime, I recommend and this is what my people want, a total overhaul of the county administration and the county police in Embu County.

Due to the grave nature of the issues raised, I request that you refer this matter, pursuant to Standing Order No.47 (3), to the relevant Standing Committee to look into the matter for us to make a follow up.

This afternoon, as I read this Statement, the police in their attempt to quell the unrest in Kianjokoma Market have again shot and killed two young men. If you see the images sent to me, you will imagine that you do not live in Kenya. Two other individuals are in hospital in critical condition.

This matter did not start today. The leadership of Embu County has been complaining about the administrative leadership of that county. I have personally engaged fellows at Harambee House. I have given them solutions. I asked them to remove all the police who are in Embu County.

The business of the police force and the county administration officers in Embu County is to collect bribes from the locals. They do not provide security. These were young men. As parents, you can imagine---

The Temporary Speaker (Sen. Pareno): Sen. Ndwiga, you are now debating your Statement.

Sen. Ndwiga: Madam Temporary Speaker, I am just giving extra information. As we talk, my people are being shot at by police with live bullets, bought with their tax money. I do not want to continue because I am beginning to feel terrible things.

The Temporary Speaker (Sen. Pareno): Due to the gravity of this matter, I am inclined to allow two people to comment on it. I know that we have a lot of work but we can give room to a few Senators to comment on this. Each Member will have three minutes.

The Senate Minority Leader (Sen. Orengo): On a point of order, Madam Temporary Speaker.

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

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, this matter is so grave. Giving two people a chance to comment will not be enough. Can we have 15 or 20 minutes to comment on it? It is difficult not to talk about this matter now that it has been raised.

The Temporary Speaker (Sen. Pareno): I have seen the interest. For purposes of us trying to conclude what we have in the Order Paper, I will allow every Senator who has interest to speak but for three minutes only, so that everyone gets a chance. Let us have Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, indeed, this is a grave matter. This is what I was trying to ask earlier on that we get back to. I am glad that Sen. Ndwiga, in such unfortunate circumstances, has brought this Statement.

From the outset, allow me to pass my condolences to the families of Benson Njiru and Emmanuel Mutura for losing their children. In the same county, there is a lady bartender in Musagori Ward who was also arrested, detained for four days and died. I would also like to give condolences to the family.

It is disheartening. There is a family somewhere that had hope and dreams in their child. That was a first year student. We know what it takes to raise children to that level. By the time one is finishing fourth year, the whole world is ahead of them. When one joins first year, the whole world is ahead of them. It is unfortunate.

I think we have extended the issue of the curfew for so long that police officers are just having field days in many counties. I have had so many cases in Nairobi. I am even unable to keep up with and raise them in the Senate.

I think more stern and direct action must be taken because it cannot be that the families kept going to the police station because they knew those boys were arrested but they were not being given a response. They were told they do not know about the arrest.

Even before the committee sits, because the buck must stop somewhere, the Officer Commanding Station (OCS) in charge of that station must be interdicted immediately even before investigations. They should not be holding people in that station.

There is no Occurrence Book (OB) but those people were taken by officers under his charge. They must be interdicted immediately. I do not know what we are waiting for. We should not wait until we come back from recess so that we summon the Cabinet Secretary to take action on such a clear matter.

The reason there are riots in that county right now is because that is the only way they are venting out frustration. I am glad Sen. Ndwiga has told us that there are many other such cases in that county. Further action can be taken but they must be interdicted with immediate effect.

Sen. Ndwiga, asking for an overhaul is not enough. Even in worst cases where officers defile children, they are transferred to other stations. Those officers might be brought to Nairobi but I do not want them. I do not think Sen. Orengo wants them in Siaya. They must all be suspended and interdicted before the investigations, so that they are not taken anywhere.

On this one, Madam Temporary Speaker, we want quick action. The Committee on National Security, Defence and Foreign Relations where I used to be the Vice Chair and now led by Sen. Outa should meet immediately, even tomorrow, and give an update to the country because the country is waiting to hear from us.

We cannot wait for the Senate to come back. If they wish, we will be happy to join them in pursuing justice for those families and many others in the country.

I thank you.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, this matter is so grave. Under the new Constitution, security forces include the National Police Service (NPS).

I hope they read Articles 238 and 240 that require security forces to comply with the rule of law and more importantly the Bill of Rights. That means that even if somebody has committed a crime, which can only be confirmed by a court of law, you are not allowed to treat a human being in such a way that harms or kills.

On a matter like this, the Cabinet Secretary in charge of internal security should have said something about it. The Cabinet Secretary should have issued a statement before this matter was brought to the Senate.

When Floyd was killed in the United States of America (USA), the President and every person of goodwill spoke against the action of the police. Within 24 hours, the concerned police officers stepped aside and prosecutions followed.

Sometime ago, I said our police force can bring the government down by their behavior. You can see what is happening in Embu County. People in Embu County may not have a problem with the Government or the President. However, once such things

happen, that becomes the picture of the Government in power, if it cannot protect young people and this is happening every day. I am getting sick of this matter. Kenya was not built in a situation where people lose their lives just like that. You will hear there will be no conclusive investigations on this matter.

The Inspector-General (IG) of Police should be summoned. In fact, it is not enough to refer this matter to the Committee. The Committee can have a report within two weeks. We can even have a Special Sitting to discuss this matter. It cannot wait any longer and it is happening in Siaya and Kisumu counties.

The Temporary Speaker (Sen. Pareno): Sen. Mutula Kilonzo Jnr., proceed.

Sen. Mutula Kilonzo Jnr.: This is a very sad day. Sen. Ndwiga shared the pictures of those two people, whose blood is flowing on the streets of Embu County for protesting and picketing, which is allowed by our Constitution.

I can say this standing here and facing the side that is in Government. The Government of Kenya is aiding a revolution of young people.

(Applause)

The Jasmine revolution that started in Tunisia, started on very small, little thing. These people do not have enough guns to shoot all of us. There are not enough bullets manufactured to shoot all the young people. Sen. Ndwiga has never looked this stressed.

I mentioned earlier that police are shooting young people in Nairobi City County left, right and centre and, they are paying for even bullets. This is enough. In a country that loves democracy, the CS and the IG would have made a statement and somebody would have been interdicted or resigned.

It is not enough to send this to the Independent Policing Oversight Authority (IPOA). Let us have a Select Committee summon everybody like Hon. Matiang'i here. Let us ask them the hard questions. This is because if we allow police to shoot people in broad daylight a year before elections, what will happen during elections?

When they shot at us when we were protesting about the elections, I am sorry you laughed at us but this should not continue. This is wrong and it is murder. We are abetting murder. It is not enough to transfer these people. I can say this on this Floor that IPOA is incompetent to investigate the police in Kenya. Simple!

Thank you.

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

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for also giving me this chance. Let me start by expressing sympathy and condoling with the families who through this police brutality lost their members.

Secondly, what Sen. Ndwiga has said on requesting for an overhaul of the police service in Embu County, will not be a solution. We shall only be transferring these murderers to other parts of this country to continue killing our children.

As other Senators have said, I recommend that we come up with an *ad hoc* Committee to deal with this matter, so that the perpetrators of this evil are disciplined effectively. The heinous act that happened in Embu County is what is happening all over. In fact, in Cheseon Ward in Bomet County, policemen brutalised *boda boda* riders and up to this time, they are still in hospital. Nothing has happened to those police officers. They

are just continuing with their normal work, frustrating the business and *boda boda* people, and taking advantage of this curfew period to do a lot of heinous things.

Madam Temporary Speaker, this brutality should come to an end. It is unfortunate that most of the seniors in the Ministry of Interior and National Coordination, including the Cabinet Secretary (CS), Dr. Matiang'i and Mr. Kibicho are so busy doing other political things that are irrelevant and unnecessary. They are not for the protection of the Kenyan *mwananchi* but are rather doing their own business.

We must stand with the hustlers like the *boda boda* guys. They should not be killed like that. I stand very firmly and say that I am in support of this Statement from the Senator of Embu. We must stand with those families.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Sen. Wambua.

Sen. Wambua: Thank you, Madam Temporary Speaker. From the onset, I want to send my sincere condolences and those of the people of Kitui to the family of the two young men who were killed in Embu and those who were killed today afternoon. I wish a quick recovery to those who are in hospital.

Embu is my neighbouring county. It is the headquarters of the Eastern Region. So, when the people of Embu are crying, we are crying with them. I want to say just two or two things. One, I feel the pain of my brother, Sen. Ndwiga. I feel the frustration of the people of Embu in the hands of these rogue police officers and the provincial administration. I feel them when they say that they want these people overhauled and maybe even transferred.

I want to say here categorically that the tendency has always been that you commit a crime in one station and you are moved to another station. There should be no temptation to transfer those people to Kitui County. We do not want them. Let us start from there.

Madam Temporary Speaker, it is really barbaric that at a time like this, the police who are supposed to provide security to people are now the ones who are killing these people. I want to take the statement that Sen. Orenge said a little further. By now, the CS should have said something about this matter. I dare say on the Floor of this House that the President himself should have addressed himself to this issue by now.

These are young innocent fellows who were going about their small businesses. They were arrested and their bodies were found in a morgue two days later. That is a matter that calls for intervention from the highest office on the land.

Lastly, as Sen. Mutula Kilonzo Jnr. said, we cannot send the Independent Policing Oversight Authority (IPOA) to investigate this case. Let that matter come here. If need be, let us have a special sitting in the next 14 or 15 days to deal with this matter. The Inspector-General should be called to account to this matter.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Sen. Cherargei.

Sen. Cherargei: Thank you, Madam Temporary Speaker. From the onset, I want to empathize and condone with the people who have lost their lives through trigger happy police officers. I do not think that we should call these people police officers. These are criminals who are holding Government guns. It is very sad.

We had a similar situation in Lesos a few months ago where they killed a *boda boda* rider for not wearing a mask and the police station was brought down. More people

were killed. IPOA investigated it. There was one that was killed at the border with Kakamega. There was one that was bludgeoned by the police in Chepteruai. I think that there is a problem.

Madam Temporary Speaker, I remember when I was the Chairperson of the Committee Justice, Legal Affairs and Human Rights, we had started a process to investigate extra-judicial killings in the country.

I agree with my colleagues that we need to form a select Committee. In fact, I assure Sen. Ndwiga, on behalf of the people of Embu, that some of us are willing to join the Committee tomorrow or Monday to ensure that we listen to these issues. Is there a problem in our police force that we do not know of? Are they suffering and need counselling?

Madam Temporary Speaker, the Ministry of Interior and Coordination of National Government must apologize to the people of Embu. The Cabinet Secretary (CS), Principal Secretary (PS) and the Inspector-General of Police should be on the ground in Embu as we speak to address these issues once and for all.

In as much the Independent Policing Oversight Authority (IPOA) has been given the mandate, many lives are being lost due to extra-judicial even here in Nairobi, mostly in the slums.

So, I condemn, in the strongest term possible, those police officers that are killing people. They should not come to Nandi. We do not need such police in Nandi. They should be arrested, prosecuted and the family must be compensated.

Sen. Olekina: Madam Temporary Speaker, I begin by expressing my condolences to the family of the poor young Kenyans who were killed by police who were supposed to be protecting them.

Police unleashing a torrent of violence in Kenya is not new. It is not only unlawful but also counter-productive in the fight against the spread of Covid-19.

I have listened to my colleagues talk about how the President should have spoken on this matter. If I can remind us, 10 days after the beginning of curfew, there were about six people who were killed. The President apologized but he did not go to the extent of asking the police to stop their brutality. That is where we went wrong.

Form the onset, the President should have not only apologized but taken immediate action to ensure that those police officers who unleashed the torrent of violence on Kenyans are brought to book.

Madam Temporary Speaker, unless this House stands with the people of Embu and of Kenya, the young boys whom you hope to be future leaders tomorrow will not be there because the issue of police brutality will continue.

I do not expect the CS Matiang'i to speak on this matter. He should not wait to be reminded by this House that this is wrong. How do you say that you are protecting people from a virus yet you are shooting and killing them?

If you look at the newspapers from March, 2020, when the dusk to dawn curfew was introduced, the police were treating Kenyans as if we live in a military State.

My colleagues also mention that this a police force yet it is supposed to be a police service. No wonder my colleagues are calling it a police force. It is a service but they have forgotten that they are supposed to serve people. So, it is good for them to be sacked.

We cannot allow this. I do not want them in Narok. Let them not attempt to come to Narok because if they do, we will deal with them properly. We cannot allow this nonsense to continue.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to comment on this Statement by Sen. Ndwiga.

My deepest condolences goes to the family of the university students who lost their lives during this operation.

Madam Temporary Speaker, it is painful when the police become trigger happy in shooting. This should not be the case. Police officers are armed to protect citizens. This is an issue that needs to be investigated and necessary action taken.

I condemn this act in the strongest terms possible. I believe the Cabinet Secretary (CS), Hon. (Dr.) Matiang'i, has the ability to intervene and ensure there is peace in Embu and ensure police do their work diligently in accordance to law. The police should not push our people to take the law in their hands and revenge. We do not want see people becoming unlawful and there is going to be a lot of police murder.

I believe that the CS has the ability to intervene with speed and ensure that he brings down these careless killings of innocent people by police officers. Sometimes I wonder whether these officers have any feeling.

Madam Temporary Speaker, I suggest these police officers who did this heinous act should be brought to book. They used their weapons in a very inhumane and underserving way. As I said, they are supposed to provide security to all citizens.

Sometimes when you meet thugs at night they can slap you for having few coins, but if you meet the police you do not know how they will behave. They may kill you and your body found elsewhere hidden to conceal evidence. There is need for them stop being rogue and provide security for the people in this country.

The Temporary Speaker (Sen. Pareno): Sen. Kang'ata, proceed.

Sen. Kang'ata: Madam Temporary Speaker, thank you. Let me take this opportunity to express, on behalf of the people of Murang'a County and my family, condolences to the family of the two young men who died while in police custody.

Secondly, I draw the attention of the Kenya Police Service (KPS) to various provisions of the Constitution. One is the chapter on human rights, the most important right which ranks number one. It is the right to life.

Secondly, Article 2 (6) says that all ratified international treaties will now form part of the Kenyan law. Kenya has ratified so many treaties which embed the right to life.

Madam Temporary Speaker, in particular, I draw the attention of this country to the Universal Declaration of Human Rights which, again, provides for the right to life. Also, the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR) which was ratified by Kenya way back in 1973. It provides for the right to life.

Madam Temporary Speaker, when you find a police service which appears to be violating that right, it is not only negating and violating local laws, but also international laws.

As an open and democratic country, we need to call the police into action. For the longest time, we have had several instances of police brutality and police killing innocent persons. I am not sure that prosecutions of the specific police officers will be enough. I strongly believe we need to escalate the responsibility to the highest echelons of police

service, including those who man the Ministry of Interior and Coordination of National Government.

Madam Temporary Speaker, we need to summon the CS in charge of the police and Principal Secretary (PS) in charge of interior security. They should come before the Senate and answer specific questions as to why it is that for the longest period, we have had escalation of police brutality in this Republic. They must take personal responsibility.

The Temporary Speaker (Sen. Pareno): Hon. Senators, I do appreciate the gravity of this matter and the sentiments made and the debate that has ensued after that. I direct as follows. That this matter be referred to the joint Committee on Justice, Legal Affairs and Human Rights and Committee on Security, Defence and Foreign Relations. The same joint Committee to report to the House within the next seven days.

The Joint Committee should report to the House within the next seven days. However, through the Speaker, noting that we are going on recess, they should consider a report that the Speaker can circulate to the Members while we are on recess so that we can be able to appreciate the investigations that will have been done so far.

It is so directed.

The next Statement under Standing Order No.47(1) is by Sen. Olekina.

THE COMPULSORY PUBLIC SERVICE EMPLOYEES INSURANCE BENEFITS SCHEME

Sen. Olekina: Madam Temporary Speaker, I rise pursuant to Standing Order No.47(1) to make a Statement on an issue of great topical concern namely; the compulsory public service employees insurance benefits scheme in compliance to the Public Service Superannuation Scheme Act 8 of 2012 and Human Resource Policies and Procedures Manual for the Public Service of May, 2016.

Madam Temporary Speaker, the Public Service Superannuation Scheme Act No.8 of 2012 which has been in operation since 1st of January, 2021, is geared towards provision of retirement benefits to persons employed in the Public Service and for connected services.

The Act on the interpretation defines disciplinary services as the National Police Service, the Prisons Service and the National Youth Service. Public Service means the employment in the service of the Government for example, the Public Service Commission the Teachers Service Commission, the National Police Service Commission and any other service that the Minister determines to be in public service for the purpose of this Act.

In addition to the contribution specified in Sub-sections 1 and 2 of the Act, the Act further provides that:

“Government shall take out and maintain a life insurance policy that has a disability benefit in favour of every member of the scheme for a minimum of five times (which is five years) the member’s annual pension emolument.

The interpretation of this section means that a public servant who is a contributor to the above scheme must be insured for life insurance against death and disability for a maximum of five years of their basic salary.

It is worth noting that the Act as it is structured compliments the Public Service employment manual as noted below.

The Public Service Commission Human Resource Policies and Procedures Manual for the Public Service of May, 2016 on the mandatory public service employees benefit insurance policies that the employer has promised its employees who are public servants. It provides for medical insurance benefits that is found in page 58; group life and disability cover for five years basic salary, that is found on page 75; group personal accident which is a five year basic salary on page 102, 103 and Work Injury Benefit Act, eight years gross pay which is found on page 102 and 103.

Madam Temporary Speaker, the implementation of the PSSS Act 8 of 2012 means that effective 1st January, 2021, when the Public Service Pension Scheme became operational the next of kin of any employee who has died while in service is entitled to a death and disability benefit equivalent to her five years' pensionable emolument.

For example, in the recent KDF helicopter tragedy in Kajiado County where 17 officers perished, the employees are entitled to the benefits defined in the PSSS Act No.8 of 2012 as well as benefits defined in the human resource and procedures manual for the Public Service.

Where the Government has not provided for such insurance policies, the Trustees of the Public Service Superannuation Scheme and/or the Sponsor of the Scheme, The National Treasury or the Minister in Charge of the Public Service Youth and Gender and the Public Service Commission, must be held accountable. They must be held responsible and be required to offer the payment to the next of kin where such omissions occur.

To safeguard the rights of each public servant in line with the Constitution of Kenya and the employment contract which is in line with the Kenyan labour laws that govern the relationship between the employers and the employees, the Government, through the Ministry of Public Service, Youth and Gender and the National Treasury, must fully enforce compliance of the Public Service Superannuation Scheme (PSSS) Act No. 8 of 2012 and the Human Resource and Procedures Manual of May, 2016.

The Senate, therefore, and by extension the National Assembly, must oversight the Government and ensure that the above is implemented. It is important to note that noncompliance to the above requirement exposes the Government to financial losses as the Government will have to look for ways to settle the claims from its exchequer.

Due to the grave nature of the issues above, I request that you refer this matter to the Standing Committee on Labour and Social Welfare to intervene and get responses on the following issues -

1. The possibility of the Senate issuing a comprehensive statement on the need to comply on the above to ensure that the Government is cushioned.

2. The Ministry of Public Service and Gender on behalf of the Public Service Commission to write a circular to all public institutions on the mandatory requirement of the PSSS Act No. 8 of 2012 and the Human Resource and Procedures Manual of May, 2016.

3. The Ministry of Public Service Youth and Gender in collaboration with the National Treasury and in compliance with Section F.15 (1) (2) Page 101 of the Booklet, Subsection - Source of Compensation Funds, on the Human Resource and Procedure Manual of May 2016, to set aside all budgetary allocation under each procurement plan for

each public Institution, and avail it to the National Hospital Insurance Fund (NHIF) in line with approvals by the National Treasury Gazette notice no 27 of 20th March 2020, Gazette notice no 3105 of 17th April, 2020, & 4240 of 16th June, 2020, where NHIF was allowed to operate as a fully-fledged licensed Insurance Company to insure the governments and all its affiliated personnel.

4. The Circulars to direct all the Public Institutions to provide their staff data to the National Hospital Insurance Fund, to facilitate provision of the cited covers with premiums having been paid by the Government through the National Treasury. The classes of Insurance as per the Act and the HRM Manual are; -

- i. Medical Insurance Benefit - Page 58 D.4 (1) & (2);
- ii. Group Life & disability cover - 5 years Basic Salary on Page 75 Item D.38 (2);
- iii. Group Personal Accident – 5 years Basic Salary on Page 102/103 Item F.17; and
- iv. Work Injury Benefit Act – 8 years gross Pay on Page 102/103 Item F.17.

5. Compel Treasury to enforce that accounting officers, plan and provide adequate funds to pay work injury benefit and transfer the said benefit to NHIF.

The Temporary Speaker (Sen. Pareno): We still have a lot on in the Order. I will not allow comments on this Statement. It stands referred to the relevant Committee of the House.

We will move to Statements pursuant to Standing Order No. 48(1). We will start with Sen. Cherargei.

STATUS OF THE ALLEGED BANNED
SPUTNIK V COVID-19 VACCINE IN KENYA

Sen. Cherargei: Madam Temporary Speaker, I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on Health on the status of the banned Sputnik V COVID-19 vaccine in Kenya.

In the statement, the Committee should-

(1) Explain the approval process, if any, that the Sputnik V Covid-19 vaccine underwent before being introduced in the country;

(2) State the quantity of the Sputnik V Vaccine that was delivered to Kenya before it was banned and provide the correct data on the number of patients that had been vaccinated with the first dose of the vaccine and whether they will get the second dose.

(3) Explain the fate of Kenyans who received the first dose of Sputnik V Vaccine.

(4) State whether there has been reported cases of serious side effects upon receiving the Sputnik V Vaccine.

(5) State whether there are any other banned vaccines for COVID-19 in Kenya aside from the Sputnik V.

(6) Indicate the measures that have been put in place, if any, to dispose of the remaining doses of the banned Sputnik V Vaccine.

I thank you.

The Temporary Speaker (Sen. Pareno): Similarly, the Statement is referred to the relevant committee of the House.

The next Statement is by Sen. Cheruiyot who is not here. So, we will move to the next Statement by Sen. Halake which I am told will be done by Sen. Chebeni.

STATUS OF KWA MUHU IDPs RESETTLEMENT FARM
IN KANJUIRI WARD, NYANDARUA COUNTY

Sen. Chebeni: Madam Temporary Speaker, on behalf of Sen. Halake, I rise, pursuant to Standing Order No. 48(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the status of Kwa Muhu Internally Displaced Persons (IDPs) resettlement farm in Kanjuiri Ward, Olkalou, Nyandarua County. In the Statement, the committee should-

(1) Inform the Senate on the status of ownership, acreage, infrastructure and amenities provided, if any, for the internally displaced persons at the Kwa Muhu Farm.

(2) Apprise the Senate on the status of the court injunction on the aforementioned farm, stating the reasons for the delay in resolving the matter 13 years later.

(3) State the reasons for the failure by the Government to honour the contractual obligations or agreement it entered into with the owners of the farm in January, 2015.

(4) Indicate if there are any plans to survey, subdivide and issue individual title deeds to the 174 households who have settled on the farm.

I thank you.

The Temporary Speaker (Sen. Pareno): Sen. Mwangi, do you have something to say? Please do so in two minutes.

Sen. Mwangi: Madam Temporary Speaker, I want to thank Sen. Chebeni for reading the Statement. I also thank Sen. Halake for bringing this particular issue in my county.

During the Post-Election Violence (PEV) of 2007, there are some IDPs who were taken to Mawingu IDP camp and left there. The Government negotiated with the owners of Muhu Farm because they wanted to settle IDPs at Mawingu Camp. They agreed that the Government was going to purchase that land.

They were there for some time and then shifted---

The Temporary Speaker (Sen. Pareno): Sen. Mwangi, you are completely out of order! You are now debating the Statement. You can forward your sentiments to the relevant committee which I think it is your own committee.

Sen. Mwangi: Madam Temporary Speaker, I was just presenting my facts.

The Temporary Speaker (Sen. Pareno): Can you conclude without presenting facts? At this moment, we do not need facts. The facts can be presented before the committee.

Sen. Mwangi: I will conclude, Madam Temporary Speaker. The IDPs want the land subdivided and allocated to them so that they are issued with title deeds.

I thank you.

The Temporary Speaker (Sen. Pareno): This Statement is referred to the relevant Committee of the House.

Let us move to the next statement by Sen. (Dr.) Langat of Bomet County.

IRREGULARITIES IN RECRUITMENT
OF TEACHERS BY TSC

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for this opportunity. I rise pursuant to Standing Order No.48(1), to seek a statement from the Committee on Education on the irregularities in the recruitment of teachers by the Teachers Service Commission (TSC) in the recent recruitment.

In the statement, the Committee should-

(1) State the rationale that they used in awarding 30 points to the teachers on internship, hence disadvantaging teachers who had graduated earlier and they are ageing.

(2) Indicate the distribution of the teachers' recruited by per county.

(3) State the affirmative action they have put in place, if any, to cater for those who graduated as early as 2007 and they have not been recruited up to this time, considering the fact that they are now ageing and most of them are 46 years and above.

(4) Explain why other academic qualifications such as added education in terms of Social Education, Diploma in Education or Degree in Education were not merited as an added advantage when they were recruiting P1 teachers.

(5) State why teachers with Bachelor of Education Degree (Primary option), could not be employed to teach in either primary or secondary school level, hence rendering their qualifications under utilised human resource in the country. These people have been disadvantaged for the last 10 years.

Thank you.

The Temporary Speaker (Sen. Pareno): Again, we will not allow comments because we still have a lot to do. I, therefore, refer the Statement to the relevant Committee of the House.

Let us move to the next Statement by Sen. Wambua.

STATUS OF THE CONTRACT FOR UPGRADE WORKS ON
KIBWEZI-MUTOMO-KITUI-MIGWANI ROAD

Sen. Wambua: Thank you, Madam Temporary Speaker. I rise, pursuant to Standing Order No.48(1), to seek a Statement from the Committee on Roads and Transportation on the status of the contract for the upgrade works on Kibwezi-Mutomom-Kitui-Migwani Road, A9/B64, contract No. KeNHA /14/69 / 216.

In the Statement, the Committee should-

(1) Explain the reason for the delay in disbursement of the 85 per cent foreign portion, totaling to over US\$33 million from the Government to the contractor, for more than a year now.

(2) Explain when the disbursement will be made to enable the contractor pay workers and suppliers of construction materials.

(3) Apprise the Senate on the progress on the road works from Migwani to Mbondoni, which is to be funded 100 per cent by the national Government.

(4) Outline measures in place to compensate persons affected by project, whose land has been appropriated by the government for the construction of the road, giving clear timelines.

Thank you.

The Temporary Speaker (Sen. Pareno): The Statement is referred to the relevant Committee of the House.

Let us move to the next statement requested by the Senator for Machakos County, Sen. Kavindu Muthama.

DECLASSIFICATION OF MACHAKOS COUNTY
AS AN ASAL AREA

Sen. Kavindu Muthama: Thank you, Madam Temporary Speaker. I rise, pursuant to Standing Order No.48 (1), to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on the declassification of Machakos County as an arid and semi-arid area (ASAL). In the Statement, the Committee should-

(1) Explain why Machakos County was declassified as an ASAL by the National Drought Management Authority (NDMA) and indicate whether relevant stakeholders were involved, through public participation and, if so, table evidence of the same.

(2) Provide details on the funds allocated to drought mitigation measures in the country by government and donors for the last five years, detailing the amount allocated to Machakos County prior to the de-classification.

(3) State the targeted interventions, detailing the activities and measures put in place by the Ministry of Devolution and ASALS, the NDMA and the Machakos County Government to avert drought and famine in the county.

(4) Avail audited financial records by the Ministry of Devolution and ASALS, the NDMA and Machakos County Government on funds allocated towards programmes to mitigate drought and famine in the county from the year 2014 to date.

(5) Confirm whether classification of Machakos County as a semi-arid area will be reinstated by the NDMA and, if so, when.

Thank you.

The Temporary Speaker (Sen. Pareno): The Statement is referred to the Standing Committee on Devolution and Intergovernmental Relations.

We move to the Statement by Sen. Mwaruma.

ALLEGED EXCLUSION OF KIDAWIDA AND KISAGHALLA FROM SCHOOL
CURRICULUM ON VERNACULAR LANGUAGES

Sen. Mwaruma: Thank you for this opportunity, Madam Temporary Speaker. I rise, pursuant to Standing Order No.48 (1), to seek a Statement from the Standing Committee on Education on the exclusion of Taita language (Kidawida) and Kisaghalla from the school curriculum on vernacular languages in Taita Taveta County by the Kenya Institute of Curriculum Development (KICD). In the statement the Committee should-

(1) State the criteria used in selecting vernacular languages to be taught in the curriculum in Taita Taveta County, noting that the county has three distinct native languages; namely, Taita (Kidawida), Taveta (Kitaveta) and Saghalla (Kisaghalla), but only Kitaveta was included.

(2) Clarify whether KICD involved relevant stakeholders in the selection of vernacular languages for the school curriculum.

(3) Outline the reasons for the exclusion of Kidawida and Kisaghalla in the curriculum, considering that Kidawida is actually the most widely spoken language in the county.

(4) Confirm when Kidawida and Kisaghalla will be added to the curriculum to entrench all the languages and preserve culture.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): The Statement is referred to the Committee on Education.

Last but not least on Standing Order 48 (1) is a Statement by Sen. Olekina.

STATUS OF THE NATIONAL OIL COOPERATION OF KENYA

Sen. Olekina: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Energy regarding the status of the National Oil Cooperation of Kenya (NOC).

In the Statement, the Committee should-

(1) State the current financial status of the NOC and list its creditors as well as indicating their respective debt portfolio;

(2) State the number of oil marketers that NOC has engaged indicating the amount of refined oil products in metric tonnes that each has supplied in importing oil since 2010 in compliance with Legal Notice No. 96 of 2010 which mandated NOC to import 30 per cent of refined oil products to the country;

(3) Explain why MS Prisko Petroleum Network Limited, which was paid Kshs9.23 billion in 2011 by the National Treasury on behalf of NOC to import refined oil products never delivered the product and whether the funds were refunded;

(4) Explain why the Ministry of Petroleum and Mining has removed the 30 per cent importation quota of finished petroleum products from NOC;

(5) Indicate the amount allocated to NOC by the National Treasury to import refined oil products since gazettment of Legal Notice No. 96 of 2010;

(6) State the amount of oil products held by different oil marketers at strategic reserves of petroleum product for the country.

The Temporary Speaker (Sen. Pareno): That Statement is referred to the relevant Committee of the House.

We now move to Statements under Standing Order No. 52(1).

Sen. Sakaja: Thank you, Madam Temporary Speaker. I rise to make this Statement on behalf of the Senate Majority Leader

BUSINESS FOR THE WEEK COMMENCING TUESDAY 7TH SEPTEMBER, 2021

In accordance with the calendar of the Senate which was approved on 6th February, 2021, the Senate is scheduled to proceed on a 30-day recess at the rise of the Senate today

5th August, 2021 until Monday 6th September, 2021. Regular sittings of the Senate, therefore, resume on Tuesday 7th September, 2021.

As the House is aware, the legislative business of the Senate was affected by the judgement of the High Court in Constitutional Petition No. 284 of 2019.

As such, the Senate has had to republish a number of Bills effectively resetting the legislative agenda of the House.

As at now, a total of 62 Bills have been published. Out of this, 22 are undergoing concurrence pursuant to Article 110 (3). 21 are at the Second Reading some of which we have voted for today. 15 Bills are at the Committee of the Whole stage, five of which have been passed.

One Bill was referred to the National Assembly while three Bills were considered by both Houses, passed and assented to by the President.

Hon. Senators, as indicated in today's Order Paper, there were two Bills which were scheduled for Division at the Second Reading, Order Nos. 8 and 9 while a further five Bills were scheduled for Division at the Committee of the Whole stage.

I take this opportunity to thank Senators for availing themselves for the Divisions especially those responsible for the Bills and Chairs of the respective Standing Committees for the successful passage of those Bills that were considered at Second Reading as well as Committee of the Whole House.

With respect to Petitions and Statements, I commend the efforts the respective Standing Committees have made to process the same and table reports in the House. However, there is still a high number of Petitions pending conclusion in the Senate.

Out of 119 Petitions submitted, 44 of them are yet to be concluded, three of which were only referred to the respective Standing Committees for consideration yesterday.

I urge the concerned Standing Committees to use the coming recess period to expedite consideration of the Petitions and any other pending business and table reports pursuant to the Standing Orders.

They can take advantage of this time to have retreats to consider this at a go

Madam Temporary Speaker, looking forward, the Senate Business Committee meets on Tuesday, 7th September, 2021 to consider and approve business for the week. On that day, the Senate will consider Bills at the second stage and Motions on reports of various standing committees that shall have been concluded by then. Business that will not be concluded on today's Order Paper will additionally be considered on Tuesday, 7th September, 2021. The Senate will also consider any filed Statements and Petitions.

On Wednesday, 8th September, 2021 and Thursday, 9th September, 2021, the Senate will consider business that will be scheduled by the Senate Business Committee. A matter that is critical to the allocation of financial resources to county governments; the cash disbursement schedule has been submitted and tabled to the Senate by the National Treasury.

Madam Temporary Speaker, consequently, there will likely have to be a special sitting of the Senate that will be convened pursuant to Standing Order No. 30 for its consideration of this matter in accordance with Standing Order No. 183.

In conclusion, I take this time to remind honorable Senators that there is an important event in our calendar. The annual Devolution Conference is scheduled to be held from 23rd to 26th August, 2021 in Wote, Makueni County. A number of Senators led by

Sen. Mutula Kilonzo Jnr. have been identified to represent the Senate in the conference programs as either session chairs or panelists.

Madam Temporary Speaker, I urge the Senators to cooperate with the steering committee and closely work with the secretariat to ensure the effective participation of the Senate. I also urge all honorable Senators to save this dates and plan to participate. This is likely to be the last Devolution Conference in our term as Senators.

I thank you and hereby lay the Statement on the Table of the Senate made on behalf of Sen. Poghisi, the Senate Majority Leader. Thank you.

The Temporary Speaker (Sen. Pareno): Next Order. Honorable Senators, we now have to rearrange the Order Paper for convenience of this House. We are going to defer Orders No. 15 to 28.

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL
(SENATE BILLS NO. 32 OF 2020)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL
(SENATE BILLS NO. 31 OF 2020)

(Committee of the Whole deferred)

BILLS

Second Reading

THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO. 15 OF 2021)

(Bill deferred)

Second Reading

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO. 9 OF 2021)

(Bill deferred)

Second Reading

THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 14 OF 2020)

(Bill deferred)

Second Reading

THE KENYA SIGNS LANGUAGE BILL
(SENATE BILLS NO. 5 OF 2021)

(Bill deferred)

Second Reading

THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO. 26 OF 2020)

(Bill deferred)

Second Reading

THE COUNTY GOVERNMENTS GRANTS BILL
(SENATE BILLS NO. 35 OF 2021)

(Bill deferred)

Second Reading

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO. 17 OF 2020)

(Bill deferred)

Second Reading

THE NATIONAL COHESION AND PEACE BUILDING BILL
(SENATE BILLS NO. 19 OF 2021)

(Bill deferred)

*Second Reading*THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO. 20 OF 2021)*(Bill deferred)***MOTIONS**

FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and

b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

*(Motion deferred)*PARKING CHARGES IN PUBLIC INSTITUTIONS
OFFERING ESSENTIAL SERVICES

AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING that, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centers, shopping malls and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

(Motion deferred)

The Temporary Speaker (Sen. Pareno): We move to the next Order. Sen. Sakaja, proceed.

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR FOR THE 2021 SESSION

Sen. Sakaja: Madam Temporary Speaker, thank you. Again, I rise on behalf of the Senate Majority Leader.

I beg to move that pursuant to Standing Order Nos. 28 and 29, the Senate do adjourn until Tuesday, 7th September, 2021.

As I have read out the business of the House as well as the business that we have already been able to conduct, this adjournment comes at the right time. I sincerely thank Senators and the Committee Chairs for the tremendous work that has been done. Even while the House was on recess, this House stayed put.

We have had to work on a number of Bills that had been republished based on our victory at the High Court. Of course that victory gave us additional work. However, I am

glad that Members have availed themselves. You can see even to this time, we have Members in the House and majority of the Members who are logged in online at this point following these proceedings. This is the duty that we were given to do.

Madam Temporary Speaker, I would also like to commend the secretariat and staff of the Senate because for every effort you see by the Senators, there is double or triple that is made by the secretariat. We have always said that we have the most professional secretariat or staff possibly in public service in this country. I must thank them.

I hope that during this time they should also get time. Even when we go on recess they are working but we hope they can get some time to put their hair down a bit and bond with their families because they do not have constituents like we do.

Many times people misconstrue recess to think recess is a holiday. Recess is not holiday. We have our constituents. We have committee work. We have matters in our counties.

I just tabled the cash disbursement schedule which all Senators should be able to go through and see the work that they have done. The most important work for a Senator is to secure resources for the county. I am very proud that in the cash disbursement schedule my county of Nairobi after a long drawn effort has been allocated Kshs19 billion. When I joined the Senate it was at Kshs14 billion. For me I am very happy. However, for now it is to make sure that those resources are used optimally for the benefit of the people that we come to represent.

Finally, as I move to close I really want to urge committee chairpersons, the matters that have come this past week, many of them are of an extremely urgent nature that we can work outside the box. I commend what committees are doing. Some committees have very many Petitions but let us prioritize. For instance, we must prioritize the matter of the extra-judicial killings in Embu.

Yesterday I raised an issue as the Senator for Nairobi but it affects the whole country, the issue of double taxation on importers of footwear. People normally pay Kshs2 million for a container but now they are being charged that plus US\$1 per pair of shoe. If you go to Kariobangi, Kibera and Gikomba many residents of Nairobi buy them at US\$1 that is Kshs100. When you do double taxation then it defeats the purpose.

I am very happy that after raising that the President himself has promised action and tomorrow before even the Committee comes in we are meeting at the Treasury to resolve that issue.

Members of the public must realize that this is the one House where a matter can be brought and dealt with conclusively and effectively. I am confident that by the end of tomorrow the traders, importers, my groups in *Nyamakima*, *Kamukunji* and the Eastleigh business community who all came to my office the day before yesterday, we now have good news. That and among other things which I am sure all of us are focused on, will keep us busy during this period of recess.

I want to thank the leadership of the House, the Leader of Majority, the Leader of Minority and the Whips for the exceptional leadership during this tough period. I pray that they also get some time off even as they engage in different business.

I move that the House do adjourn and I would like to ask the Senate Minority Leader, Sen. James Orendo to second this Motion.

Thank you, Madam Temporary Speaker.

The Senate Minority Leader (Sen. Orengo): Thank you, Madam Temporary Speaker. I support the Motion. I want to thank the Senate generally for the good work we have done. Looking at the constitutional arrangement in so far as the legislature is concerned I think we have done a very good job.

Even when we had conflict, the other arms of Government particularly the Judiciary have ruled in our favour. That means that in the spirit of constitutionalism we try to resolve our differences within the terms of the Constitution at all times and I think this is what should be encouraged. I hope that in this one year that is left when we come back from the recess we will be able to continue to do the good work for the republic.

Secondly, I want to talk about an issue concerning Siaya County, the lake and not just in Siaya County but in the three counties of Kisumu County, Siaya County and Homa Bay County. The fishermen that earn a living by fishing in the lake undergo tremendous difficulties of constant harassment and arrest and detention by people who allege that they are security forces from Uganda.

There has been an effort by the Government to try and put patrol boats in the lake but this has not been effective. Sometimes you wonder about the Ugandan authorities or those who are alleged to act on behalf of the Ugandan authorities, for their men and women working in the security forces to travel as far as Mageta Island and go as far as all the islands in Homa Bay County.

It takes hours. Most of the islands in the lake are 30 minutes or one hour away from most of the shores in our counties but this island is about eight to 12 hours away from Uganda yet there is more presence of Ugandan security forces. The Ugandan security forces constantly harass fishermen from our side of the lake. This matter should be resolved in the spirit of East African unity because blue economy is an important economic component of the region. The economy of the region is affected fundamentally when fishermen are not allowed to undertake their daily fishing trips into the lake. Most fish processing companies, who were previously operating from Kenya, moved to Tanzania and Uganda because we do not give enough incentives and protection to the fishermen in the Kenyan part of the lake.

Finally, I want to talk about what I think is going wrong in this country and it cannot be resolved until we use the Constitution in the way it was meant to work. All those who were appointed as public officers are supposed to work in accordance to the Constitution whether they were elected or not elected.

There is a narrative going on out there that the Vice President has been ignored and he is not allowed to do his work. That is a fallacy. The primary responsibilities of a vice president are spelt-out in the Constitution. He is a member of the Cabinet. He attends the cabinet meetings without any problem. Sen. Mutula Kilonzo Jnr. or Sen. Olekina do not sit in that Cabinet and neither do you Madam Temporary Speaker. It is an honour and a privilege to sit in that cabinet. It is difficult for common men like us to go to State House but the Vice President attends the Cabinet meeting every week and he attends the meetings. That would be the best place for him to raise the bottom up economic circus. Jubilee Government has one year to continue to deliver.

There are other duties that are donated to the vice president of Kenya by Kenyans under the Constitution. There is a very important organ in this country called the National Security Council. We only have 11 people in this Republic who sit in that council and the

second in command in that Council is the Vice President. I do not sit there and neither do our principals. If something happens to the Vice President anywhere, the best place for him to bring it up is at the National Security Council. Matiang'i cannot act in the absence of the President because the order of responsibility and importance of that Council is spelt out in the Constitution.

If you look at the national oaths and affirmations in the Constitution, one of the primary duties of the vice president is to counsel and advise the president. I do not have that responsibility neither does Sen. Olekina. The vice president takes an oath that he shall give his counsel and advise the president of Republic of Kenya. In the current circumstances, the entire country is being told that this gentleman is being ignored.

All the powers in the Constitution are intact. They are not given to anybody but the Deputy President. I know we have statutes like the Intergovernmental Relations Act where a statutory duty is given to him. If he loves devolution, he would be calling meetings under that Act almost every week in order to make sure that his responsibilities are carried out.

There is another important fact put into consideration but people take it as a joke. There are two people in the Republic that the security forces must always know where they are by the nature of their office. Even whether the President of the Republic of Kenya is on a private visit or eating lunch with his children, the security forces must know where he is because if something happens, there will be a constitutional problem.

If this Constitution is working in accordance with what is required in a democratic republic with a system like the one we have, the Deputy President cannot be somewhere where the security forces do not know.

He has been compared to Jaramogi Oginga Odinga. When things did not work, Jaramogi Oginga Odinga resigned. Therefore, he could travel anywhere that he wanted. He did not have that problem once he left the Government. He was just a citizen like me. Nobody can stop you at the airport.

If the Deputy President thinks that travelling outside the country is the most important responsibility he has, then vacating that office will give him all the time. He can go to any part of the world that he likes. He should stop crying to the Opposition.

Jubilee Party was so lucky. We accepted the "Handshake" but said that we do not want to join the Government. We are just supporting things that make sense to us. When the Security Laws (Amendment) Bill came here, we opposed it. So, we are in unique circumstances even in this one year.

If bottom-up was not just a slogan, he can do it in the remaining one year but we will see wonders. We should see the kind of miracles they want to create in this Republic.

I would like to say that there is uncivil insurrection within the Government and that needs to be dealt with. It is nothing short of uncivil insurrection. I am not talking about criminal insurrection but there is an uncivil political insurrection within the Government. There is a fifth column with the Government but it is not supposed to work that way.

In the US, more than 150 years ago, there was a vice president known as Calhoun. When he could not work with the president, he resigned. There was another called Spiro Agnew who was full of scandals and he also resigned. Scandals seems to visit vice presidents everywhere. Even in South Africa, there is one who was in similar circumstances and he had to leave office.

We should have politicians who do not live a lie. You cannot be in the United Democratic Alliance (UDA) during the day and at night you claim you are in Jubilee, or you are in UDA in the evening and in the morning you claim you are in Jubilee.

I am actually making a statement and a proposition. If the Executive does not deal with the fifth column in the Government in good time, we are going to have a very unstable period. Like the great Irish poet said, things fall apart because the centre cannot hold.

Abraham Lincoln said that a house divided cannot stand. So, it is the moment we got to deal with this problem. That problem falls squarely within the purview of the Deputy President because he took an oath. If he did not take an oath, I will have had no problem.

They talk about the National Super Alliance (NASA) but we did not take that kind of oath at all.

However, he took an oath and said he shall give his counsel and advise to the President of the Republic of Kenya. He took it by holding the Bible. If a Christian can break an oath, then I do not know what people like Olekina who do not have a Christian name would do.

(Laughter)

I mean, we just use the Bible and the Church and religion for convenience. So, let us stop this lie. Jubilee party should get its house in order. Those who are not prepared to work within that Government should do the most honourable thing, if their consciences are clear.

I support.

The Temporary Speaker (Sen. Pareno): You forgot that Sen. Mutula Kilonzo Jr. also does not have an English name.

(Question proposed)

Sen. Olekina, proceed.

The two who do not have English names will be ones to speak first.

Sen. Olekina: Thank you, Madam Temporary Speaker. I rise to support the Motion for the adjournment of the Senate for a short recess.

As Senators, we do our job. I am quite pleased that our Committees have been working. During this Session, we, as Senators, have raised very fundamental issues that need to be addressed by our Committees. Like the Senate Majority Leader said in his Statement, I encourage all Committee Chairpersons to take their time during this recess to ensure Kenyans can get answers to some of the issues we raised on their behalf.

I believe as Senators, we are the ombudspersons for the citizens out there. We are their voice and servants. When we sit up to the wee hours of the night when we are supposed to be resting, it is because we believe we have been sent here to represent our people. Many people believe Senators are supposed to provide roads, bursaries and contribute to funds drives. The truth is that Senators only come here to pass laws and ensure they raise issues on behalf of mwananchi. I am pleased that during this short recess, we will be able to meet our constituencies and share with them some of the work we have been doing.

Madam Temporary Speaker, I would like to talk about the scheduled Devolution Conference. However, with the COVID-19 pandemic ravaging, I would like to beseech the

planners of this conference to think about having it virtually. Having a conference in Makueni County where you bring in over 1,000 people – some vaccinated and others not – is teasing the COVID-19 pandemic. We know very well how dangerous it is and how it has killed our people.

I beseech the Council of Governors (CoG), the Senate and people who are preparing for this inter-governmental conference to rethink and consider having this conference virtually. I know I have been invited there, but I will not risk my life to attend it physically. I am happy to go there and talk about environmental issues which are dear to me. However, I will be negating on my duty as a Senator where I need to raise issues affecting Kenyans.

Right now, the economy is closed. Many people have been affected by the curfew. Why then do we pretend that we are safe just because it is a presidential function to go to Makueni County to attend that function? It is not safe and so, we should not go there.

Madam Temporary Speaker, regarding police brutality, I know we were given a few minutes to talk about it, but it is an important matter. During this time, many people complained. We have had issues of IPOA and their inability to deal with these issues. It is about time the Ministry of Interior and Coordination of National Government counselled these police officers who are brutalizing citizens during curfew hours.

It is a little hypocritical for them to think that they are saving Kenyans, yet they actually end up putting them in more trouble. This issue of unleashing torrents of violence on these Kenyans is not something that we should be doing.

Madam Temporary Speaker, I request that the police service rethinks their operations. They should have a conversation with these people. In fact, instead of arresting people and sending them to prisons where they are not safe, they should be escorting these people to their homes.

The other issue that is very important and personal to me is that of the security situation in Laikipia and that of the pastoralists. Earlier on, I raised a Statement on the security situation in Laikipia. Historically, the land in Laikipia belonged to the Maasai and Samburu herders.

It is wrong for us to forget that any European who came into this country never came with any land. In fact, they found that land here. Today, most of the people who own land in this country are foreigners. The native people, who were born and belong to this country, are treated as second class citizens.

Madam Temporary Speaker, I call upon the Cabinet Secretary (CS) for Interior and Coordination of National Government to seriously think about the utterances that he makes when it comes to the lives of our people. Our people depend on pasture. So, if you tell us that you are kicking us out, you already stole our land.

Most of the land there is owned by former CSs and former powerful people in this Government. Originally, our people do not believe in the concept of a title deed. When our people, who are not taking that land but just passing there to look for pasture for their cows, they are killed. It is very painful when you see some of the pictures of innocent children and herders being shot by the police when the only thing they have is a small *rungu* to take care of their cows, so that they can send their children to school and put food on the table.

Madam Temporary Speaker, I know that we have been talking about what goes around comes around. I know that this current Government is protecting all these Europeans, something that really shocks me. The current administration makes the colonial

masters look more like philanthropists. They look like people who came here and gave us land because our land is being taken away from us.

I request the Ministry of Interior and Coordination of National Coordination to take back those threats. They need to bring these people together and help them. This country is vast. There are people who own thousands of acres of land while other people are poor.

The Temporary Speaker (Sen. Pareno): Sen. Olekina, you did a Statement on this and it is referred to a particular Committee, so if you debate it, there will be nothing to submit before the Committee. Kindly conclude.

Sen. Olekina: Thank you, Madam Temporary Speaker, I am guided. I just thought that because it is an adjournment Motion, I can reiterate the issues that I raised.

To summarize, I beseech the Committee on National Security, Defence and Foreign Relations to expeditiously move to summon the CS and even call the so-called land owners. There are people who own 100,000 acres. It is very sad. I am sorry that I am raising this issue over and over again, but it is something that I believe in. Our people have a right to graze their cows anywhere. It is not being an illegal herder; this is their land.

Madam Temporary Speaker, the thing that pains me is that every time when we speak about issues that are important to us, there is always some vested interest in the sense that we are gagged and cannot be open and honest enough to talk about the issues that affect our people.

I hope that the Executive is listening and that people will remember that our time on this earth is very limited. We are only passing through here. We only want to preserve this earth for future generations, not for us to take it anywhere.

Finally, as I wind up, I wish all my colleagues a happy recess.

I also take this opportunity to condole with my brother, Sen. M. Kajwang' for the loss of his father. I pray that God will grant him and his family serenity to accept the things that they cannot change and also have the courage to move on because this is a painful time. Otherwise, I thank you.

The Temporary Speaker (Sen. Pareno): Please be brief. It is getting late.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. I support this Motion of Adjournment. Kenyans must know that we are here to serve them. We have a duty, a call and are obligated by the fact that we are Senators and so we represent counties and their interests.

The recess period will be a good time for us to engage with our constituents so as to see what is happening on the ground. Most of the Statements, Bills and Petitions that we come up with emanate from the urgent need to ensure service delivery in the counties. So, as we engage with them, we will come up with more Statements in order to ensure that Kenyans are getting services.

We have talked about many issues, for example, the issue of land which is a primary factor of production. So, when Petitions come to the House, it is our joy as Senators to ensure that everyone has a piece of land because of its value.

When we talk about the issues of women, we do not talk about ourselves. We want the issues of women's equity to be addressed so that they are involved in leadership and all that.

We talk about issues of disability because we want to make sure that we are a mainstream society. We should ensure that persons with disabilities are scaled up in the economy so that they are brought on board in terms of policy legislation and leadership.

We are a serious team that wants to engage with *wananchi*. They should know that we are going on recess but we will deliberate on Statements and Petitions that have come here in the various Committees that work effectively.

Madam Temporary Speaker, Kenyans should know that we are here to serve them and it is our pleasure.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, I will brief. The recess is well deserved. Unknown to many of us, the Senate staff, for example, sergeant-at-arms and clerk assistants are going through a lot to serve us every other day although a lot of our work is done online. So, it is a good break for them.

Let us not forget that the delta variant has not taken a break. In fact, at this moment, I would have preferred to say that the Council of Governors (CoGs) is being a little inconsiderate about the Devolution Conference.

I have just seen a note sent to delegates that each of them must have double vaccination. Assuming that one takes their vaccination tomorrow, the other vaccination must be in 14 or more days because there are effects of the vaccine. So, I am not sure whether they are being considerate.

The CS has repeatedly said that the fact that a person has a double vaccine does not necessarily mean that they are safe. We have lost a number of Kenyans to the delta variant even though they have received a double vaccination.

When you call a meeting of 6,000 people and each delegate must have a double vaccination, it is inconsiderate to *mama mboga* who sells vegetables in Wote because she will not have a double vaccination.

We are losing many Kenyans. The burials that we are having suggests that we should have taken a little consideration about the Devolution Conference.

I am not certain whether we need to have a Devolution Conference in the next two weeks based on the reports we are having from our hospitals, vaccinations *et cetera*. There you have it. When governors want their way, they will get their way.

However, I pray that this does not cause a problem in Makueni County because it will spread into the villages and create a crisis. I do not want to stand here as the Senator of Makueni County to praise the Devolution Conference which I know can result into several deaths and problems in our community.

Madam Temporary Speaker, we take a break but we hope we can complete some of the work. I hope the Committee on National Security, Defense and Foreign Relations and Committee on Justice, Legal Affairs and Human Rights can get to the bottom of the killings in Embu as quickly as possible.

Let me thank the Senators who have for the last three or four weeks participated in the Divisions. We have now given the National Assembly something to do. I hope when we come back we can squeeze the program as quickly as possible to complete as much work as possible.

Madam Temporary Speaker, otherwise, for the work done by our secretariat, we thank the Clerk for availing our clerks and making sure that the Bills that were going for Second Reading have been republished and some have gone for public participation. We

must thank the Office of the Clerk for facilitating us and the office of the Serjeant-at-Arms for ensuring these good people are in good health.

Thank you. I support.

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, having concluded the business in the Order Paper, it is now time to adjourn the Senate. The Senate therefore stands adjourned until Tuesday, 7th September, 2021 at 2.30 p.m.

The Senate rose at 8.23 p.m.