

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 28th March, 2018

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

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM MERU COUNTY ASSEMBLY

The Speaker (Hon. Lusaka): Hon Senators, I wish to acknowledge the presence in the Speaker's Gallery this afternoon of visiting staff from Meru County Assembly.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

- (1) Mr. Gideon Rusiaka;
- (2) Mr. Nicholas Bariu;
- (3) Ms. Jecinta Karimi; and
- (4) Ms. Leniti Gatwiri.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

VISITING DELEGATION OF NON-LOCAL TEACHERS FROM MANDERA COUNTY

The Speaker (Hon. Lusaka): Hon Senators, I wish to acknowledge the presence in the Public Gallery this afternoon of visiting non-local teachers from Mandera County.

The teachers are here in respect of a Petition which they have presented to the Senate for consideration and is due for reporting this afternoon. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

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Next Order!

PETITION

THE PLIGHT AND WELFARE OF NON-LOCAL TEACHERS WORKING IN MANDERA COUNTY

The Speaker (Hon. Lusaka): Hon Senators, pursuant to Standing Order 220(1)(a) and 224(2)(b), I hereby report to the Senate that a Petition has been submitted through the Clerk of the Senate by the representatives of the non-local teachers employed by the Teachers Service Commission (TSC) and deployed in Mandera County.

As you are aware, under Article 119(1):

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

In the Petition, the petitioners state that they have and continue to suffer severe hardship in the discharge of their work which is composed by;

(a) Discrimination, ill treatment and denial of services by host communities on the basis of their being non-Muslim whereby they are also referred to in derogatory terms.

(b) Frequent attacks by the *Al-Shabaab* terror group whereby non-locals and non-Muslims are unduly targeted.

(c) Frequent attacks on the non-local teachers by their students based on the belief that a non-Muslim cannot discipline a Muslim student

(d) Differential treatment by education officials where non-local teachers are denied leave and promotions and also suffer threats of violence, sexual harassment and intimidation.

The petitioners further state that they have done their best to have their employer, the TSC, to address their grievances but that has not borne fruit.

Consequently, the petitioners pray that the Senate urgently investigates this matter and makes appropriate recommendations thereon. Among the proposals made in this regard is for the Senate to recommend to the TSC to transfer all non-local and non-Muslim teachers from Mandera County and other counties where non-local teachers are facing similar working conditions and differential treatment.

Hon. Senators, pursuant to Standing Order 226, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Sen. Ndwiga: Mr. Speaker, Sir, first, I welcome my neighbours from Meru County to the Senate and urge more assemblies to visit the Senate so that we can interact and get to know what our thinking about the running of the counties is.

Turning to the non-local teachers from Marsabit County--- Sorry, it is Mandera County and not Marsabit County. I was looking at the good Senator from Marsabit County, Sen. Waqo without “k”.

(Laughter)

Mr. Speaker, Sir, I tend to agree with that Petition and the complaints of the teachers. It is time that this Senate stood up and petitioned the TSC to expedite the recruitment of local teachers in Mandera County. That is what will solve this problem. We are tired of burying our children who teach in Mandera and such other places. Personally, my county has lost about four teachers in Mandera County. This is unacceptable.

We want our children to be taught wherever they are, even in Mandera. However, as much as we want our children to be taught, we are not going to tolerate our children, brothers and sisters being killed in those places. I urge this House to support the Petition by the teachers. At the same time, we must also find a way of getting teachers to teach in Mandera County. The Constitution guarantees all children---

The Speaker (Hon. Lusaka): What is your point of order?

Sen. (Dr.) Ali: On a point of order, Mr. Speaker, Sir. Is it in order for a former Minister and a Senator to talk and incite Kenyans against one another? It is the responsibility of the national Government to defend the teachers. I am saddened when he talks like that.

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Ndwigwa: Mr. Speaker, Sir, that was not a point of order.

(Laughter)

Mr. Speaker, Sir, this man should be taken for further induction. I represent the people. I do not care what the Government does. It is my business to represent the people. As a House, we know that the Constitution clearly states that all children must be given education and be fed. Even the children in Mandera County deserve to be taught and to receive all other rights. However, the sanctity of life for the non-local teachers in Mandera County comes first. The teachers must be protected.

Therefore, our business is to ask the Government and the TSC to find ways and modalities of getting teachers to Mandera County who are not going to be discriminated against according to what they say and who are not going to be killed by the *Al Shabaab* out there.

Mine is to urge the TSC to expedite recruitment and training of the local teachers in Mandera County so that they can teach their children. You will remember two years ago, there was a report that said, children learn best by first learning their local language. These non-local teachers cannot teach those local languages. Early training requires that children be taught in their local languages.

Mr. Speaker, Sir, we ask the Government and the TSC to make sure that we have local teachers in Mandera County to teach. The non-local teachers who feel uncomfortable working there should be transferred elsewhere forthwith. Why should they be kept there? If you wake up every morning and you are unsure of whether you will be alive the next day, you walk into a classroom and the fellows you are teaching do not respect you, what kind of work is that? That is my take.

The Speaker (Hon. Lusaka): Please proceed, the Senate Majority Leader.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, first of all, I thank the teachers who are serving in Mandera County for bringing this important Petition to this House. This is a subject that has been in the public domain for so long. It is a very difficult situation and I sympathize with all the teachers who are in the Public Gallery, including those who are not here. I have people from my county who have come in person to my office and some have called me looking for transfers to go back to either Elgeyo-Marakwet County or other parts of the country because they fear for their lives.

Article 26 of the Constitution says that everyone has a right to life. If you want to rank rights, and if there was room for ranking rights, the first and the most important right for every citizen and human being is the right to life. No one should be forced to work in an environment where he feels his life is in danger. We can debate whether the police are providing security or not to citizens of this country. We can go ahead and accuse the Government of abdicating its responsibility of providing enough security in Mandera County and so forth. However, as a matter of right, one must not be forced to work in conditions where he is not sure about his security. Be it in Mandera, Elgeyo-Marakwet counties or any other part of this country, we must provide security.

Let me disclose here that it is not just in Mandera County where we have security issues. We have had conflict between Marakwets and Pokots for a long time. Many times we have a problem where Pokot teachers in Marakwet always ask to be transferred to West Pokot County or Tiaty Constituency. In the same vein, Marakwets working in Tiaty Constituency and West Pokot County want to be transferred to safer places. Therefore, this issue is not only confined to Mandera County.

The situation in Mandera County is more complex because of terrorism. We have elements of *Al Shabaab* in that county. This situation must be addressed by the Committee. The first question is: Are the teachers safe? Before we ask whether teaching must go on or one must keep his job, we must ask ourselves whether the teachers are safe. I hope the Teachers Service Commission (TSC) will not victimize any teacher who will refuse to go to work because he feels his life is in danger. Let us start from there.

Secondly, how can we guarantee the right to education to the children of Mandera County? What should the Government do to ensure that teachers in Mandera County and other parts of the country are safe so that they provide education to our children? This petition is likely to be dealt with by the Committee on Education. However, it is more of a security issue than it is an education problem. How can we ensure that the Inspector General (IG) of Police appears before the Committee to assure teachers who do not come from Mandera County and even those who come from there, are safe when teaching?

These issues must not be made emotional. We must not pass judgment by saying that Mandera County is an impossible place to work. That should be found by the Committee. However, no one person, employee or teacher should be forced to work in an environment that he feels is unsafe. That safety should be guaranteed by the Government. The Committee that will deal with this issue must invite the IG to appear before it--- Not summon him, but invite him because we do not summon people. It is not like we are in an acrimonious situation because summonses have been misused in the use of parliamentary practices.

The Committee should invite the IG to have a conversation with them about these issues. It should also invite the Cabinet Secretary (CS) for Education, Amb. Amina Mohammed. The TSC Chief Executive Officer (CEO) should also be invited so that we can have a conversation that will protect the interests of both the teachers and the learners.

In the meantime and for the period that the teachers feel that they are not safe, they must continue earning their salary without anybody stopping their allowances and salary. They must be allowed to continue living in a safe environment. If they feel they are safe in the county where they come from, or in a town within Mandera, Garissa Town or Nairobi County, they must be allowed to operate in an environment that they feel safe.

We do not want to come here and debate about a hero teacher who died in Mandera County. There is no heroism in dying in a situation that could have been prevented. We must work on the prevention of the problem itself rather than come here and regret. I congratulate the teachers for coming up with the petition. We will stand with them and every other Kenyan or public servant operating in any part of this country, whether Elgeyo-Marakwet or Mandera County.

The Speaker (Hon. Lusaka): I can see the matter has a lot of interest. Since it will come back, I will want to just give two minutes for those who will talk.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I will be very brief and cautious because I can see this matter is eliciting grave emotions, especially from Members from certain sections of the country.

Anybody listening to issues raised by these teachers from Mandera County must sympathise with them. Many of them are young people like me. I wonder what other crime one can commit in a country where he sought employment and got it, but the situation proves to be hostile for him to work in and there is nothing he can do about it other than run away. Even his employer seems not ready or willing to listen to his plight.

On many occasions, I have gone to the TSC to address private and public matters. I have seen many teachers petitioning their employer. Sometimes they seek audience to explain their issues. However, their cries seem to fall on deaf ears. They have chosen the path of presenting their issues before their representatives. It is important for us, as leaders, to listen to them with an open mind. Whether we are from Mandera, Kericho, Marakwet or Makueni counties, it does not matter. It is about the lives of Kenyans who want to be taught. It is also about the life of Kenyans who are looking for a livelihood and are finding it extremely difficult to get the same in the regions they are teaching.

I implore upon the Committee that we look into this and call on expert opinion. While listening to some of the contributions, I could not help, but identify with remarks that have been made in the news of late by Hon. Wilson Sossion, Chairperson of the Kenya National Union of Teachers (KNUT). The TSC has tried to introduce a concept called “delocalization”. This is where they send teachers away from their home areas. However, the reason he was opposed---

The Speaker (Hon. Lusaka): Sen. (Eng.) Mahamud, I will give you three minutes as the Senator for Mandera County.

Sen. (Eng.) Mahamud: Thank you, Mr. Speaker, Sir. I thank the teachers for bringing the Petition to this Senate. I am the Senator for Mandera County. Some sections

of the Petition talk about sexual and racial harassment. Let us be very careful in this country when we debate publicly in front of television, lest we incite Kenyans against one another.

Unfortunately, the North Eastern region has security problems, especially along the borders with Somalia. These are parts of Mandera County in two constituencies of Lafey and Mandera South and also in Wajir and Garissa counties. In terms of security, most parts of Mandera and Wajir counties are safe like any other part of this country. The incident that triggered this concern in Wajir is the merciless murder of two teachers of a school on the border by *Al Shabaab* supporters. Our teachers have taken advantage of this to come out and say that they are not safe. Nothing is far from the truth. It is not true that people are sexually harassed.

For your information, Members, all these teachers were employed in the former North Eastern Province. When the TSC advertised the posts, they applied for the jobs and were employed there. This is the place where they were employed. They went there because they are Kenyans and any Kenyan can work anywhere. For heaven's sake, let us not dramatize, sensationalize, sectionalize or turn Kenyans against one another. People in the former eastern Province are not rapists or racists. This has actually come out very badly in front of public television. It is not fair for this country.

We must try to build cohesion in this country. If teachers are really worried and do not want to work there, let them give reason that it is because they are far from their place and they want to go home, but not lie. I know in Takawa Constituency where I come from, teachers who have been seen on television are people who have actually been taken care of by wananchi. Our people are good. We are not sexists or rapists. *Umalaya* is not allowed in our religion. It is not true. For heaven's sake, let us not turn citizens of this country against one another.

The Petition will be referred to a Committee. Let us look at the issues raised in this petition objectively on the Floor of the House. Let us not use words that can incite Kenyans against each other. It is not true. Our teachers have gone overboard to get the TSC, their employer, to take them away. Let the TSC take them away. We do not want these people who have stayed there to go back to Mandera County. Let them be taken away. However, for heaven's sake, do not soil the name of innocent Kenyans who are good citizens; do not turn Kenyans against one another. We wish you luck.

With those few remarks, I beg to contribute.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, how many minutes have you given me?

The Speaker (Hon. Lusaka): Three minutes, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I confess that I advised the teachers to file a petition and bring it to the Senate. Every morning, I used to go to my office, for some reason, they used to send 25 or 30 messages at the same time about the security of these teachers. It is a great tragedy that when we lost our bodyguards, there was hue and cry like somebody had died. The teachers of Mandera County and North Eastern in general who are working so hard in hardship zones have a right to work in peace.

The leaders from that area, we must tell you that when a teacher dies at the hail of a bullet, it is an indictment on you as a leader. Criminals are walking around the streets but teachers and innocent Kenyans are being shot while they are on duty. The reason we put the TSC in the Constitution was to take care of teachers. We have the Committee on Education. We have been trying to battle with this issue that we should be given a mandate with education. If you do not take action, who will? If leaders do not speak, who will?

This matter requires that we put everything aside. If this Senate must sit as a Committee of the Whole with the Inspector General and Cabinet Secretary for Education. Let them come here in front of cameras and we challenge them. We do not want to do this in a committee of nine. The teachers affected come from 47 counties. Let them come and sit here and we interrogate them.

If the Cabinet Secretary for the Ministry of Health, Sicily Kariuki was to be censored because of firing a Chief Executive Officer (CEO) of Kenyatta National Hospital (KNH) who did not do her job then these Cabinet Secretaries must be censored. If we are to sign, we will do so.

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

Sen. Dullo: Thank you, Mr. Speaker, Sir for this opportunity. First, I welcome staff from Meru County who are my neighbors. I hope their time here will be useful.

Going to the petition, I request that you add me one more minute if you do not mind.

The issue of this petition is serious.

(Sen. Dullo's microphone went off)

You have disconnected me before I have even started.

Mr. Speaker, Sir, I remember in the last Parliament, we went with the Committee on National Security, Defence and Foreign Relation to Mandera County and these concerns were raised. Part of it has never been addressed. However, they use a Government policy where an employee of the Government can work anywhere. This Petition talks of transferring all non-locals out of Mandera County. This means that if we approve this petition affirmatively, we have lost cohesion. It means that we are going to close down education in Mandera County and Northern Kenya, which is not right.

Some of the allegations are serious. Hostility by the local community is a serious allegation. There is no way that communities can be hostile to their teachers. There is the issue of *Al Shabaab*. *Al Shabaab* is attacking everywhere even here in Nairobi. It is not only an issue of Mandera County. Sexual harassment is a serious allegation and it must be substantiated and evidence provided to that effect.

Again, we are talking of cohesion. Teachers have all these issues everywhere. The policy of the TSC says that teachers should not work in their counties. Where are we going to place that policy? We need to look at it properly.

There is the issue of discipline. The allegation in the petition is that the people of Mandera County are saying that the non-Muslims should not punish the Muslims. It is

nowhere. If it is there, the teachers who are affected should come with evidence before this House and before the whole country. You cannot condemn a whole community because of one or two persons.

Mr. Speaker, Sir, this is a serious allegation against Northern Kenya. It should be proved and substantiated.

The Speaker (Hon. Lusaka): Proceed, Sen. Farhiya.

Sen. Farhiya: Mr. Deputy Speaker, Sir, I request that you add me two more minutes because in my county, right now schools have been closed since all the teachers have been transferred by TSC. I beg your indulgence on that.

The Speaker (Hon. Lusaka) Go ahead, Sen. Farhiya.

Sen. Farhiya: Thank you, Mr. Speaker, Sir. I am glad that this Petition is taking place because people from North Eastern are victims of these teachers at the Gallery. In my county, there are so many non-locals who even own shops, businesses and who are the *boda boda* riders in that place. It is full of non-locals. Why is it that even the doctors, nurses, plumbers, masons and all the professions are there? Most of them are relatives of Sen. Mutula Kilonzo Jnr.

(Laughter)

This is a fact. I want the Committee to investigate this. They need to know the facts for what they are in this county and not the assumption of teachers who used the plight of Northern Kenya to secure employment and immediately asked for transfers on fictitious claims.

I do not support that *Al Shabaab* killed those teachers from Wajir County. It saddens me that lives were lost. I do not take that for granted because everybody including myself values life. However, this matter has been blown out of proportion. In the same incident where the three teachers were killed, a local teacher was also shot. It is only that he never died. It is not an isolated incident.

The *Al Shabaab* are clever people. They know that if they touch teachers, they have a strong union which will give them a lot of publicity. The TSC and teachers are also falling into that trap. They have done exactly what *Al Shabaab* wanted them to do.

In my community, teaching started as a religious venture before the circular of education came into place and because of that, we respect teachers more than anybody in any community in this country. We respect teachers more than any other worker. So, how is it possible that teachers are being victimized? Those false allegations sadden me.

The sexual harassment and all those allegations should be investigated conclusively. Imagine a teacher who is cheating the whole country that such things are happening to him and it is not true. That needs to be investigated. Once the investigation is documented and tabled, that teacher needs to be fired if those claims are found to be false because nobody is above the law. If you lie on camera, what kind of values are you instilling in our children?

Mr. Speaker, Sir, at the moment, 128 schools have been closed in Wajir County.

The Speaker (Hon. Lusaka): Proceed, Sen. Faki.

Sen. Faki: Asante, Bw. Spika. Kwa hakika ombi lililokuja mbele ya Seneti hili ni muhimu na vile vile, lazima tuangalie dhuluma za kihistoria. Tukiangalia katika kaunti za Kaskazini Mashariki kama vile Mandera, Garissa na Wajir, hizi ni sehemu zilizopata dhuluma za kihistoria tangu wakati wa Uhuru. Shule zilikuwa hazina waalimu na wanafunzi katika maeneo hayo walikuwa hawafanyi vizuri kwa sababu hakukuwa na waalimu wazuri wa kusomesha. Kwa hivyo, ikiwa tutakubali waalimu wahamishwe kwa sababu ya usalama, itakuwa tunakubali kwamba Serikali imeshindwa kuhakikisha usalama wa wananchi na raia katika nchi ya Kenya.

(Applause)

Kwa mfano, Lamu inaendelea kushambuliwa na magaidi wa *Al-Shabaab* mpaka sasa. Hali kadhalika, kuna ukosefu wa usalama katika kaunti za Tana River, Wajir na Mandera. Kwa hivyo, ni jukumu la Serikali kuhakikisha kwamba kuna usalama katika kila sehemu ya nchi ya Kenya. Hatuwezi kuajiri waalimu leo na kesho waombe uhamisho kwa sababu wanaona usalama wao hauko sawa. Walipokuwa wakiomba kazi katika maeneo yale, si walijua kuwa hakuna usalama huko? Sisi tuko na vijana kutoka Mombasa ambao wanafanya kazi Wajir kama askari. Je, tuseme warejeshwe makwao kwa sababau hakuna usalama?

Bw. Spika, hili ni swala nzito na ni lazima Serikali ichukue nafasi ya mwanzo kuhakikisha kwamba usalama wa wananchi mahali popote walipo unadumishwa. Hatuwezi kusema kwamba Kenya ni moja halafu tunawatenga ndugu zetu wa Kaunti za Kaskazini Mashariki.

Asante Bw. Spika.

(Applause)

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. I have not seen the teachers, but I congratulate them for bringing this Petition because the truth will come out. There is a Somali saying, "If you do not say the truth, then the lie is in a bag for you--- *"ninku ruun aansheegin been ba uu kaysaan*. This saying has a lot of other meanings.

(Loud consultations)

Mr. Speaker, Sir, this is a very emotive issue. In Wajir County, which I represent, 900 teachers have already been transferred and the schools have been closed. If I go to Ukambani or anywhere else in Kenya, *naambiwa huyu woria. Stori kama hiyo iko*. I will not deny that. *Mambo ya kusema huyu ni Mkamba* is all over Kenya, however, these other issues *hakuna!* As old as I am – I am 54 years old – I was taught by a headmaster known as Mr. Mapili, from Kakamega. My brother, who is 70 years old, was taught by a Mr. Musyoka and another one called Mr. Marete, who was coming from---

(Dr. Ali's allotted time ended)

Mr. Speaker, Sir, please allow me some two more minutes. Therefore, since 1963, teachers from other parts of Kenya were in North Eastern. Wajir, where I come from, is 500 miles from Bute, where there was a problem. The petitioners know that there is nothing called *Al-Shabaab* or insecurity there; it is only on the border with Ethiopia. We have never ever seen it. However, a teacher leaves there and says he is insecure!

(Sen. (Dr.) Ali's microphone went off)

(Sen. (Dr.) Ali spoke off record)

The Speaker (Hon. Lusaka): Give him one more minute.

Sen. (Dr.) Ali: When vacancies are announced, I believe you will find them back and we will fight them. That is what I believe in. Mistakes happen, but when you talk like this, especially my good friend who is a senior citizen--- It is unfortunate that teachers have been killed; we cannot and we will never accept that. However, when we say that Kenya should be divided into regions or zones, we have already been marginalised enough and we will not accept it. These teachers can leave, and we have no problem with that. But, please, when vacancies are advertised, do not come for our jobs.

This is because there were 2,000 of them in Wajir who wanted to be employed, yet they left yesterday. How will that happen? *Afadhali tuwe na* our D minuses than allow others to come there, ask for employment and then leave. That is not fair. When you come to ask for our jobs, then you come and stay. The other issue of insecurity is the concern of the national Government; it is not my responsibility.

Sen. Mutula Kilonzo Jnr., when you go to Bute, there are Kamba's and Meru's who are nurses, *bodaboda* agents and they are living alone without any security. Therefore, if we say 'chase these ones away,' then everyone will be chased and Kenyans will suffer. Please, do not do that. Let us look into these issues and get to the bottom of them.

Thank you very much, Mr. Speaker, Sir.

Sen. Wetangula: Mr. Speaker, Sir, we must salute these teachers who have come to petition this House, because they are bringing to the fore a simmering problem that needs attention. When citizens come to this Senate, it is normally because they have lost faith elsewhere.

Mr. Speaker, Sir, these teachers have been camping outside the TSC Headquarters for the last couple of months. I have personally visited the Secretary of the TSC, Ms. Nancy Macharia, to discuss this issue with her. This was for the simple reason that in this country, a bulk of the teachers happen rightly or wrongly to come from communities in Western Kenya; and they are everywhere. These teachers are asking that the Senate urgently investigates this matter and makes an appropriate recommendation. Therefore, they should not be condemned because they are raising a pertinent issue.

Mr. Speaker, Sir, this is not purely an educational matter, but also a security one. It should, therefore, be addressed to both Senate Committees on Education and National Security, Defence and Foreign Relations, to act jointly. This is so that they can bring to this House the requirements for teachers and schools to be given protection wherever

they are so that students do not suffer unduly, teachers are not harassed unduly and everybody discharges their duties.

Mr. Speaker, Sir, we painfully state this because you remember that two years ago, the counties of Trans Nzoia, Bungoma, Kakamega, Vihiga and Kisii buried more than 60 people in one weekend, who had died in a bandit attack in Northern Kenya. We cannot condemn the people of Northern Kenya because some of them also died in the attack. We want the Committees to bring to the fore whatever is ailing our security sector and affecting education, borne out of security; and what it is we can do to make Kenya safer for anybody, everywhere and anywhere.

The Speaker (Hon. Lusaka): Hon. Senators, like I said earlier, there is a lot of interest in this Petition, but we have limited time. The matter will still come up for further deliberations.

Hon. Senators, pursuant to Standing Order No. 226(1), the Petition stands committed to the Standing Committees on Education; and National Security, Defence and Foreign Relations.

(Applause)

Hon. Senators, in terms of Standing Order No.226(2), the Committees are required, in not more than 60 days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioners and laid on the Table of the Senate.

I thank you.

COMMUNICATION FROM THE CHAIR

VISITING OFFICER FROM KIAMBU COUNTY GOVERNMENT

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting officer from Kiambu County Government. I request the officer to stand when called out so that she can be acknowledged in the Senate tradition.

Madam Gladys Chania, the Chief Officer.

(Applause)

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to you. On behalf of the Senate and on my own behalf, I wish you a fruitful visit.

I thank you.

MESSAGE FROM THE NATIONAL ASSEMBLY**APPROVAL OF APPOINTMENT OF MEMBERS
TO THE PAN-AFRICAN PARLIAMENT**

The Speaker (Hon. Lusaka): I wish to report to the Senate that Pursuant to Standing Order No.41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the approval of Members of Parliament for appointment to the Pan-African Parliament.

“Pursuant to the provision of Standing Order 41 (2) of the National Assembly Standing Orders, I hereby convey a message to the Senate that, in accordance with the provisions of Article 5 of the protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, and by resolution passed on Wednesday 28th March, 2018, the National Assembly approved the appointment of the following Members of Parliament to the Pan-African Parliament.

- (1) Hon. Jude Njomo, M.P
- (2) Hon. Beatrice Kones, M.P
- (3) Hon. Janet Ong’era, M.P
- (4) Sen. (Dr.) Abdullahi Ibrahim Ali, M.P
- (5) Sen. Stewart Madzayo, M.P

Now therefore, in accordance with this provision of the said Standing Order of the National Assembly, I hereby convey the aforementioned resolution to the Senate for consideration and concurrence”.

Hon. Senators, as you are aware, the Pan-African Parliament is one of the organs of the African Union. It is a consultative and advisory organ that is in place to ensure the full participation of the people of Africa in development and economic integration of the continent.

Hon. Senators, each respective national Parliament or any other deliberative body, is required by the protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament to elect or designate the Pan-African parliamentarians from among their members. Further, the Protocol requires each Member state to be represented in the Pan-African Parliament by five members, at least one of whom must be a woman. The representation of each Member state must reflect the diversity of political opinions in each national Parliament or other deliberative organs.

Hon. Senators, the term of the five Members of Parliament who represented Kenya in the Pan-African Parliament expired on the date of general elections. The 12th Parliament is now required to elect or designate new members of the Pan-African Parliament.

I, therefore, direct that the Senate Majority Leader gives a notice of Motion for adoption of names for nomination to the Pan-African Parliament and further, moves a Motion for adoption of the names tomorrow, Thursday, 29th March, 2018.

I thank you.
Next Order!

PAPERS LAID

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. Yesterday, the Chair ruled that, today, we prioritise the business in the Order Paper that is related to Division. Pursuant to that ruling, because any Speaker who sits there does so on your behalf, am I in order to request that we proceed to Division then we can get back to the business in the Order Paper, from No.5?

The Speaker (Hon. Lusaka): I direct that the papers be laid first because they are only two.

REPORT ON THE FOOD SECURITY BILL

Sen. Ndwiga: Mr. Speaker Sir I beg to lay the following Paper on the Table of the Senate today, Wednesday 28th March, 2018.

Report of the Standing Committee on Agriculture, Livestock and Fisheries on its consideration of the Food Security Bill (Senate Bills No.12 of 2017).

(Sen. Ndwiga laid the document on the Table)

**REPORT ON THE NATIONAL FLAG, EMBLEMS
AND NAMES (AMENDMENT) BILL**

Sen. Sakaja: Thank you Mr. Speaker, Sir. Welcome back to the country. I beg to lay the following Paper on the Table of the Senate today, Wednesday 28th March, 2018.

Report of the Standing Committee on National Security, Defence and Foreign Relations on its consideration of the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.8 of 2017).

(Sen. Sakaja laid the document on the Table)

The Speaker (Hon. Lusaka): Hon. Senators, I now direct that we rearrange our Order Paper and move to Order No. 8.

BILLS*Second Reading***THE DIVISION OF REVENUE BILL (NATIONAL
ASSEMBLY BILLS NO.7 OF 2018)**

(Sen. Murkomen on 27.3.2018)

(Resumption of debate interrupted on 27.3.2018)

The Speaker (Hon. Lusaka): Sen. (Prof.) Kamar, you have eight minutes.

Sen. (Prof.) Kamar: Mr. Speaker, Sir, thank you very much for giving me the opportunity to complete my presentation which I started yesterday. I had moved to support---

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. I understand why you are proceeding with Order No. 8. If only you could plead with the House that the reason we want to do the business in Order No.8 is to enable us to complete that business related to the Division of Revenue Bill, 2018 before going on recess tomorrow, if it is approved.

Mr. Speaker, Sir, yesterday, we had a long period of debating on the Division of Revenue Bill of 2018. I am requesting the hon. Senators that we limit debate on the Bill today, so that we can spend a few minutes for those who want to speak, and then we go to Division on that business, plus the other three. I understand why you have said that we can proceed, but I am requesting on behalf of the House that communication comes from your Chair for Members to wait for us to do a division on the same business.

The Speaker (Hon. Lusaka): I will allow Sen. (Prof.) Kamar to take eight minutes, but limit the rest to four minutes, so that we can make progress.

Yes, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Mr. Speaker, Sir, yesterday, I had covered the first item on additional conditional allocation of funding. I talked about the one on youth polytechnics and said that it is very important. However, being the second year running, I urge the Senate to start to interrogate some of the things being implemented with this additional funding. One of them is the rehabilitation of youth polytechnics. Some counties do not even have youth polytechnics to begin with and so, you can only rehabilitate what is available.

I would also like to touch on two other issues. One is the conditional funding that is being given for agriculture. I come from Uasin Gishu County which is within the bread basket of this nation. The first conditional funding, that is, the National Agriculture and Rural Inclusive Growth Project has been allocated Kshs2.9billion. We note with appreciation that it has increased from Kshs1.5billion.

These funds are being assigned specifically to take care of agricultural productivity and profitability. Profitability to farmers is almost a story and the reason it is becoming a challenge to even get profits for farmers is known to all of us. These funds must be used wisely to ensure that farmers receive real profits. As I speak, we have a challenge of inputs. For you to make profit as a farmer, and I am one of them, there is need for inputs to be given on time.

(Loud consultations)

The Speaker (Hon. Lusaka): Order! Let us consult in low tones.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. We know that there is also another additional fund - conditional funds - to facilitate agriculture under the IDA World Bank Project on Climate Smart Agriculture. This means that the funding that is being

given must be applied wisely to ensure that it takes care of farmers. As I speak, our farmers in Uasin Gishu have not delivered all their cereals. They have a challenge because the stores are full and yet, they are required to be planting in this very month. It is, therefore, very important that when a fund like this is given, it should be utilised, particularly, to ensure that farm inputs arrive on time.

I say this because when you go to the National Produce and Cereals Board (NCPB) you cannot get enough inputs. Currently, we have a mix-up on fertilizers. We are supposed to be receiving Di-Ammonium Phosphate (DAP); the fertilizer that is required for planting. Instead, we have a lot of fertilizer for top dressing. You cannot top-dress before you plant. This is something that the Ministry of Agriculture must look at seriously to ensure that our farmers get the profits expected through this funding that we have.

We can be talking about profits but you will realise that the poorest people in this country are the farmers. The reason they still leave in dilapidated homes is because inputs do not come in time and their produce is not bought in time. These are things that we need to start looking at.

The last one is on the climate smart agriculture. For the first time, Kshs3 billion has been given under the World Bank project. This money has been given to enable productivity and resilience in the production system of agriculture. Who is going to ensure that this is done and the money has gone into the right use? It is possible to talk of allocating funds for a certain use yet if there is no clear follow-up you do not get it. It is for this reason that I believe this Senate, being an oversight House in the country, must go down to the counties and ensure that whatever funding has been given for specific activities is followed to the end.

Mr. Speaker, Sir, we must ensure that we focus on productivity. We cannot be talking of food security and yet we know that it is one of the big four agenda of our Government. For us to be able to do that, we must have a well co-ordinated way of spending our funding. I again urge the Ministry involved in both agriculture and irrigation - irrigation is going to assist in mitigating some of these climatic issues - to ensure there is funding.

Finally, I want to mention something that affected Uasin Gishu County last year, called army worms. This is a crisis that came unpredictably. It is within the climate change parameter. It is, therefore, important that as we get this fund of Kshs3 billion, the emergencies that we identify are catered for including things like attacks by army worms and drought. We have seen in the dry parts of this county animals die, day in, day out whenever there is drought. There is no way we can talk about food security unless we protect all the farmers around, whether in the grain basket or in the drier parts of the country.

With those remarks, I beg to support.

The Speaker (Hon. Lusaka): Let us have, Sen. Mwaura Isaack.

Sen. Mwaura: Thank you, Mr. Speaker, Sir. From the outset, I would like to say that much as we are supposed to vote on this Bill, it is an important Bill that should not be rushed. I know time is not on our side and it has already been limited. However, this is

one of the key Bills that necessitated the creation of the Senate. Therefore, it will be fair for us to have adequate time to debate it.

As the Standing Committee on Finance and Budget, we have heard submissions of many stakeholders concerning the Division of Revenue Bill. As it were, the allocation of money is something that is extremely emotive. However, at some point we have to agree because we do not have an elastic resource envelop in this country.

Mr. Speaker, Sir, one of the things we need to look at - I am happy because the Report of the Committee will be here tomorrow - is the issue of the Collective Bargaining Agreement (CBA) that is supposed to ensure our doctors and nurses are paid. If we are not able to allocate enough resources, it is going to eat into the development budget of counties.

If the development budget of counties is not met, it, therefore, means that as a country, we shall be using over Kshs300 billion to pay people who are not delivering services. It is a serious concern. We have also noted that the CBA is not just an issue of the county governments; it also affects the national Government as well.

The whole issue of rationalisation of salaries and the number of employees may be a political issue because no Government would want to be seen to be sacking people. But at some point, we have to sit and agree that we have a bloated workforce at both the county governments and national Government. If Kenya has to grow, we have to ensure that some money is appropriated for the purpose of development. My simple calculation is that without factoring in the Kshs11.6 billion that county governments are supposed to have to pay the doctors and nurses, each and every county will have to go to its development vote or other votes and get between Kshs150 and Ksh200 million to meet this cost.

The other issue that I want to address in this short time is the revenue shortfall. We know well that we have come from a long electioneering period. The Kenya Revenue Authority (KRA) has declared that it has not been able to collect revenue to meet the target of about Kshs84 billion. This is an issue that we need to address.

If you look at Section 5 of the Division of Revenue Act, currently it puts the onus of such a shortfall on the national Government. We must agree that that is unfair because we are now engaged in austerity measures. This is an issue we need to look at as a matter of principle because it was not foreseen and it is bound to recur because we may not be able to predict all the parameters that may influence the economic performance of the country.

Finally, is the issue of cashflow management. I think counties are suffering. They are not able to pay their staff on time even when we have been able to pass the disbursement schedule. It, therefore, follows that we need to ensure we come up with a framework that will ensure short term borrowing for counties to ensure we also guarantee effective use of own-source revenue; that it is not just another way of making money through commercial banks.

These are some of the issues that I am sure will come up in the report tomorrow.

I support.

The Speaker (Hon. Lusaka): Sen. Halake Abshiro, you have the floor.

Sen. Halake: Thank you, Mr. Speaker, Sir. I rise to support the Division of Revenue Bill (National Assembly Bills No.7 of 2018). I would like to reflect upon certain budgetary lines that I have a problem with, namely, the leasing of medical equipment. This continues to be of concern to myself and, I am sure, a lot of other Senators in the sense that some of these leases have not been serviced even in the previous financial year.

As we continue to increase the amounts by Kshs3.3 billion this year without the servicing of the leases then we need to ask ourselves: What prudence and stewardship are we exercising as a House to continue providing funds to this budget line?

On top of that, my other concern is that counties have time and again told us that their problem is personnel, like nurses and doctors that need to be hired. As this equipment is leased in the fourth year now, I am aware that in some of the counties where they have already been delivered, they do not have the requisite personnel with the right skills to operate the machines. I am wondering what kind of stewardship we are having over this budget if we do not have a line at the national Government or somewhere in the counties that says; “to go with these lease of equipment, there will be an increase in personnel to operate them”. That is the issue I have with that.

The issue on KRA declaring the shortfalls and the fiscal framework upon which the adjustments were made are also faulty because the fiscal framework that was used for the adjustment downwards for county revenues is not right. Again, in Clause 5, Sen. Mwaura has alluded to it. It says: “In case of any shortfalls that have been declared by the national Government, the onus should definitely be on the national Government and if there is surplus, the benefits should go to the national Government to pay debts. So, why are the counties being penalised for revenue shortfalls and fiscal frameworks that do not adhere to the fundamentals?

Another concern is the universal healthcare. I support the Big Four agenda and concur with the Government with regards to the need to ensure that there is universal health coverage which goes beyond just leasing of equipment. Therefore, other basics and fundamentals of universal health coverage should be considered in the budget so that we can talk of universal health coverage. I feel this is skewed a little bit. We need to interrogate why we have defined universal health coverage very narrowly to just mean leasing of equipment for which we do not service the leases.

Other issues have been covered by Senators and I do not want to belabour them. However, I know it has been mentioned but the 33 per cent of the latest audited revenue to the county governments is not actually---

(Sen. Halake’s microphone went off)

Sen. (Prof.) Ongeri: Mr. Speaker, Sir, devolution is a success but unfortunately money or resources should follow functions. There is so much that has been given to county governments to perform. When I look at this budget, it shows quite clearly that Kshs314 billion will be available for the counties. What is disturbing – I think we must find a way of dealing with this situation more properly – is that county governments’ equitable share was discussed by the Intergovernmental Budget and Economic Council (IBEC) and a ceiling of Kshs314 billion put by governors and it is here for us to

rubberstamp. We must resist the element of being told to take or leave a figure that has been decided by the governors. It is our duty as the Senate to allocate resources. Therefore we should be given the opportunity to do what should be done.

When you look at the figures, you will realise that from 2013 to 2018 there is a nominal increase of 4 per cent of the revenue accruing to the county governments. I think this is a very pathetic situation which we should rectify.

The other point that came out quite clearly is conditional grants. Some of the conditional grants like the leasing of medical equipment has been raised to Kshs9.4 billion against the initial expectation of about Kshs4.5 billion. This is a phenomenal rise. I am from the medical profession and I believe that once the price of the equipment has been agreed upon, there should not be a phenomenal change to almost twice the amount. I suggest that we do a forensic audit on this matter---

Sen. Khaniri: On a point of order, Mr. Speaker, Sir. I rise pursuant to Standing Order No.98. I am doing this fully aware that this Division of Revenue Bill together with the County Allocation of Revenue Bill are the two most important Bills that are debated and passed in this House annually. I know that the Bill has attracted a lot of interests. However, I have noticed the numbers dwindling. The Senate Majority Leader's position was that we have to pass this today, so that we go to the Committee of the Whole tomorrow.

With a lot of apologies to Members who still have interest, I rise under Standing Order No.98 to request that the Mover be called upon to reply.

*(The Speaker (Hon. Lusaka)
consulted with the Clerk-at-the-Table)*

The Speaker (Hon. Lusaka): Hon. Senators, in the circumstances that we find ourselves in, I therefore put the question that the Mover be called upon to reply.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Sen. (Eng.) Mahamud: Mr. Speaker, Sir, I beg to reply. I thank Members for their contributions on the Division of Revenue Bill, 2018. This is a very important Bill and they have raised very pertinent issues. They should allocate more money to our counties if the economy allows.

With those remarks, I thank you.

The Speaker (Hon. Lusaka): Hon. Senators, we shall now proceed to vote. I direct that the Division Bell be rung for five minutes.

(The Division Bell was rung)

The Speaker (Hon. Lusaka): Hon. Senators, I now direct that the door be closed and the bars drawn.

(The door was closed and the bars drawn)

DIVISION

ELECTRONIC VOTING

(Question, that the Division of Revenue Bill (National Assembly Bills No.7 of 2018) 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. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. (Eng.) Maina, Nyeri County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Speaker (Hon. Lusaka): Hon. Senators, the results are as follows:-

AYES: 34

NOES: Nil

ABSENTIONS: Nil

(Question carried by 34 votes to 0)

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

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILLS NO.11 OF 2017)

(Sen. Murkomen on 15.3.2018)

(Resumption of Debate interrupted on 21.3.2018)

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The Speaker (Hon. Lusaka): Hon. Senators, I now direct that the Division Bell be rung for one minute.

(The Division Bell was rung)

Hon. Senators! I now direct that the doors be locked and the bar be drawn.

(The doors were closed and the Bar drawn)

The Speaker (Hon. Lusaka): Hon. Senators! We can now proceed to vote.

(The Senators proceeded to vote)

Those who need assistance to vote manually should come forward.

DIVISION

ELECTRONIC VOTING

*(Question, that the County Governments (Amendment) Bill
(Senate Bill No.11 of 2017) 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. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen.(Prof.) Kindiki, Tharaka-Nithi County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia 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. Nyamunga, Kisumu County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil.

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

AYES: 37

NOES: 0

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ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 37 votes to 0)

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

(The doors were opened and the Bars withdrawn)

Next Order!

Second Reading

THE ASSUMPTION OF OFFICE OF THE COUNTY
GOVERNOR BILL (SENATE BILLS NO.1 OF 2018)

(Sen. Wamatangi on 8.3.2018)

(Resumption of Debate interrupted on 20.3.2018)

The Speaker (Hon. Lusaka): Hon. Senators, I now direct that the bell be rung for one minute.

(The Division Bell was rung)

I now direct that the doors be locked and the bar be drawn.

(The doors were closed and the Bar drawn)

The Speaker (Hon. Lusaka): We are now ready to vote.

(The Senators proceeded to vote)

Those who need assistance to vote can now come forward.

DIVISION

ELECTRONIC VOTING

(Question, that the Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018) be now Read a Second Time, put and the Senate proceeded to vote by County Delegations)

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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. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia 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. Omogeni, Nyamira County ; Sen. (Prof.) Ongeru, Kisii County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 38

NOES: 0

ABSTENTIONS: 0

The Ayes have it.

(Question carried by 38 votes to 0)

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

The Speaker (Hon. Lusaka): Hon. Senators, I now direct that the Doors be unlocked and the Bar be drawn.

(The Doors were opened and the Bars drawn)

Next Order!

Second Reading

THE NATIONAL FLAG, EMBLEMS AND NAMES
(AMENDMENT) BILL (SENATE BILLS NO. 8 OF 2017)

(Sen. Mutula Kilonzo Jnr. On 20.3.2018)

(Resumption of Debate interrupted on 21.3.2018)

I direct that the Division Bell be rung for one minute.

(The Division Bell was rung)

I now direct that the doors be locked and the Bar be drawn.

(The Doors were locked and the Bars drawn)

We can proceed to vote.

(The Senators proceeded to vote)

Those who want to be assisted to vote manually can come forward.

DIVISION

ELECTRONIC VOTING

*(Question, that the National Flag, Emblems and Names
(Amendment) Bill (Senate Bills No. 8 of 2017) 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. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbitio, Trans Nzoia 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. Omogeni, Nyamira County ; Sen. (Prof.) Ongeru, Kisii County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 38

NOES: 0

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ABSTENTIONS: 0

The Ayes have it.

(Question carried by 38 votes to 0)

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

The Speaker (Hon. Lusaka): I now direct that the Doors be unlocked and the Bars drawn.

(The Doors were opened and the Bars drawn)

The Speaker (Hon. Lusaka): We will go back to the Order on Statements.

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

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

STATEMENTS

(Sen. Khaniri consulted loudly)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! Order, Sen. Commissioner George Khaniri!

We are now on Statements. We will continue with our tradition of being efficient for the sake of our country and House. Are there no requests for Statements? Let us move to Statements to be issued and use the shortest time possible.

Statement (a) is to be issued by the Chairperson of the Standing Committee on Health. Sen. (Dr.) Mbito, is the Statement requested by Sen. (Rev.) Waqo ready?

CANCER SITUATION IN MARSABIT COUNTY

Sen. (Dr.) Mbito: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have you shared it with Sen. Naomi?

Sen. (Dr.) Mbito: Mr. Deputy Speaker, Sir, I have shared it with the hon. Senator.

The Deputy Speaker (Sen. (Prof.) Kindiki): I know that she is out on official assignment. Do you not want to indulge her by deferring the Statement to tomorrow since she has gone for an official meeting somewhere?

Sen. (Dr.) Mbito: That is okay, Mr. Deputy Speaker, Sir.

(Statement deferred)

DELAY IN HANDING OVER OF THE LAKE
BASIN MALL TO LBDA

The Deputy Speaker (Sen. (Prof.) Kindiki): Statement (b) is by the Chairperson, Standing Committee on Devolved Government and Intergovernmental Relations. We have already discussed and that Statement will be deferred to tomorrow, with the concurrence with the Senator for Kisumu.

Sen. Kinyua: Thank you, Mr. Deputy Speaker, Sir.

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. I can see that Sen. Naomi is back. We might have to revisit Statement (b).

Sen. Naomi, I had already excused you because you had informed me where you had gone. Would you want Sen. (Dr.) Mbiti to issue Statement (b)? I had already ordered it to be deferred. Is that okay?

Sen. (Rev.) Waqo: That is okay, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Naomi.

We proceed to Statement (c) to be issued by the Chairperson of the Committee on Lands, Environment and Natural Resources.

HUMAN-WILDLIFE CONFLICT AND LIVESTOCK
PREDATION IN WAJIR COUNTY

Sen. Mwangi: Mr. Deputy Speaker, Sir, there was a total of 1,168 recorded cases of human-wildlife conflict compensation claims for Wajir County.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. I would like us to first observe a few procedural issues, just to make sure we are all on board. Have you shared the Statement with Sen. (Dr.) Ali of Wajir County?

Sen. Mwangi: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senator for Wajir County, is that the position?

Sen. (Dr.) Ali: Yes, Mr. Deputy Speaker, Sir. I have the Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senator for Wajir County, can we proceed?

Sen. (Dr.) Ali: Sure, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Proceed, Chairperson, and in the usual tradition, kindly give us the highlights.

Sen. Mwangi: Thank you, Mr. Deputy Speaker, Sir. There were a total of 1,168 recorded cases of human-wildlife conflict compensation claims for Wajir County from 2008 to 2017.

In 2008 there were 48 reported cases; 50 reported cases in 2009; 130 reported cases in 2010; 110 reported cases in 2011; 51 reported cases in 2012; 195 reported cases

in 2013; 278 reported cases in 2014; 169 reported cases in 2015; 128 reported cases in 2016; and, 19 reported cases in 2017.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, for the purpose of the whole House, if you read all the eight pages of that Statement, it will take you one hour. I request that you just tell us broadly what the question was and what the answer is. The Senator for Wajir County has just confirmed to me that he has already read the Statement and knows what to say about it. However, for the purpose of the whole House, give us a summary. In three minutes, you should be finished.

Sen. Mwangi: Mr. Deputy Speaker, Sir, this is a response to the Statement regarding human-wildlife conflict and livestock depredation in Wajir County. I have already given analysis of the cases year after the other, from 2008 to 2017.

I have another table on the cases of deaths, injuries and livestock depredation reported in Wajir County from 2008 to 2017. I do not know how to shorten this one because it is stated per year. I would rather quote them per year. In 2008, there were nine deaths, 39 injuries and no livestock was injured or killed. In 2009, there were five deaths and 45 injuries. In 2010, there were three deaths and 127 injuries. In 2011, there were 11 deaths and 99 injuries. In 2012, there were 10 deaths and 41 injuries. In 2013, there were 16 deaths and 168 injuries. In 2014, there were 21 deaths and 197 injuries. In 2015, there were 12 deaths and 132 injuries. In 2016, there were 13 deaths and 105 injuries. In 2017, there were three deaths and 17 injuries. In total, there were 103 deaths and 970 injuries.

I have another table on estimated cost of lives lost, human injuries and livestock depredation to the Kenya Government. The Senator who requested for this Statement has the table. It is not important for me to read it, but the total---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. We are improving and we will continue improving. Perhaps, if you do the totals, it will help us to truncate that part. As I said, since it is something that you and the Senator concerned have gone through, the broad issues will suffice. We have a shortage of time. We have scores of other Statements and a Committee of the Whole to do this afternoon. So, please, proceed accordingly.

Sen. Mwangi: Mr. Deputy Speaker, Sir, the total amount for those who died is Kshs236,000,000. For the injuries the amount is kshs345,248,000. For predation it is Kshs6,631,000. That is the most important part because he has the Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Chairperson. Proceed, Senator for Wajir.

Sen. (Dr.) Ali: Mr. Deputy Speaker, Sir, I wish to thank the Chairperson. However, in the last answer that he has given, he has stated that the Conservation and Compensation Committee is awaiting ministerial compensation Committee ten years down the road. When will these people be paid their dues?

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, Sen. Dr. Ali says that he is not satisfied with the ten-year wait. Could you get more concrete dates on when those people will be compensated?

Sen. Mwangi: Mr. Deputy Speaker, Sir, this question was not in the Statement that had been sought but since he has talked about it, I can ask for about a week to get it replied to.

Sen. Dr. Ali: Mr. Deputy Speaker, Sir, it is okay.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Sen. M. Kajwang': On a point of order, Mr. Deputy Speaker, Sir. In the truncated answer, I wish the Chairperson could tell this House how much Kenya Wildlife Service (KWS) pays for death and disability. I raise this because coming from Homa Bay County, we have had rampant cases of human-wildlife conflict; crocodiles eating up children and hippos destroying property and killing people on the shores of the lake. The issue of compensation on death and disability has been contentious. Could the Chairperson clarify that to the House?

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. M. Kajwang', you should have done that at the time when the Statement was being sought. We are discouraging the creeping culture of every Senator who has a similar issue to what has been asked jumping and for lack of a better word, "riding" on a Statement sought by a particular Senator.

Sen. M. Kajwang': On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): There is nothing out of order. Is there?

Sen. M. Kajwang': On a point of order, Mr. Deputy Speaker, Sir. The KWS policy is standard. It applies to Wajir county and crocodiles and hippos ---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! It is standard and that is why you should have raised that issue. Given the situation across the country where they have hundreds of thousands of Kenyans who are suffering, I would indulge you but still, you either request for a Statement yourself or at the time when the Statement is being sought in the first instance.

You can include your little piece of information that you want to come along with the answer. You do not wait until the answer is here and then you raise another Statement without actually raising the Statement but by simply commenting on a Statement raised by another Senator. That is the position.

Chairperson, I direct you to provide that extra information including what has been raised by the Senator for Homa Bay County, notwithstanding, in a week's time.

BENEFITS OF THE STANDARD GAUGE RAILWAY

Statement "d" is for the Chairperson of the Committee on Roads and Transport. Sen. Wamatangi, do you have the Statement ready?

Sen. Wamatangi: Yes, Mr. Deputy Speaker, Sir. I have the Statement ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): Has it been shared with Sen. (Rev.) Waqo?

Sen. Wamatangi: Yes, Mr. Deputy Speaker, Sir, we have just shared it with her but we have a request ---

The Deputy Speaker (Sen. (Prof.) Kindiki): Which is?

Sen. Wamatangi: Mr. Deputy Speaker, Sir, the Statement is quite extensive and because we were going through it with Sen. (Rev.) Waqo, we were yet to complete the consultation. Would you allow us to finalise?

The Deputy Speaker (Sen. (Prof.) Kindiki): Do I give you until tomorrow or a little bit more time?

Sen. Wamatangi: Mr. Deputy Speaker, Sir, a little bit more time maybe ---

The Deputy Speaker (Sen. (Prof.) Kindiki): I give you one week.

Sen. Wamatangi: Okay, Mr. Deputy Speaker, Sir. Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Rev.) Waqo, what do you say?

(Sen. Dullo spoke off record)

Order, Sen. Dullo.

Sen. (Rev.) Waqo: Yes, Mr. Deputy Speaker, Sir. I am in agreement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well, it is so ordered.

Sen. Dullo, the Senate can meet any time. You know that by now, do you not? So, this issue of “we will be in recess” is neither here nor there. The Senate can meet at any time in accordance with the law and the Standing Orders.

Very well. That was actually “e” and there is Statement “d”. I can see the Chairperson of the Committee on Tourism, Trade and Industrialisation, Sen. Kibiru. Is the Statement ready?

MANAGEMENT AND OPERATIONS OF TSAVO NATIONAL PARK

Sen. Kibiru: Thank you, Mr. Deputy Speaker, Sir. Yes, the Statement is ready. I was getting worried that the Statement is being skipped and “e” coming before a “d”.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator!
Proceed.

Sen. Kibiru: Mr. Deputy Speaker, Sir, mine is short, as usual.

The Deputy Speaker (Sen. (Prof.) Kindiki): Has it been shared with the recipient Senator?

Sen. Kibiru: Yes, Mr. Deputy Speaker, Sir, I have shared with the Senator for Taita-Taveta County.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is that correct, Sen. Mwaruma?

Sen. Mwaruma: Yes, Mr. Deputy Speaker, Sir, it is.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Chairperson, Proceed.
Take three minutes or less.

Sen. Kibiru: Mr. Deputy Speaker, Sir, I will do it in three minutes.

The Statement was regarding management and operation at the Tsavo National Park. I have three responses but before I give them, the Ministry states that it uses ecosystem approach to manage this kind of a National Park. This includes ensuring the appropriate integration of ecological, economic and social factors to restore, maintain and enhance the quality of environment to best meet present and future needs.

The first question was to state the average number of tourists who visited Tsavo National Park in a year for the last three years. The response is shown on the table below.

Year	Total No. of Tourists
2015	106,787
2016	144,701
2017	173,136

Those are the visitors who visited the said national park.

The other question was to indicate the total number of hotels in the Park, their total capacity and the annual revenue collected by the national and county government respectively from the tourism activities. On this, the Ministry has segregated the name of the lodge, capacity and the revenue collected. We have 14 lodges and they have several employees. The capacity is indicated and I do not need to go through each one of them. More importantly is that they collected Kshs21,505,200, which added up to Kshs13 million. That is the total that was collected. They have also noted that Patterson and Ndololo camps were closed.

The other question was to indicate the number of employees working for the hotels in the park and state the percentage of employees who are locals of Taita-Taveta County. They are nine and I quickly mention:

No.	Lodge	No. of Employees	% of Employees who are locals of Taita-Taveta County
1.	Voi Safari Lodge	55	14.5%
2.	Sentrim Tsavo Lodge	42	40%
3.	Aruba Lodge	67	41%
4.	Satao Camp	37	36%
5.	Epiya Chapeyu	9	0%
6.	Ngulia Lodge	48	18.75%
7.	Serena Kilaguni	71	30%
8.	Ngulia Bandas	12	16.67%
9.	Ngulia Lodge	48	18.7%

Mr. Speaker, Sir, that is the response that we have for the Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well, Chairperson. Sen Mwaruma, are you satisfied?

Sen. Mwaruma: Thank you, Mr. Deputy Speaker, Sir. The response is not comprehensive because I asked about the revenue. The revenue that is given is the one that both county and national governments get from leases. What about the revenue they

get from Value Added Tax (VAT)? What about the money they get from the licenses? That is not captured here. We have not even been told about the revenue division between the hotels, the county government and the national Government.

Tsavo National Park sits on over one million acres of land. It generates annual revenue of Kshs34 million and employs 480 people. Is it economically viable to continue running Tsavo as a national park? That was the thinking and the rationale behind my question. What is the economic viability of holding one million acres which is 62 per cent of the land mass in Taita Taveta County under Tsavo National Park? I have quite some data which we shall use in future.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, would you want to incorporate that? How much time do you need?

Sen. Kibiru: Mr. Deputy Speaker, Sir, luckily, Sen. Mwaruma is a member of my Committee. This morning he had a wonderful meeting with the Ministry concerned and we agreed to engage them. If we work together in another one week, we should get the detailed statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Mwaruma, is that okay?

Sen. Mwaruma: One week is okay, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered. Thank you.

The next statement is (f). The Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, Sen. (Rev.) Waqo, do you have that statement?

MAINSTREAMING OF LEARNERS WITH DISABILITIES IN EDUCATION CURRICULUM

Sen. (Rev.) Waqo: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Has it been shared with, Sen. (Dr.) Musuruve?

Sen. (Rev.) Waqo: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Musuruve, is that the position?

Sen. (Dr.) Musuruve: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have you seen the statement?

Sen. (Dr.) Musuruve: Mr. Deputy Speaker, Sir, I have seen the response to the statement. We have interacted, but she is aware that there are begging issues that need to be addressed.

The Deputy Speaker (Sen. (Prof.) Kindiki): Instead of her presenting the statement as it is, would you like her to, first, address those glaring gaps and then issue it later?

Sen. (Dr.) Musuruve: Mr. Deputy Speaker, Sir, it will be in order for the two of us to discuss the information she has availed to me so that those issues are addressed accordingly.

The Deputy Speaker (Sen. (Prof.) Kindiki): Should I give you another one week, Sen. (Rev.) Waqo?

Sen. (Rev.) Waqo: Yes, Mr. Deputy Speaker, Sir. After our discussion within the next one week, I can give a comprehensive response.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Sen. (Dr.) Musuruve: Mr. Deputy Speaker, Sir, it is in order. However, I request that since we are going on recess, this House gives us a platform to have the response tabled here.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Sen. (Rev.) Waqo stood in her place)

Sen. (Rev.) Waqo, that matter is closed.

Next statement is by the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations.

SHOOTING OF RESIDENTS IN LUANDA
MARKET, VIHIGA COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): I cannot see the Chairperson nor the Vice Chairperson. Is there any Member of that Committee present? Hon. Senators, for your information, I have a list of Members of that Committee with me, so you better own up.

Sen. Judy Pareno, are you a member? You look like a suspected member.

Sen. Pareno: Sorry, Mr. Deputy Speaker, Sir. I was consulting with her and I did not get what you were saying. I am a member of the Committee on National Security, Defence and Foreign Relation.

The Deputy Speaker (Sen. (Prof.) Kindiki): Where is this statement regarding the shooting of residents by police in Luanda market in Vihiga County?

Sen. Pareno: Mr. Deputy Speaker, Sir, initially, we had talked with the Chairperson of the Committee and he had designated me to give that statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Do you have it?

Sen. Pareno: Yes, Mr. Deputy Speaker, Sir. However, when we started the sitting, I consulted with Sen. Sakaja and he told me he was going to read it out. That is why I did not take up the---

The Deputy Speaker (Sen. (Prof.) Kindiki): He is not here. I can also see Sen. George Khaniri is not here.

Sen. Pareno: Mr. Deputy Speaker, Sir, fortunately, I had taken a copy of what he had. I can read it to the House.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Pareno! Sen. George Khaniri is not here. He is the one who requested for that statement. For that reason, it is deferred.

(Statement deferred)

The next statement (h) is by the Chairperson of the Committee on Lands, Environment and Natural Resources. I also see Sen. Yusuf Haji is not here. Sen. Mwangi, have you had contact with him?

CONSTRUCTION OF APARTMENT BLOCK ON
THE NAIROBI RIVER BANK ALONG RIVERSIDE

Sen. Mwangi: Mr. Deputy Speaker, Sir, he is not here neither has he talked to me.

The Deputy Speaker (Sen. (Prof.) Kindiki): So, accordingly the statement is deferred.

(Statement deferred)

Thank you, Chairperson.

Sen. Mwangi: Thank you, Mr. Deputy Speaker, Sir. Most obliged.

The Deputy Speaker (Sen. (Prof.) Kindiki): The next statement is by the Chairperson of the Standing Committee on Information, Communication and Technology.

I cannot see the Chairperson. Is the Vice Chairperson here? Is there any member of that Committee present?

Proceed, Sen. (Dr.) Milgo.

SHUT DOWN OF THREE PRIVATELY OWNED
TELEVISION STATIONS

Sen. (Dr.) Milgo: Mr. Deputy Speaker, Sir, the statement is not ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): When will it be ready?

Sen. (Dr.) Milgo: Mr. Deputy Speaker, Sir, give us one more week.

The Deputy Speaker (Sen. (Prof.) Kindiki): This statement was requested by Sen. Moses Wetangula who is not here. For that reason, it is deferred.

(Statement deferred)

The next statement is by the Chairperson of the Committee on Finance and Budget. I cannot see Sen. (Eng.) Mahamud here. Is Vice Chairperson or any member of that Committee present? That statement had been sought by Sen. Mercy Chebeni. Is she in the House?

Sen. Chebeni, have you discussed with the Chairperson about the status of this statement?

Sen. Chebeni: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What information do you have?

Sen. Chebeni: Mr. Deputy Speaker, Sir, I have discussed it with him and I am comfortable with the information provided.

The Deputy Speaker (Sen. (Prof.) Kindiki): So, the Chairperson is here?

Sen. (Dr.) Langat: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Langat! I have been calling out for the Chairperson, Vice-Chairperson or any Member of the Committee and you are sitting there comfortably.

Proceed, Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Thank you, Mr. Deputy Speaker, Sir. I am sorry. We were coming to you actually.

The Deputy Speaker (Sen. (Prof.) Kindiki): You wanted to approach the Chair?

Sen. (Dr.) Langat: Not really, Mr. Deputy Speaker, Sir. We wanted to approach you because we have another meeting that we are supposed to attend together. So, we wanted you to give us---

The Deputy Speaker (Sen. (Prof.) Kindiki): A meeting which is more important than this House?

Sen. (Dr.) Langat: Mr. Deputy Speaker, Sir, this is very important. That is why we want to you---

The Deputy Speaker (Sen. (Prof.) Kindiki): Is it connected to this House?

Sen. (Dr.) Langat: Yes, Mr. Deputy Speaker, Sir. It is a Standing Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): Would you want the statement deferred?

Sen. (Dr.) Langat: Mr. Deputy Speaker, Sir, may I read it because it is short. We have discussed it with her.

The Deputy Speaker (Sen. (Prof.) Kindiki): Well, proceed.

VIOLENCE IN JAMHURI HIGH SCHOOL, NAIROBI

Sen. (Dr.) Langat: Thank you, Mr. Deputy Speaker, Sir. In fact, the causes of the strike in Jamhuri High School were related to two students who differed hence culminating to a strike coming up through the support of other students from Forms Two and Four.

We are also supposed to respond on whether the school has established comprehensive school crisis management plans or not. I report to this Senate that the school has already established that through the use of biometrics. They have also established CCTV cameras in various places. They have also acquired a scanner to enhance checking of students and visitors through the gate.

Compulsory class and dormitory meetings have been put in place to make sure that the students are at the right places at the right time. There is also use of suggestion boxes to make sure that the students' views are communicated to the school principal, deputy principal and the disciplinary committee. There is also use of school *barazas* where students air their views directly to the principal. Training of teachers and students on disaster risk management has also been undertaken.

There is also enforcement of school safety regulations as per the Ministry of Education, Science and Technology safety manual for the schools.

We were also supposed to respond on the provision of support for students exhibiting signs of disruptive behaviour. The response is that internal and external guidance and counselling to students has taken place. Those who continuously disobey school rules and regulations are warned and given the last chance to learn in school. Forwarding of extreme discipline cases to the County Education Board for further action has also been put in place.

There is also a response on why students managed to get into the school premises with knives and other dangerous weapons. The school perimeter wall was porous by then, but a remedy has been taken, whereby there are two security officers doing rounds of surveillance throughout the day and night. The day scholars also managed to sneak in some weapons through the perimeter wall. This has also been arrested through checks. Even when the students are getting to classes, they are checked for any weapons.

Other students had thrown weapons over the front perimeter wall and entered the school with normal security checks. Thereafter, they went to pick them and used them as dangerous weapons during the strike. This one has also been arrested through checks at the gate and dormitories on regular basis.

Mr. Deputy Speaker, Sir, this report is very comprehensive, we have shared with the concerned person and we are satisfied.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you Chair. Are you okay, Sen. Chebeni?

Sen. Chebeni: Thank you, Mr. Deputy Speaker, Sir; I am okay with the Statement. However, I hope that the measures highlighted to address the issues of violence in schools will not just be mere words on a piece of paper, but will be implemented, not just in Jamhuri High School but in all other learning institutions. This is to ensure that we have safe learning space for our students to explore, learn, grow and focus on learning the skills needed for successful education and future. Thank you.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): We close that Statement. What is out of order Sen. Kibiru?

Sen. Kibiru: Thank you Mr. Deputy Speaker, Sir. For purposes of record and because this is a House of order, the Statement that we were sorting was the one by the Senate Committee on Finance and Budget. You jumped from Statement (j) to (l).

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! I asked you what was out of order and in the end, it is you who is out of order. Let us move on, Senators, and have Sen. Wamatangi, the Chairperson Senate Committee on Roads and Transport. I can see that Sen. Kasanga is in the House. Do you have the Statement?

Sen. Wamatangi: Yes, Mr. Deputy Speaker, Sir. I have it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have you shared it with Sen. Kasanga?

Sen. Wamatangi: Yes, Mr. Deputy Speaker, Sir, we have shared it with Sen. Kasanga and we are ready to proceed.

The Deputy Speaker (Sen. (Prof.) Kindiki): Could you confirm that, Sen. Kasanga?

Sen. Kasanga: Mr. Deputy Speaker, Sir, I have had a look at it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well.
Proceed, Chairperson.

STATUS OF NAIROBI-MOMBASA HIGHWAY

Sen. Wamatangi: Thank you, Mr. Deputy Speaker, Sir. The Statement was sought by Sen. Kasanga on five issues.

The first was to explain the laid down plans, both long-term and short-term for upgrading the Nairobi-Mombasa Highway.

Secondly, I was asked to indicate the progress made towards expansion of the highway.

Thirdly, was to provide the budgetary allocation for the project for the financial year 2017/2018 and 2018/ 2019.

The fourth was to provide the original designs for expansion of the highway and the justification for the changes to the designs, if any.

Lastly, she wanted to know whether there was public participation and how the views of the stakeholders were incorporated in the designs.

It is a lengthy Statement, and so I am going to pick out some of the key highlights. The first on the background is to note for purposes of reference that the road is referred to as Nairobi-Mombasa (A8) Highway. It is a 482 kilometre stretch of road that starts from Mombasa Island to the Lusaka Road-Uhuru Highway Junction.

There are also provisions on the planned programmes. First, the programmes are divided into two; short-term and long-term. On the short-term, maintenance contracts on that road have been divided into various sections. Some of those sections are Museum Hill to Athi River, Kyumvi to Sultan Hamud, Sultan Hamud to Mtito Andei, Mtito Andei to Voi, Voi to Bachuma Gate, Kwa Jomvu - Maji ya Chumvi, and Mombasa Road Street Lighting. Then there is a programme there and an indication of the current interventions within those sections.

On the long-term, there is a detailed explanation there from the Ministry of Transport, Infrastructure, Housing and Durban Development, which includes the expansion and construction of the highway. It is detailed and there is tabulation.

Mr. Deputy Speaker, Sir, the question there was to indicate the progress towards the expansion of the highway. It is also subdivided into various sections. There is information there regarding current intervention and remarks. The first is the Southern Bypass Junction-James Gichuru Junction. The current intervention there is that capacity enhancement has been planned with financing from the World Bank and an expression of interest has been submitted to the World Bank for approval and review.

The second is the Jomo Kenyatta International Airport (JKIA) Junction to the Southern Bypass Junction. The current intervention is that capacity enhancement has been planned with financing by the Africa Development Bank (AfDB) and design is complete.

The third is the section between Athi River and Machakos turn off. Expansion of the existing road from two to four lane carriage way; works are already ongoing.

The fourth was Bachuma Gate to Maji ya Chumvi: the rehabilitation of the existing road and alignment in some sections is already ongoing and the works are almost substantially complete.

The fifth was dualling of Mombasa-Mariakani Road. The first lot was Mombasa to Kwa Jomvu. The current intervention is that expansion of the existing project from two lanes to six lane carriage way with inclusion of other safety features and grade separated intersection and the works are already ongoing.

Mr. Deputy Speaker, Sir, lastly, on the dualling of Mombasa - Mariakani Road (Lot 2: Kwa Jomvu to Mariakani), the expansion of the existing road from two to four lane carriage way with inclusion of other safety features is ongoing. Consultancy services for design review, tender administration and construction supervision is at advanced stage of procurement and prequalification.

On the project scope---

The Deputy Speaker (Sen. (Prof.) Kindiki): Chair, you will have to conclude.

Sen. Wamatangi: Yes, Mr. Deputy Speaker, Sir, I am just giving the highlights. It was lengthy one---

The Deputy Speaker (Sen. (Prof.) Kindiki): What were others? I thought they were all highlights. Conclude because Sen. Kasanga has seen the Statement.

Sen. Wamatangi: On the project scope, the information is that the 473 kilometre express way has been offered to an American company at a cost of almost US\$4 billion. I will probably skip all that but it is already on-going.

There was the question on the highway alignment. The answer is already provided there and the Senator has seen it. Probably, the key highlight would be that the expansion of the existing road would require less acquisition, but the land where they have opted to do a new one would be less complicated.

Lastly, Mr. Deputy Speaker, Sir, was the question on the budgetary allocation for the years 2017, 2018 and 2019. The budget, as allocated for the different sections, has been provided for as I read out. The information on when it will be released is with the Senator who sought this statement. I am trying to be very brief, as per your instructions.

Finally, Mr. Deputy Speaker, Sir, was a question on providing the original designs for the expansion of the highway. The information has been given there, showing that the designs are complete and at implementation stage for Athi River to Machakos turn off; Bachuma Gate to Maji ya Chumvi and then Kwa Jomvu to Mombasa.

The last question was on whether there was public participation and how the views of stakeholders were incorporated. The answer from the Ministry of Transport, Infrastructure, Housing & Urban Development is that the Kenya National Highways Authority (KENHA) engaged governors and their respective county officers; officers of Kenya Wildlife Service (KWS), Regional Commissioners and various stakeholders on stages of the project. The KENHA will soon also engage Members of Parliament and Senate through the respective Parliamentary Committees.

Mr. Deputy Speaker, Sir, this was a lengthy Statement, so let me skip the rest of the technical details, especially on environmental and social impact assessment. We can now have the comments of the one who requested the statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Chairperson.

Sen. Kasanga, you look like a happy Senator.

Sen. Kasanga: Mr. Deputy Speaker, Sir, my statement was very technical. I have the answer and I am happy at the depth in which the response has come. However, I have a few supplementary questions.

Mr. Deputy Speaker, Sir, on the first part of the question, on the Mombasa-Nairobi Highway, they have given us a breakdown of their current interventions, which are performance-based maintenance contracts. I have a question on the qualification of some of these, because I need to understand how they approach the interventions where the road is completely worn out and then they repair or have constant repair mechanisms.

Secondly, we have situations that have come up on the highway because of the Standard Gauge Railway (SGR), and these are issues of drainage. As part of ongoing maintenance, how are they dealing with this drainage problem? There are situations - especially in Sultan Hamud, Kiboko and in Kambu - where, when it rains heavily, the SGR has cut off access to the drainage of the highway.

What happens is that the little paths that they have left in between carry huge volumes of water running into the drainage that has been allocated. This subsequently leads to crazy traffic snarl ups because of poor drainage and it is causing a nightmare on the highway. So I need to know how their performance-based maintenance contracts are catering for these situations that are rising as we go on.

Thirdly was on the ongoing expansion of the current alignment along the Athi River and Machakos turn off, where we wonder about the methodology used. This is because huge traffic snarl ups are being encountered by the users of this road; I am sure everyone is aware. You have seen situations where people have actually been unable to reach their homes and they have slept somewhere on the way simply because of the volume of vehicles at the current existing bridges. It is almost impossible---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Reduce your supplementary questions or further clarifications to very concrete and concise statements. It is not an analysis of the report, neither is it an academic exercise. You have raised three issues, and I hope the Chairperson is taking notes. Do you have others?

Sen. Kasanga: Yes, there are about four more.

The Deputy Speaker (Sen.(Prof.) Kindiki): Those are too many. I will grant you the four, but summarise them because that will be seven supplementary questions in total. As I said, this is not an academic exercise; therefore, dwell on the general public interest issues. The details about engineering and how roads are made are professional issues.

Sen. Kasanga: Mr. Deputy Speaker, Sir, I stand guided. Let the authorities explain what interventions they are giving for these enhancements of the road as it continues easing the current traffic situation.

Mr. Deputy Speaker, Sir, the Chairperson has also not tabled the original designs of Athi River- Machakos section as I had requested. We want the original designs as well as the changes that have been done. We also want to understand if the users got involved by way of public participation on why the changes have taken place. I have not seen that in the statement.

Lastly, Mr. Deputy Speaker, Sir, is on the Mombasa Express Way. Please allow me, at least, to be grateful for this project. This is a major, high value project that is very

welcome to the users of the Mombasa-Nairobi Highway. I have understood everything that has been given to us. Please, allow me to---

*(Sen. (Rev.) Waqo walked into the Chamber
without bowing at the Bar)*

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Rev.) Waqo! Retrace your steps and do what you ought to do.

(Sen. Rev. Waqo went back to the Bar and bowed)

Proceed Sen. Kasanga; you have one minute.

Sen. Kasanga: Thank you Mr. Deputy Speaker, Sir. In appreciating the new Mombasa Express Highway, I also take recognition of the public participation that has been done on this particular project. I commend the fact that the contractor of this road has gone out of his way to engage all the parties and, more importantly, we have learnt from the ground that they---

The Deputy Speaker (Sen. (Prof.) Kindiki): What further information do you need from the Chairperson?

Sen. Kasanga: I need further information on the express way in terms of the road designs because what has been presented is not quite clear. Therefore, if this could be presented clearly, I will appreciate.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Senator.

Hon. Senators I hope you understand the constraints we are operating in. We do not want to gag you but, at the same time, the Chair wishes that we had all the time in the world. Unfortunately, we do not.

Those are seven issues that have been raised by way of supplementary questions. Sen. Wamatangi, how much time would you need to respond to Sen. Kasanga? Do you have the answers now?

Sen. Wamatangi: Mr. Deputy Speaker, Sir, I do not have the answers now. I was going to seek your indulgence---

The Deputy Speaker (Sen. (Prof.) Kindiki): For how much time?

Sen. Wamatangi: Mr. Deputy Speaker, Sir, we will need your intervention here because this House – with your assistance as our leader – would require a morning sitting, probably on a Wednesday. This will allow Senators to come here and prosecute issues, for example, on statements. I say this with a lot of humility and respect for the Speaker. These are matters of serious public interest because members of the public – on whose behalf we ask these questions – listen and follow keenly as we give the answers.

Mr. Deputy Speaker, Sir, I will require two weeks to give those responses. However, can we indulge you to, at least, see how you can guide the House and the leadership so that we can get a session, probably, Wednesday morning, to prosecute these matters?

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Kasanga, before you respond to what the Chairperson has requested, let me address myself to what has been raised.

Sen. Wamatangi, you are absolutely right. We are struggling with a situation where every day we have scores of statements to be issued, yet the time we have is between 2.30 p.m. and 6.30 p.m. to pass legislations, hear Petitions and transact the other matters in the Order paper.

As you are aware, the National Assembly had to do away with Statements altogether because they could not cope up with them. However, on the other hand, we understand the public interest in many of the issues that Senators raise here. So, how to strike that balance remains a challenge to all of us and not just the Chair. So far, we are trying to manage it. We may not have an opportunity, for example, to read in this House a Statement which is 50 pages. This is because if there are 30 statements to be issued, then it means one Chairperson will take 30 or 40 minutes to deal with a Statement.

So far, we are doing well; we have 10 more minutes. We have generally allocated one hour for Statements. With 10 minutes remaining and three statements to go, we are not doing badly. However, we have heard your proposal and it will be taken up by the leadership of the House.

Sen. Kasanga, the Chairperson has asked for two weeks to respond to your seven issues. Is that alright?

Sen. Kasanga: That is okay, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you for your cooperation.

I will now grant the Chairperson of the Standing Committee on Education to issue Statement “m,” so that he can attend to some other commitment connected to this House.

PUBLICATION AND DISTRIBUTION OF BOOKS
AND OTHER EDUCATIONAL MATERIALS TO
PUBLIC PRIMARY AND SECONDARY SCHOOLS

Sen. (Dr.) Langat: Thank you, Mr. Deputy Speaker, Sir. I want to congratulate the Ministry of Education in that we no longer have arrears of responses on all the issues we submitted to them. There was a concern by Sen. (Dr.) Milgo on the publication and distribution of books and other educational materials to public primary and secondary schools.

The Ministry of Education implemented the Free Primary Education (FPE) in 2003 with a policy on distribution of books. They apportioned Kshs731 per pupil per year. However, this particular amount of money never met the intended objective of supplying one to one book to every child in school. This policy was changed with effect from January 2018 and a new textbook policy was adopted by the Government to enhance timely and cost effective provision of textbooks for every pupil enrolled in primary and secondary school. This policy is in place and there is a lot of improvement.

There is a comprehensive table showing the extent to which the textbooks have been provided in various schools currently in Kenya. We have gone through this particular table with Dr. Milgo, and I hope she is satisfied. There is also a list of all the publishers that includes Kenya Literature Bureau and Jomo Kenyatta Foundation and

other recognized book publishers. All the book publishers were invited to the Kenya Institute of Curriculum Development and Kenya Literature Bureau (KLB), Jomo Kenyatta Foundation and the Kenya Institute of Education (KIE) were given the mandate and tender to supply books to our schools in Kenya.

This response also covers registration and provision of school facilities in primary and secondary schools, where there is comprehensive information according to Section 18 (1) (g) of the Basic Education Act, 2013. It mandates the County Education Board to register and maintain a database of all registered education institutions. However, there are also some schools which exist and have not been officially registered. Therefore, they are not receiving some required facilities and teachers. The reasons these schools operate have been captured there. Also, the mechanism to address the issue has been well addressed in the last page of this statement.

The measures that the Government has put in place to cater for the pupils and students learning in unregistered schools have been captured. They include sensitisation of the school managers to create awareness on the legal requirement for the schools to be registered; continuous surveillance by the Ministry of Education to identify any unregistered schools that are operating and assisting them to meet the criteria of the requirements so that they can be registered. Education officials also liaise with other government officials to enforce closure of schools that may never meet the registration criteria.

Dr. Milgo has the full document that we went through together; I have just summarised it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Chairperson for that summary.

Dr. Milgo, do you have any outstanding issues?

Sen. (Dr.) Milgo: Thank you, Mr. Deputy Speaker, Sir. The only outstanding issue is on schools' registration. There are schools that met the long list of statutory requirements, but are not registered. This means that the same schools will suffer when it comes to employment of TSC teachers as well as the supply of books as already stated.

It is our hope that the Ministry of Education will streamline methods of printing and distributing books and expedite the registration of schools in order to fulfill the idea that our Government is keen on offering free education.

I thank the Chairperson for bringing a comprehensive Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Chairperson Standing Committee on Education, you can pursue that issue administratively with the Ministry and communicate to Sen. Milgo. You do not have to bring a further statement to this House.

Sen. (Dr.) Langat: Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Well done, Chairperson.

Sen. Kibiru, there is a matter you had brought to my attention concerning Statement (j). You were actually right that it was dropped.

We are doing well. We are 55 minutes into Statements and we have one or two left. We can finish that business quickly.

Has Statement (l) been done?

*(The Deputy Speaker (Sen. (Prof.) Kindiki)
consulted with the Clerk-at-the-Table)*

Very well. That has been concluded. The next Statement is (m), which has been concluded.

Next one is Statement (n) to be issued by the Chairperson of the Standing Committee on Labour and Social Welfare. Where is the Chairperson, Vice-Chairperson or a Member of this Committee?

Sen. Milgo, proceed.

YOUTH UNEMPLOYMENT IN KENYA

Sen. (Dr.) Milgo: Thank you, Mr. Deputy Speaker, Sir. Sen. Prengei Victor is not in the House today. However, the information he sought was similar---

The Deputy Speaker (Sen. (Prof.) Kindiki): Is the Statement ready? Let us start from there.

Sen. (Dr.) Milgo: I am responding as per the Committee ---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Is the Statement ready?

Sen. (Dr.) Milgo: It is not ready, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): If it is not ready and Sen. Prengei is not here, we will defer it.

Thank you, Sen. Milgo.

(Statement deferred)

Very well. Let us move to part (ii) of the statements.

STATUS OF THE NHC PROJECT IN WOTE, MAKUENI COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us have the Chairperson of the Committee on Roads and Transportation to issue the statement. If Sen. Wamatangi who is the Chair of the committee is not here, do we have the Vice Chair or any Member of the Committee around?

Sen. Kasanga: Mr. Deputy Speaker, Sir, I am the one who requested for the statement and I am also a Member of the Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is the statement ready?

Sen. Kasanga: I have not seen it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Your Chairperson is not here. Do you want to conflict your role of being a Member---

Let us hear from Sen. Lelegwe on behalf of the Committee to avoid conflict of interest.

Sen. Lelegwe: Mr. Deputy Speaker, Sir, on behalf of the Committee and the Chair, the statement is not ready. We request for one more week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senator, is that alright?

Sen. Kasanga: That is in order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

Chair of the County Public Accounts and Investment Committee (CPAIC), please approach the Chair.

*(Sen. M. Kajwang' consulted with
the Deputy Speaker (Sen. (Prof.) Kindiki))*

POINT OF ORDER

FAST-TRACKING OF PETITIONS THROUGH SELECT COMMITTEES

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, earlier on, there was a petition by teachers who work in the north eastern region and it was directed to a committee. Petitions have come to me from various people. Instead of the matter being referred to a committee, this House should form a select-committee which should report back because of its seriousness and urgency rather than having a report after 60 days.

I seek your indulgence to relook at that and see whether the matter can be fast-tracked. We have teachers who are not on jobs and there are children who are not being taught. Something needs to be done quickly.

There is also the issue of security of people. The other time we lost 24 people in Nyeri. Therefore I seek your indulgence that it should be done as fast as possible.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you Senator.

Upon consultation, I direct that the statement that was to be issued by the Chair of CPAIC be deferred but it will be issued tomorrow to give Members a bit more time to make some comments on it.

*(Sen. Kang'ata stood up and approached
the Deputy Speaker (Sen. (Prof.) Kindiki))*

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Sen. Irungu Kang'ata!

Sen. Kang'ata: Point of order.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is not how to canvass a point of order. You do not canvass a point of order by walking up and down and just murmuring and mumbling. You should press a certain button which you know and speak on record.

Sen. Kang'ata: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.47 on Personal Statements which I would like to read it. It states as follows:-

“During Statements Hour, a Senator may, by the indulgence of the Senate, explain matters of a personal nature although there is no question before the Senate, but such matter may not be debated.”

Therefore I wish to seek the indulgence of this House to be allowed---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator! That is not the procedure. You should have approached the Chair.

Sen. Kang’ata: Thank you but I had sought---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator! You should have approached the Chair.

*(Sen. Kang’ata consulted with
the Deputy Speaker (Sen. (Prof.) Kindiki)*

POINT OF ORDER

GIVING PRIORITY TO STATEMENTS ISSUED UNDER STANDING ORDER No.46(2)(D)

Sen. M. Kajwang’: Mr. Deputy Speaker, Sir. I subscribe to your ruling and respect it. Therefore, I will issue my statement tomorrow.

In the previous Standing Orders, there was no latitude for the Chair of a committee to make a statement. I think it was just the Senate Majority Leader but not the Chairs of committees. So, I have not set a precedent of this.

I beg that when a statement is requested under Standing Order No.46(2)(d), then it should be prioritised because it is a good way for the Plenary to synergize with committees and understand what the committees are doing.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, it is not very clear what your request is.

Sen. M. Kajwang’: I am only requesting that when a statement is to be issued under Standing Order No.46(2)(d), it should be given priority---

The Deputy Speaker (Sen. (Prof.) Kindiki): As you wish to do?

Sen. M. Kajwang’: You have already ruled that I issue the statement tomorrow but going forward, because this is the first time that Standing Order No.46(2)(d) allowed a Chair of a committee to issue a statement, we could build a practice that such statements be given priority over others. That is just for the consideration of the House.

The Deputy Speaker (Sen. (Prof.) Kindiki): Good proposal. It will do well to put that proposal in writing and address it to the Speaker. That is how some of the suggestions can build to our customs and practices.

The same applies to the point of order raised by Sen. (Eng.) Maina. It is true that we are overwhelmed with petition reports pending out there yet some of the issues raised by petitioners are urgent and important. Again, the suggestion could come out in a *Kamukunji*, but better still, in a formal letter addressed to our Speaker for consideration.

As things stand now, unless we amend our Standing Orders, petitions cannot be handled in any other way other than by referring them to committees and giving them 60

days to report to the petitioner and table the reports in the Senate. On the issue of select or *ad hoc* committees, the procedure on how they are formed is there. They are not just formed any afternoon anyhow and in any manner. There are procedures of how to go about a Motion to set up *ad hoc* or select-committee. If you use the Clerk's Office, you will be advised accordingly.

Shall we rest that matter now?

(Sen. (Eng.) Maina spoke off record)

Sen. (Eng.) Maina you have one second.

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, my point was based on two things. I told you to consider this matter and give it your indulgence. First, it is a matter of national interest. Secondly, it is matter of such serious---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. We are not disputing the content and the merits of your Petition. I have advised you that the only route is through referring the matter to the Committee. Nothing stops you from following the procedure of setting up an *ad hoc* Committee through a Motion. That advice is available at the Clerk's office. However, at the moment, the Speaker's hands are tied by the Standing Orders.

We have taken one hour and 10 minutes on Statements and, therefore, we have come to completion of the Statement hour. It is a bit uncomfortable but we do not have much choice.

Order, Senators! I will defer Order No.12 and Order No.13 because the Senate Majority Leader is not here. There could be amendments that have been proposed. However, when a Mover is not here to canvass those amendments we cannot proceed to Committee.

COMMITTEE OF THE WHOLE

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILL NO.11 OF 2017)

THE URBAN AREAS AND CITIES (AMENDMENT) BILL
(SENATE BILL NO.4 OF 2017)

(Orders deferred)

BILL

Second Reading

THE FOOD SECURITY BILL
(SENATE BILLS NO.12 OF 2017)

(Sen. Murkomen on 22.3.2018)

(Resumption of Debate interrupted on 22.3.2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators, this is a continuation of the second reading debate. At the time we adjourned debate on this matter, Sen. (Eng.) Mahamud of Mandera County was on the Floor and had utilized two minutes. Therefore, Sen. Mahamud you have a maximum of 18 minutes to debate this Motion.

Sen. (Eng.) Mahamud, please proceed.

Sen. (Eng.) Mahamud: Thank you, Mr. Deputy Speaker, Sir, for giving me another chance to contribute to the Food Security Bill (Senate Bill No.12 of 2017). The Bill seeks to derive from Article 43(1) of the Constitution on freedom of hunger and the right to adequate food of acceptable quality by Kenyans. According to the definition by the Food and Agriculture Organization (FAO), food security is:-

“A situation where all the people at all times have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.”

This Bill is timely and has set objectives to provide a framework that promotes the realization of the right to freedom from hunger and access to food of acceptable quality as a fundamental human right.

Mr. Deputy Speaker, Sir, one of the objectives is to provide for the establishment of institutions that will advance corporate governance and procedures for coordinating food security functions exercised by the State. Further, another objective is to provide a framework for the planning, budgeting and implementation of the national policy on food security and nutrition, using the rights-based approach. This will ensure the constitutional rights of holders and the accountability of office bearers.

The Bill also sets out its guiding principles. One of the guiding principles is transparency in implementation of programmes and activities relating to food security and the allocation and utilization of public and private resources.

Mr. Deputy Speaker, Sir, Part Two of this Bill is the right to food.

Clause (5) (1) restates Article 43 (1)(c):-

“Every person has the right to be free from hunger and to have adequate food of acceptable quality.”

For our citizens to enjoy these rights, the Bill sets certain obligations on the national Government and county governments so that the citizens can enjoy the right to adequate food and freedom from hunger.

Section (5) (h) specifically states that:-

“The national Government and county governments shall put in place measures to ensure the availability and accessibility of food for individuals, groups and communities caught up in food emergencies and humanitarian crisis.”

Mr. Deputy Speaker, Sir, the Bill recognizes the challenges that are faced by Kenyans in terms of obligations relating to freedom from hunger.

Section (7) says:-

“The national Government and the county government shall ensure the minimum dietary needs of persons who cannot access food or basic nutrition for survival.”

The Bill takes cognizance of the need to look at child nutrition. It is important that our children get good nutrition for them to survive and grow up. In addition, the Bill recognizes that every woman has the right to adequate food during pregnancy and lactation.

The Bill tries to establish an Authority, which I disagree with. There is no need to establish an Authority because where we are today, the Ministry of Agriculture, Livestock and Fisheries has a lot of institutions that can be given this responsibility. Therefore, there is no need for us to establish an Authority with a full Board and secretariat which will need funding.

So, Part 3 which establishes an Authority is not necessary in our case. During the Committee Stage, we need to amend and see which institutions of Government today, can have this domiciled there. Therefore, the Ministry of Agriculture, Livestock and Fisheries can be in charge of this activity.

Mr. Deputy Speaker, Sir, there is a section talking about food security at the counties. This calls for the food security committees to be established. However, the membership needs to be streamlined. The work of these committees would be to oversee the functioning of counties so as to ensure that Kenyans do not go hungry. This Bill totally disregards livestock farmers. When we talk about food, it seems to be crops, fish and other food. So, in the livestock industry, the pastoralists seem to be totally disregarded. Nevertheless, pastoralism could help combat food insecurity. We know that there is under-investment in livestock.

There are particular systems in Kenya that have contributed to extreme food insecurity in this region. This is because we share a lot of livestock resources together with our neighbouring countries of Ethiopia and Somalia. So, it is high time we invested in livestock and saw how we can incorporate this into the Bill. The Government needs to support pastoralists to tap their potential for economic development. Nowadays, livestock farmers move around with their livestock and nobody helps them. We need to assist them on how to handle their animals properly and give them proper markets so that they can contribute to food security in this country.

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

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

Mr. Temporary Speaker, Sir, livestock and under-development of pastoralists activities have contributed to extreme levels of food insecurity in many parts of this country. In fact, it is vulnerability to drought and not the drought itself, that has caused food insecurity in many parts of our country. The achievement of national food security should be the key objective of the agriculture sector.

We say that agriculture is the main drive of Kenya's economy. We have been singing that since independence and yet we are unable to feed our nation and be food

secure. The main aim of Vision 2030 was to create global competitiveness. A prosperous Kenya will become a middle-income country by 2030, and hence, sees agriculture as a sector that can drive that agenda.

At around 2008, the Government was to finalise the development of agricultural sector and development strategy. I do not know if that has been done. However, the overall aim of the strategy was to strategically make the agricultural sector a key driver for achieving the 10 per cent annual economic growth expected in the economic pillar. I do not know what has been done because we are today discussing the Food Security Bill.

It is now nine years since 2008. Therefore, it is important that we revisited all the proposals that have been put in place in terms of food security. When we do so, we should then charge the responsibility to the National Drought Management Authority (NDMA) and the Ministry of Agriculture, Livestock and Fisheries. There is no need of creating another body to be in charge. The agricultural sector should be key in driving this agenda forward

In the recent years, the country has faced food insecurity due to droughts. I do not think it is drought per se, but its vulnerability which is a serious problem. This country must invest in agriculture, food production, motivate its farmers, encourage them and offer them good prices for their produce. Sugar is a cash crop. It is a pity that we import it all the time. Sometimes the Ministry of Agriculture, Livestock and Fisheries tends to be a rogue elephant; it takes everyone round in circles. It does not only imports fertilizer, but sugar. It should encourage farmers to grow sugar cane instead of importing sugar. It is high time the Ministry did its job to ensure we are a food sufficient country as stipulated in Article 43 of the Constitution.

A nation that cannot feed its citizens shows there is something wrong with it. It is sad that instead of producing food, we are busy importing. We sometimes compete to import maize from neighbouring countries and even control the price of maize. I would rather have the price of maize made liberal so as to allow the millers to buy it at any price that they want and have the farmer sell it to whoever he wants.

It is important that we change our policies. As we go ahead, we will pass and implement this Bill. We need to change our policies on management of food related sectors; livestock, crop industry and fishing industry for us to feed our people. The people from the lake can feed themselves on fish, but they are not fishing enough to feed other Kenyans. The livestock farmers keep large herds of animals, but during drought, they lose them. It is the business of the Government and all of us to see how we can deal with our resources. It is important look for other resources such as oil, but we must also safeguard the ones that we have and put them to proper use.

With those few remarks I beg to support. I will be suggesting some amendments at the Committee Stage. As I said, we do not need a Food Security Authority. We do not require an Authority for there are too many of them as they are. There are enough institutions within the Government; especially the Ministry of Agriculture, Livestock and Fisheries that can handle this provided, that it is properly structured.

Sen. Dullo: Thank you Mr. Temporary Speaker, Sir. I rise to support this Bill. From the onset, though I am supporting it, I do not know if we really need the Food Security Bill. We have many institutions that have been put in place to take care of food

security in this country. However, I do not know if we have done an analysis to ensure that what we already have is effective or not, for us to put in place another authority as provided within the Bill.

This country is facing a lot of challenges in terms of food security. In as much as the Government has put a lot of measures in place, food security is still a challenge. I believe that Kenyans have a right to food security as provided for in Article 43 of the Constitution. This is also very important for the purposes of stability of this country because if we are not food secure, then it means that we have a lot of challenges as a country. Clearly, food security is important.

Secondly, if you look at the situation, especially during dry spells, you will find that almost 60 to 70 per cent of Kenyans are suffering as a result of food insufficiency. Food security is, of course, also linked to poverty because many parts of Kenya have a problem in terms of providing food for themselves. Some of them are vulnerable. There are a lot of problems despite the several measures that have been put in place by the Government.

In my opinion, the issue of famine relief year in, year out, is not a solution to the problems that we face in this country. Can we have solutions where we can provide or people can provide food for themselves? We have mechanisms in place where we are able to mitigate as individuals in this country and provide food rather than being given food year in, year out.

There are so many countries that have come up with proper strategies. A good example is Israel that has a harsh environment yet they are able to provide food for themselves. We have enough land in this country, especially in northern Kenya, where a lot of land is available for other strategies that we can put in place. We need to have proper mechanisms in place.

The Bill in itself, especially Part I, incorporates the issues of national values as provided for in the Constitution. It underscores the need for capacity building as a means of achieving the right to food for all Kenyans. We are not always getting our priorities right because currently, what is happening in the counties is that some of them have an emergency budget to buy food. The civil societies have their own basket, the NDMA is running another basket, the Red Cross and other NGOs are also doing the same thing. Why can we not have a mechanism where we can pool all these resources under one umbrella instead of creating one institution after another? I think that we need to see how we can harmonize that.

In Part II, we are looking at how we can ensure that there is freedom from hunger and how we can realize the right to adequate food of acceptable quality. This is not in place. I do not know and do not think whether this particular provision will take care of that if we do not address so many other underlying factors, especially with the current happenings in our counties where the governors are doing their own things. They are actually providing food to the people who are directly connected to them.

If the county has a budget for food emergency and all that, they need to take care of every individual in that county across the board. Can we look for a mechanism where we are able to provide food security to all citizens within those counties and the country

so as to have an equitable share and to make sure that they are provided for by the national Government and county government?

Mr. Temporary Speaker, Sir, part of the same provision talks of the county governments and the national Government implementing the school feeding programme. I hope once this Bill goes through, it will provide for that. In as much as this has been happening for a very long time, especially in the county where I come from, the school feeding programme is also a challenge.

For example, whenever there is drought which causes the animals to die, parents are unable to pay school fees. When we seek help from the Government, they always say that they will provide food to pupils and students in the affected schools instead of paying school fees for them. This is not properly implemented. We need to have proper mechanisms in this particular Act where those processes are streamlined and whenever there are problems, they should fit in to take care of that situation.

Another aspect is the mandate to promote the physical and economic access to adequate food of acceptable quality. The kind of food that is always provided year in, year out, includes maize, beans, rice, some few litres of cooking oil, *et cetera*. Can we have a proper mechanism in place to ensure a proper diet is being provided for by those institutions? In as much as we do not have to legislate on everything, we need to have a lean structure where we provide the quality of food that is required by our citizens in this country.

The other aspect is the issue of the poor members of our communities, especially, the elderly, people living with disabilities, vulnerable children, pregnant and lactating women. We need to see how we can take care of them, more so in the dry areas. The lactating mothers face many challenges where they breast feed yet they do not get enough food and other necessary things.

Part III is on the establishment of the Authority as a corporate body. Yes, it is good to have such authority, but how many institutions are we going to create to ensure that we have food security in our country? We need to harmonise. If we have this Authority, it means that the basket we have under the NDMA and the county governments should come under this Authority. This will ensure we have a mechanism of one basket to take care of food security in our counties and the country at large.

The other issue is formulation of policies, programmes and strategies for implementation, which is equally very good.

The issue of monitoring and evaluation (M and E) is very important. If we do not have such mechanisms in place and also reviewing current programmes, then we are not making any effort to deal with the challenges we face while feeding people year in, year out. This is very important; therefore, we should have a mechanism in place for monitoring and evaluation.

Part IV of the Bill talks about the Director General of the Authority who shall be the Chief Executive Officer (CEO) responsible for the daily administration of the Authority which is important in as far as the running of this programme is concerned.

We need to put in place the county food security. We currently have *ad hoc* committees within counties that are not recognised. They are just picked by county commissioners. In this case, we need to clearly provide for it and ensure that we have the

committees which are charged with the responsibility of ensuring that food reaches individuals in time. They should also implement the policies and programmes under the county governments and the national Government. So, this is a good intervention.

There is also the issue of the committee being cascaded down to the county level, which is equally very important. If a committee is represented at the county level, why not cascade it down to the village level so that we can share the cake equally?

Another issue is on the assessment for prior implementation of any policy or programme by the committee.

Secondly, it is also important to establish a food security fund, which I had indicated earlier, so that we do not run around only when we have emergencies. Early planning and mitigation is normally very important. We cannot be a country in the 21st Century yet whenever we have drought, it becomes a national disaster. So, we need to prepare and plan early.

Finally, I have realised that water is not mentioned in the Bill. Water is very critical in food security in our country. Currently, we are having problems regarding availability of adequate water. The rain water is not being harvested yet it is a critical component of food security since without water, food will not be very important. So, in the last paragraph of the memorandum, the aspect of water should be brought on board, especially, where they are mentioning agriculture, health, trade and environment conservation which falls within the same ambit. We need to critically think of how we can provide water as a source of food security in the counties and the country at large.

The aspect of pastoralism and livestock has not been addressed by this Bill. It should be included since the milk produced by the pastoralists is also a source of food security to them. How can we deal with that? That is why we have a challenge with the programme.

(Sen. Were spoke off record)

Sen. Were, I am within my time and I am almost finalising.

We also have the issue of the livestock off-take programme that we have discussed severally in this House. Whenever there is drought, the national Government buys livestock from pastoralists to cushion them from losses associated with drought. This has empowered our people economically. We need to come up with better strategies because that is not a solution to food security.

The Big Four Agenda in this country are very important. We need to think about food security in terms of having a legal framework, both at the national and county levels, which can further be cascaded downwards.

Mr. Temporary Speaker, Sir, having said that, I beg to support this Bill. I hope at the Committee stage, the Senate Majority Leader will propose some amendments arising from our contributions to enrich this Bill.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Lelegwe): Thank you, Sen. Dullo.

Proceed, Sen. Pareno.

Sen. Pareno: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this very important Bill.

From the onset, the Bill has good intentions. However, as I went through it, it looked like it is not a food security Bill. It talks more about distribution of food and creating an authority that will ensure that there is access of quality food. At one point, I was confused whether this Bill should be titled as “Food Security Bill” because it talks more about how to distribute food and how people can access it.

Deep down as I was reading, I saw that it actually addressed a few issues on food security. It is not proper for us to put more emphasis on the distribution and accessibility of food before we talk about how to get that food in the first place.

Mr. Temporary Speaker, Sir, this Bill has touched on irrigation and water harvesting systems by saying that it will improve food security. However, after mentioning the irrigation system and water harvesting schemes, it did not go beyond that to say how we will work on our irrigation systems and water harvesting schemes to ensure that there is food security. I thought that it should have gone ahead to talk more about what to do about the schemes and systems in order to make an impact on food security.

Mr. Temporary Speaker, Sir, I want to make a correction on Clause 6(2)(ii) of this Bill, which reads as follows:-

“Production of diverse foods including the cultivation of traditional crops and that such food is accessible to persons in areas affected by food security.”

People are not affected by food security; it should be ‘food insecurity.’ It is either that there is a typo there or they need to redraft that clause, because people are not affected by food security. You cannot put it like that. People actually have a problem because of food insecurity. That is one item that needs to be looked at when our contributions will be taken into account.

The Bill goes ahead to say that we should not just look at access to food; but it should be access to adequate and quality food; that is very important. We have severally talked about access to food which, according to me, is not just how to get food delivered to you; it is about roads and infrastructure.

We are sometimes even unable to reach the nearest point to give food just because our roads are so bad and inaccessible. When you want to transport food from an area where we have a lot of food, for example from our food basket of Uasin Gishu County, you are unable to access that food cheaply because of poor infrastructure. Even if there is a surplus of food in that area, it is so expensive to transport it because of poor infrastructure.

Therefore, the issue of access to food should be elaborated to not only mean distribution of food *per se*, but also availability of infrastructure to enable us to access food. You might have money, but you are unable to access food because the roads are very bad. The Bill should, therefore, dwell more on accessibility, adequacy and quality of the food. The quality of the food must be such that we do not hear those cases of aflatoxin and post-harvest contamination of food all over.

Those are things that I expected this Bill to talk about. I also expected that we would talk about putting in place measures to ensure that the food is of good quality,

because we would have taken care of post-harvest contamination or how food or our harvesting is managed and handled.

Mr. Temporary Speaker, Sir, this Bill states that we will improve food security by tapping into or developing our irrigation systems and water harvesting schemes. We cannot talk about irrigation in this country without looking back at what we have done with the irrigation systems that have been there in the past. I have looked at the statistics on the already existing irrigation systems, like the Tana Irrigation Scheme, which came into being in 1953. The initial area that was meant to have been used was 25,000 acres, but the gazetted one was 12,000 acres. The actual land that is under irrigation is 4,700 acres.

So, how can we talk about irrigation when, in the first place, the Government has been unable to do more than 4,700 acres of a project that started in 1953, whereas the land available is to the tune of 25,000 acres? We should not be talking about irrigation now when what we had from 1953 is still under-utilised. The crops that were targeted for production were maize, ground nuts, beans, papaws and oranges. Had we used the 25,000 acres, that would have been another bread basket for this country.

Mr. Temporary Speaker, Sir, the Tana Irrigation Scheme was dormant between 1989 to 2009, when we started reviving it. However, you know what happened; we were not able to fully revive it and tap its full potential. The reason given as to why it initially failed is because the river changed its course. Surely, can we not do sustainable projects? There is no way we can do an irrigation project without foreseeing what is sustainable within it. If we start other irrigation schemes and the rivers change course, will we close shop? We better get serious so that these projects can first maximize what we have before we go into new irrigation projects.

Mr. Temporary Speaker, Sir, the Bura Irrigation Scheme was conceived in 1978, although it started running in 1982 and the gazetted area was 12,000 acres. The crops that were supposed to have been produced there were maize, cowpeas, cotton and onions. The capacity again was 25,000 acres but only 3,500 acres was utilized. Land in this scheme was still under-utilized right from 1982. We are now talking about creating irrigation schemes, when the ones that were there have not been fully utilized. This one was, of course, an irrigation and settlement scheme.

Mr. Temporary Speaker, Sir, something comes to my mind, that we are all settled wherever we are. We only need systems in place to enable us to feed this nation. We should not create irrigation schemes just to settle people there, because we are already settled. All we need are the systems and empowerment of people to produce food for this nation. Of course, the Bura Irrigation Scheme also failed. Cotton, which is a major cash crop, was to be produced in this scheme. However, the *Mitumba* business that came to this country killed the cotton industry.

I am happy to report, that a year ago, the East African Community (EAC) Heads of States Summit declared that East African countries will phase out *Mitumba* in the next ten years so that we can process our own cotton. This will be like starting all over again, like we did when we had cotton industries. I hope that these projects will be looked at and, of course, they should be sustainable.

Mr. Temporary Speaker, Sir, I hope that these projects will be looked into and will be sustainable. The Hola Irrigation Scheme was very ambitious. The area was to be 500,000 acres for maize that was anticipated to produce 40 million bags for the country. There was also 200 acres for sugarcane, 150 acres for ranching and 150 acres for dairy farming and fruits. That project failed.

We are talking about irrigation right now yet the ones that have been in existence failed. The reason for the failure of the Hola Irrigation Scheme after pumping Kshs250 billion was that there was no reliable source of water and pumping equipment. How then was Kshs250 billion pumped to a programme that ended up not having a reliable source of water? Did we not do a survey? If a survey was done, can we just say that the money was mismanaged?

I have just given that history to show that we are not serious. We are just duplicating things. We keep talking about more irrigation schemes yet the ones that we have in existence from 1953 and 1982 have collapsed or have not been revived fully. If they are in use, they are being under-utilised. What we should do to feed this nation is to take the little potential of the irrigation schemes that are already in existence.

Mr. Temporary Speaker, Sir, we also had the Ahero and the Perkerra Irrigation Schemes. I was disappointed when I read what is happening at Perkerra. We dug furrows as a way of natural gravity to feed into what we are growing. Can we not improve this technology with drip systems? Basically, I am not convinced that we need new irrigation schemes to feed this nation.

Research has shown that Kenya has a capacity to irrigate 9.2 million acres of land. Research has also shown that we only have 54,000 acres as what we are irrigating all over the country right now. Out of the 54,000 acres, I have already stated that the ones that are in existence are under-utilized. My submission is that we should not try to create new irrigation schemes through this Bill. What we need to do if we are to actualize the supply and access of food in this country is to ensure that we have the full capacity of the already existing irrigation schemes. I hope that this Bill will be able to address that.

Mr. Temporary Speaker, Sir, a lot has been going to waste in terms of what we produce, how we manage our food, how we handle what we produce and how we get our food wasted and contaminated after the harvest. I have looked through this Bill but I have not seen a provision as to how this Bill will improve the handling and management of especially our post-harvest produce.

I hope that the Mover or the Committee that is going to consider this Bill will see to it that whatever we intend to do in this Bill should lead to proper post-harvest management of the food.

Mr. Temporary Speaker, Sir, that is all I have to contribute to this Bill. I urge the Committee that will handle this Bill to also check the relevance between this Bill and what the National Irrigation Board (NIB) does. Why should we create another authority in this Bill? This Bill purports to create an authority and the County Food Security Committee. The authority is going to be basically run and managed by the Principle Secretary (PS) of the relevant Ministry and the same is replicated at the counties.

Why would you want an Authority that deals with irrigation to, again, deal with water harvesting and post-harvest management of produce, when we have other

institutions that are doing the same thing? I have just given an example of the irrigation part of it. Why would we have an Authority to deal with irrigation issues, when we already have the National Irrigation Board (NIB), unless we want to abolish the NIB? I would ask that we compare what the NIB does and the powers this Bill purports to give to this Authority that will again deal with the same things that have been provided for.

I rest my case and support with amendments.

Sen. Madzayo: Asante, Bw. Spika wa Muda, kwa kunipa nafasi hii. Ninaunga mkono Mswada huu. Kwanza, ni kwa sababu tumo katika nchi inayotegemea ukulima ambao ni uti wa mgongo.

Tumejaribu sana kutafakari haswa kupitia Kipengele cha 43 cha Katiba. Kipengele hiki kinazingatia zaidi ya kwamba kila Mkenya au yeyote anayeishi nchini Kenya, ana haki ya kuwa na afya njema na kuangaliwa vilivyo. Zaidi ni kwamba, wameweka mkazo upande wa uzazi. Kipengele cha 43 (c) kinasema Mkenya yeyote hafai kupatikana na njaa. Anafaa kuwa na uwezo wa kupata chakula ili aishi vizuri. Sio tu chakula bali chakula kizuri ambacho kina manufaa kwa mwili. La muhimu zaidi ni kwamba kila Mkenya anafaa kupata maji safi ya kutosha, yasiyo na wadudu wa kusababisha ugonjwa.

Huu Mswada umelingana kabisa na Kipengele hiki katika Katiba. Janga la njaa katika nchi yetu limezidi. Kila mwaka, tunapata taabu na lazima Serikali iagize chakula kutoka nchi za nje. Huwa tunaambiwa meli ya chakula inatoka Mexico lakini ajabu ni kwamba meli yenyewe inatia nanga Kilindini kwa masaa mawili au matatu hivi. Tutawaambia Wakenya nini iwapo tunasema chakula ni haki ya kila Mkenya? Katika jukumu kubwa la mambo ya chakula, tunaangalia Serikali iliyo mamlakani kwa sasa.

Bw. Spika wa Muda, tulikuwa katika mkutano na Waisraeli ambao wamekuja Kenya. Tunajua nchi yao ni jangwa; haina maji ya kutosha na mchanga wenye rutuba kama wetu. Pia idadi yao ni chini muno ililinganishwa na yetu. La muhimu ni kuwa wamezingirwa na mataifa ambayo si marafiki wao. Leo hii wao wana maji safi, vyakula vya kutosha na wanaishi maisha ya kifahari. Ni nini wanachokifanya ambacho sisi hatuwezi kukifanya?

Ni lazima Serikali yetu ihakikishe ya kuwa vijana wetu wanapata taaluma juu ya kuhifadhi na kutumia maji vizuri. Ni jinsi gani tunaweza kuangazia maswala ya chakula na kupanda mimea tukitumia dawa za kisasa ili tuimarisha kilimo chetu. Tunapaswa kuona ya kwamba taaluma kama hii imetusaidia kama jamii. Sisi tuna uwezo wa kufundisha watoto wetu taaluma juu ya vyakula, maji na afya.

Bw. Spika wa Muda, kwa mfano baa la njaa lilikuwa Kaunti ya Kilifi mwaka jana. Tuliweza kupeleka vyakula kwa watu wetu. Lakini kuna mambo mengine ambayo yalikuwa ya kusikitisha. Tulikwenda kupeleka vyakula lakini tukakamatwa na askari. Halikuwa jambo nzuri kuona Gavana, Seneta na mwakilishi wa kike kukamatwa na kuwekwa ndani kwa sababu ya kupeleka vyakula kwa watu wenye njaa. Tusiingize siasa katika mambo haya.

Kuna maeneo hapa nchini ambapo tunawafugaji wa wanyama kwa mfano kondoo, ng'ombe, ngamia na kadahalika. Mifugo hii ni faida kubwa kwa nchi hii. Mswada huu haukuzingatia jinsi tutaweza kupata nyama na jinsi mambo ya ufugaji wa wanyama unaweza kuzingatiwa ili watu wajue umuhimu wa kufuga wanyama kwa

minajili ya kujipatia chakula. Wakiwa wananchi wengine ambao wanaishi katika sehemu ambazo upanzi wa mimea unaweza kunawiri zaidi wapate faida.

Bw. Spika wa Muda, jambo la mwisho ni kuhusu mradi wa Galana Kulalu. Shamba la Galana Kulalu liko katika upande wa kaunti za Tana River na Kilifi. Ni jambo nzuri kwa mradi kama huo kuimarishwa ili watu wetu wapate chakula cha kutosha na faida zingine. Lakini utaona ya kwamba kutakapotokea baa la njaa katika Kenya, watu wa kwanza kupata shida ni watu wa kaunti za Kilifi na Tana River ilhali shamba la Galana Kulalu liko katikaki yao. Ni jambo gani ambalo Serikali haifanyi ndivyo watu wanakufaa njaa? Hii ni kumaanisha ya kwamba ufisadi umekithiri ndani ya Serikali, hasa Wizara ya Kilimo, Mifugo na Uvuvi wa Samaki.

Haiwezekani tuekeze mamilioni ya pesa katika mradi huo halafu watu wa kaunti za Tana River na Kilif hawapati chakula cha kutosha. Ni aibu ilioje kuona hatuna mahindi na maharagwe ya kutosha kutoka mradi huu wa Galana Kulalu. Faida yake ni nini? Ikiwa ufisadi utakithiri ndani ya shamba la Galana Kulalu, basi hatuna haja na mradi huo. Afadhali tuusimamishe mradi huo na kila mtu atafute njia zake za chakula. Serikali inaweza kupatia kila kaunti pesa ya kuazisha mradi wake badala ya kukeze pesa nying katika mradi huo wa Galana Kulalu ambao hauna faida yoyote. Kila kaunti inaweze kuwa na shamba lake kama la Galana Kulalu.

Bw. Spika wa Muda, ikiwa kaunti zetu Kenya mzima zitawekeza pesa zao za ukulima basi watu wetu waweze kuendelea vizuri na hakutakuwa na janga la njaa. Mimi ni mmoja wa wale ambao wameathirika katika huo mpango wa shamba la Galana Kulalu.

Bw. Spikawa Muda, hatujapata faida yoyote kutoka kwa mradi wa Galana-Kulalu. Shamba hili lilichukuliwa kwa nguvu kutoka kwa Kaunti ya Kilifi au Kaunti ya Tana River kwa nia ya kupanda mimea lakini haijatimiza ndoto hiyo. Serikali haikupanda mimea katika shamba hilo lakini ufisadi unaendelea kule. Wanasema wanatuma pesa kule ili watu walime; hawalimi, hawafanyi chochote, hatujapata mahindi, maharagwe, pojo ama chochote kile ambacho wananchi wa Kaunti ya Kilifi wanaweza kula.

Ikiwa sisi hatupati chakula, ninani atapata? Mnafikiria ni mtu wa Kaunti ya Turkana, Isiolo, Wajir, Marsabit au Samburu atapata? Hiyo ni kumaanisha hilo shamba liko na sababu zake. Tunaomba Serikali ilifunge shamba hilo haraka iwezekanavyo. Kama pesa hizo zinatumiwa kwa ufisadi pale, tunapendekeza kwamba pesa hizo zigawiwe Serikali za kaunti zote 47 ili kila mtu apewe kipande chake na kila kaunti iweze kujitengenezea Galana-Kulalu yake ili ijiangalie na watu wake.

Ninaunga mkono Mswada huu wakujikinga na baa la njaa.

(An hon. Senator spoke off record)

Dada yangu alikuwa anataka kunieleza kuwa ni njia gani mwafaka; ni uthabiti, kujitosheleza ama kujikinga na baa la njaa.

Asante sana, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Lelegwe): Thank you, Senator. Let us have Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Thank you, Mr. Temporary Speaker, Sir. I also stand to support this Bill because of its importance. Food is a basic need. Whatever we do in our country, no matter how we try to get into very expensive projects that might take us to be compared with fast developed or developing countries, unless we address the issue of food security, we will be cheating ourselves.

There is a quotation from an anonymous person who once said, “You either take the correct food now as your medicine or later in life, you take medicine as your food.”

Currently, most of the Kenyans who are flooding our hospitals do so, not because they are sick for the sake of it. The sicknesses that our people are going through today are because of food insecurity. We are grateful that this Bill has come at the right time. We must address this issue first by addressing the food security in terms of its balanced and nutritional nature. That is balanced food and nutritional security.

We must also check on the type of technologies that we are using to produce food. Unless we embrace new technologies in our farming, we might not achieve food security in our country.

We must also address issues to do with culture, because we have abandoned our traditional cultures which were actually addressing food security in a very balanced way. We have, instead, embraced fast foods, which come to our markets from left, right and centre. This issue must be addressed.

Mr. Temporary Speaker, Sir, I like this Bill and we should pass it with some amendments so that we can address issues to do with our educational sector. How are we handling our educational programs when it comes to courses to do with agriculture? More often than not, most of our colleges have become too theoretical. You will find some colleges offering agricultural courses which are only theoretical in nature. Where are the agricultural extension officers who used to visit our villages to address farmers on soil management and effective farming strategies? They are no longer there.

Mr. Temporary Speaker, Sir, I support this Bill. However, I have a reservation on the creation of another body. This is because it might create another baby which brings us more problems than we expect. We must take on this issue and address it very seriously. I support this Bill with amendments. We should get into the core part of it and address a few issues so that it becomes an effective Bill that addresses food issues in our country.

Thank you, Mr. Temporary Speaker, Sir.

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

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to support this Bill. I strongly support this Bill because when I look at the first of the Sustainable Development Goals (SDGs), it is about eliminating all forms of poverty. This Bill is very important because it is going to help in eliminating all forms of poverty. There is no way we can talk about eliminating all forms of poverty when there is no food, which is a basic necessity.

Mr. Temporary Speaker, Sir, in Maslow’s Hierarchy of Needs, there is no bargaining about food. If you do not have food, you cannot move to the other level of the hierarchy. You need to be satisfied because it is a basic need and a requirement. It is, therefore, important for both the county and national governments to put measures in place to ensure that there is food security in this country.

Mr. Temporary Speaker, Sir, I strongly support this Bill because it is also important to ensure that there is accessibility to land, especially by the vulnerable people and women. Women do so much for the family and, most of the time, children look up to their parents, especially their mothers, to provide for them. It is, therefore, important that land be accessible to women. They should also be trained on how to use land and ensure that there is food security.

Mr. Temporary Speaker, Sir, even as we talk about this Bill, there is need for capacity building with regard to how people can contribute to food security. When indigenous farmers are harvesting, they usually sell their food at throw away prices, not remembering about the future. When the time is not very friendly for the family, these indigenous famers suffer very much because they do not have food. This is because sometimes they sell all their food to businessmen, who end up hoarding it and later end up selling it back to them at very high prices. Therefore, there is need for capacity building on this issue.

Mr. Temporary Speaker, Sir, there are times when you visit hospitals and find pregnant women who are sick and malnourished and, as a result, they sometimes end up losing their pregnancy. When it comes to food insecurity, it is an issue to do with the socio-economic development of this country. If there is food insecurity, even education will be affected. When children go to schools and maybe they have not had food, they will not learn and their education will be affected. What kind of children will we be bringing up?

Mr. Temporary Speaker, Sir, my time is up, but I am strongly supporting this Bill with amendments.

The Temporary Speaker (Sen. Lelegwe): Order, Senator! When the debate on the Bill resumes next, Sen. (Dr.) Musuruve will have a balance of 17 minutes to contribute.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Thursday, 29th March, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.