

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

**Tuesday, 16<sup>th</sup> October, 2018**

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

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

#### PRAYER

#### ADMINISTRATION OF OATH

*(The Senator-Elect for Migori County entered the Chamber  
escorted by the Senate Minority Leader  
(Sen. Orengo) and Sen. Dullo)*

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, it is my pleasure and privilege to introduce to you and the Senate, the Senator-Elect for Migori County, George Ochillo-Ayacko Mbogo, of the Orange Democratic Movement Party.

*(Applause)*

The Oath of Allegiance was administered to the following Senator-Sen. George Ochillo-Ayacko Mbogo.

*(Sen. Ochillo-Ayacko approached the Bar,  
bowed to the Chair and took his seat)*

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

*(Loud Consultations)*

#### COMMUNICATION FROM THE CHAIR

WELCOME TO HON. OCHILO-AYACKO,  
SENATOR FOR MIGORI COUNTY

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senators. I would like to take this opportunity to welcome the new Member to this House; Sen. Ochillo-Ayacko, the Senator for Migori County.

We not only welcome you to this House but also to its culture. We are a House that has an association with a certain culture. This is a House of reason, a House that debates national issues soberly, however emotive they are. Therefore, you are in very good company.

On my own behalf and on behalf of the entire Senate, I want to welcome you and wish you all the best as you serve the people of your County. I congratulate you.

I have also noted that you have been escorted from the two sides of this House, which is very refreshing.

*(Applause)*

Traditionally, that escort has been this way or that way; strictly by one side of the House. Thank you very much.

Hon. Members, I will give a few Members a chance to say *karibu* to our colleague. Once more, welcome Sen. Ochillo-Ayacko, Senator for Migori County. The level of interest is high but this being a procedural issue, I will only give a few Members a chance to contribute. Those who are lucky, please note that you will not have more than two minutes. Just say *karibu*. Do not go on a tangent of your own.

Sen. Ochillo-Ayacko is now a Member of this House. Hon. Members, you can engage him and get to know much about him, his priorities and county, in due course.

Since I cannot see the Senate Minority Leader who escorted the Senator here, I will give the first chance to the Senate Deputy Minority Leader to say a few words.

**Sen. Malalah:** Thank you, Mr. Speaker, Sir. I take this earliest opportunity to congratulate my father-figure, Sen. Ochillo-Ayacko. I remember with a lot of nostalgia when I was in school, how he used to contribute in the National Assembly. I believe that this is not a new environment to him.

What made me happy today is the fact that Sen. Ochillo-Ayacko was escorted by leaders from both sides of the House. This is a show of unity and maturity in this House. I believe this will also be exhibited as we go on. This is a culmination of the handshake politics which brought the country together. If we continue working in harmony like this, we will build our country to greater prosperity.

I challenge my colleagues from the other side to extend the same philanthropy to our side when it comes to Committee leadership. I kindly ask them to relinquish some of their slots as chairpersons and vice chairpersons so that we continue existing in harmony.

I would like to inform Sen. Ochillo-Ayacko that I am the “mono” here. I was a Member of County Assembly (MCA). I have the pleasure to welcome him and also wish him well in our legislative agenda. I am sure the people of Migori County elected the right person to represent them here.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Malalah for keeping it brief and reminding us that Sen. Ochillo-Ayacko is not new here. He is a seasoned Member of Parliament. Therefore, he is in a familiar territory.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I wish to join my colleagues to congratulate Sen. Ochillo-Ayacko for winning the by-election in Migori County. He is not new to me because I sat with him in a *gumbaru* class.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator. What did you say?

*(Laughter)*

**Sen. Dullo:** Mr. Speaker, Sir, I said he was my classmate. He is a seasoned politician who is up to the task. He has been a Member of Parliament, a Minister and a CEO of a big institution. The House business is not new to him and we will support him.

As Sen. Malalah has said, he is a child of the “Handshake.” That means he is free to cross the Floor if he feels like doing so. I also welcome him to Senate. I am sure we, as a House will be able to work together and achieve our objectives and deliver on our mandate.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Sen. Wambua, Senator for Kitui County.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to join you and my colleagues in welcoming the Senator for Migori County to the Senate.

When the Senate Minority Leader read out the name of Sen. Ochillo-Ayacko, he made it very clear that he was elected on an ODM ticket, notwithstanding the fact that he was escorted in the Chamber by the Senate Minority Leader and Senate Deputy Majority Leader. When I was in school, I used to admire the debates by Sen. Ochillo-Ayacko when he was in the National Assembly. I hope that he will bring that vigor and determination to this House.

I read in the newspapers that he was nominated for an ambassadorial position but he declined and said that he was ready to serve the people of Migori County in whatever capacity even as a ward representative. Now that he has been elected to come here, I want to join you and my colleagues in welcoming him.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you very much for keeping it brief. Sen. Ndwiga, Senator for Embu County.

**Sen. Ndwiga:** Thank you, Mr. Speaker, Sir. I join my colleagues in welcoming my brother, Sen. Ochillo-Ayacko. He is very well known to me. I can assure you that this House is now richer with his presence here.

I have served with him in the past; both as Members of Parliament and in the Cabinet. He is very well known to me. I am sure that the vigor with which he used to serve is the same vigor that he has come with to this House. This House will benefit a lot from him.

I welcome my brother and I wish him well.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you very much, Sen. Ndwiga. I now give the Floor to Sen. Mohamud Faki, Senator for Mombasa County.

**Sen. Faki:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to welcome my classmate and Senator for Migori County, Sen. Ochillo-Ayacko.

We met as undergraduate students at the University of Nairobi in 1987 together with Sen. Kabaka, the Senator for Machakos County. I am happy that our numbers are growing in this august House. I look forward to work with him in his new position as the Senator for Migori County.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you very much.

Sen. Mwaura.

**Sen. Mwaura:** Thank you very much Mr. Speaker, Sir. I rise to congratulate Sen. Ochillo George Mbogo Ayacko in his swearing in as the Senator for Migori County. I

met him when he was appointed to serve in the First National Council for Persons with Disabilities Board in 2004 when I was only 22 years old.

I am very privileged that finally we will serve together. His election to Senate has fulfilled the wish of the people of Migori County. He will not only serve them as a Senator, but as a future governor.

I congratulate him.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Mwaura.

Sen. Ochillo-Ayacko, for your information other than on these few remarks your colleagues are making, you are now free to contribute to debate when I call the next Order.

Let us hear the Senator for Kisumu County, Sen. Fred Outa.

**Sen. Outa:** Thank you Mr. Speaker, Sir. I want to join you together with my colleagues in welcoming a great man, the Senator for Migori County, Sen. Ochillo-Ayacko. I also want to thank the people of Migori County for making the right choice in electing him with overwhelmingly.

Once again, I thank the people of Migori County wherever they are for cementing the relationship of handshake between His Excellency the President of the Republic of Kenya, Hon. Uhuru Kenyatta and the peoples' President, Hon. Raila Amollo Odinga. It is the first time that I witnessed competing parties joining hands to campaign for a single candidate. Our campaign was made easy in Migori because the Jubilee Party joined hands with ODM to support the candidature of Sen. Ochillo-Ayacko.

They declared early enough that they will not, as Jubilee party, have any candidate in Migori. They assured us and they did so. That is why I thank President Uhuru Kenyatta. The "handshake" should continue and they need to build bridges so that we unite this country.

Sen. Ochillo-Ayacko is most welcome. This is the seat for Migori and he will be sitting next to the seat of Kisumu. We are a city county and we also have Nairobi and Mombasa counties which are also cities.

With those few remarks, we thank all those who supported us. They came with money, energy and prayers. Therefore, we thank them all.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The next one is the Senator for Nairobi City County.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, allow me, on behalf of the people of Nairobi City County and on my own behalf, to welcome the Senator for Migori County, Hon. Ochillo Ayacko. I just wish to let him know that having known him for a while, his mien, disposition and demeanor sits very well with the Senate; a House that has distinguished itself as a place of sober debate and interventions on issues affecting the people. Even his style looks like the Senate.

On top of that, he was escorted by Members of both the Jubilee party and the Orange Democratic Movement (ODM). Therefore, he is truly a product of the "handshake". I went to campaign for him at Kamagambo in Rongo Constituency even before any other Senator had started campaigning for him. It indeed shows that when His Excellency Uhuru Kenyatta and His Excellency "Baba" say yes, it is yes and the people of Migori did not disappoint us.

I welcome him to this House. We hope to engage deep on the issues affecting the people. Currently, his county is in a peculiar circumstance. There are a lot of challenges facing counties like Nairobi and many others.

I am sure we will work hand in hand and this House will benefit from his wealth of experience and the new kind of camaraderie amongst Members because of the Building Bridges Initiative and the “handshake” where we look at each other beyond just political parties, tribes and colour, but as Kenyans and leaders who are here to make lives of other Kenyans much better.

*Karibu sana* Senator.

**Sen. Pareno:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I rise to congratulate Sen. Ochillo Ayacko and welcome him to this House.

When we gave him the ticket, I wrote on my Facebook page; “Welcome to the Senate” because I was sure that we picked the best out of the best. Why I say the best out of the best is because we had people like Hon. Dalmas Otieno and Hon. John Pesa as applicants. We had a total of seven applicants for our party ticket. Out of seven, we picked the person we thought was the best out of all of them who is none other than Sen. Ochillo Ayacko.

I have had a lot of interaction with the Senator while conducting the ODM party elections. He is such a gentleman when it comes to party business and handling our nomination processes. He has severally come to me, not to do what the “men in black” would do, but to say that we should handle things in a sober way and discuss---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order. What would the “men in black” do?

*(Laughter)*

**Sen. Pareno:** They harass.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): And who are these “men in black”?

**Sen. Pareno:** I do not know their faces.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Proceed.

**Sen. Pareno:** Mr. Deputy Speaker, Sir, he has approached the ODM National Elections Board several times regarding how to make our processes better.

I am proud this time that the process of direct nomination; picking the best candidate and not going through the rough way of party primaries has been validated by that particular exercise. Actually, for us as a party, this was a test case on how to manage our elections in future and it did not disappoint.

I thank the people of Migori, some of whom are in the Public Gallery for giving us the best for Migori. May God bless them.

**Sen. (Eng.) Maina:** Mr. Deputy Speaker, Sir, I rise to welcome our brother, Sen. Ayacko, who is a seasoned politician. Truly, he is the right candidate for this House. His immense experience will definitely contribute to the challenges that face this country through his contributions in this House and in other fora that he will take part in.

It is also true that the people of Migori needed a steady man like Sen. Ayacko, to steer them into the future. I feel Sen. Ayacko has just come at the right time and we look forward to his contributions through the dynamics that are developing in this country and the momentum being generated. He is a team builder and definitely the “handshake” served him well.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us now listen to the Senator for Machakos.

**Sen. (Dr.) Kabaka:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to join my friends and colleagues in this House to congratulate Sen. Ochillo Ayacko. Like my learned friend from Mombasa has said,

Sen. Ochillo was my classmate and he is a man I have known for a long time. Just like the Catholics say at the Vatican during the selection of their Pope, at long last, the people of Migori have seen “white smoke” and we have a new “pope” or Senator.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order. Sen. (Dr.) Kabaka, are you saying Sen. Ochillo-Ayacko is a pope or he is like a pope?

**Sen. (Dr.) Kabaka:** Mr. Deputy Speaker, Sir, I said that he is like a pope. It is just a simile. I was doing some analogy on theology of Catholicism.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well, continue.

**Sen. (Dr.) Kabaka:** Mr. Deputy Speaker, Sir, I would like to tell my learned colleague, who is the Senator for Migori that the Senator who used to sit there was a very able Senator and no wonder he was elected. He has taken the right seat and we thank him so much.

The other bit is that I have heard other Senators contribute on some of the public duties he has been doing in this country. I need to remind them that he is also the Chairman of a body dealing with nuclear energy in Kenya.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Conclude, Sen. (Dr.) Kabaka.

**Sen. (Dr.) Kabaka:** Mr. Deputy Speaker, Sir, he is a man of immense experience both within Parliament and in public life. The people of Migori got the right man. Congratulations and welcome my brother.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us now listen to the Senator for Nandi County, Sen. Cherargei.

**Sen. Cherargei:** Mr. Deputy Speaker, Sir, on behalf of the great people of Nandi County, I take this opportunity to congratulate Sen. Ochillo-Ayacko. I have seen his profile and he is a man of many firsts. It is good that we have him here.

On behalf of “Team *Tangatanga*” led by our general, William Ruto, the Deputy President of this Republic, we wish you well and look forward to working with you. You know “Team *Tangatanga*” is not new in Migori County. We will be engaging more.

I know my neighbor, the “City Senator”, Sen. Outa, has welcomed you. We wish you the best. I thank the people of Migori County for making their choice heard.

I know the campaign was not easy but you are welcome and we are looking forward to engaging and ensuring that we strengthen and better devolution. I am also looking forward to political partnership for 2022 to work with the Deputy President.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator. This is not a campaign platform. You can do that over the weekend in a political rally.

Senators, I know every other Senator wants to contribute, but unfortunately, we do not have much time. I will only allow the Senate Minority Whip to say one word

because he will be whipping Sen. Ochillo-Ayacko. I will give you a minute and then the Senate Minority Leader will close for us.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Deputy Speaker, Sir. I thought you would give me two minutes.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Granted.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Deputy Speaker, Sir. I congratulate Sen. Ochillo-Ayacko, the Senator for Migori County on his election. I was waiting for Sen. Mwangi Githiomi on 16<sup>th</sup> April, 2000 at the distinct pleasure of appearing before a Committee of Parliament, the National Assembly then, chaired by Sen. Mwangi Githiomi and one of the Members was hon. Ochillo-Ayacko in the Public Investments Committee (PIC).

They gave my late father a run for his money. I hope that we can have that sort of robust interrogation of counties that Sen. Ochillo-Ayacko and Sen. Mwangi were doing.

More importantly, for those of us who were elected through a by-election, you join us in this. I am the Chairman of that school of those who were elected in a by-election, like in my case, after the unfortunate circumstances, together with Sen. Cheruiyot.

Welcome to the Senate and we know that we can benefit from your experience in the National Assembly and in the Public Investments Committee, when we interrogate governors, particularly, Gov. Obado.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Mutula Kilonzo Jnr.

I now request the Senate Minority Leader to say the closing remarks and then we can move to the next Order.

**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, allow me to also congratulate the newly elected Senator for Migori County; Sen. Ochillo-Ayacko.

*(Sen. Malalah, Sen. Cheruiyot and Sen. Cherargei  
consulted loudly)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Malalah, Sen. Cheruiyot and Sen. Cherargei.

**The Senate Minority Leader** (Sen. Orengo): Thank you, Mr. Deputy Speaker, Sir. Sen. Ochillo-Ayacko is a unifier although we are saying he is a product of the handshake and truly he is.

I appreciate the fact that my colleague, Sen. Sakaja went down to campaign for him and to also tell the people of Migori County that the party was supporting Sen. Ochillo-Ayacko. Those who were there when the National Rainbow Coalition (NARC) Government was being formed and the estimates that were being drawn to ensure that the unity between the leaders after the 2002 elections bore fruits.

Sen. Ochillo-Ayako was one of the people who sat down to write the instruments that made it possible for NARC leaders to be together. I hope that he will use his case and capability to create a bi-partisan environment within the Senate to ensure that we can do what is important for this nation.

Sen. Ochillo-Ayacko has been a Member of Parliament (MP), Cabinet Minister and served in parastatal organisations as my colleagues have said. So, it is an honour to have somebody with such qualifications, distinction and skills to be part of us.

I congratulate the people of Migori County who are here. They are very unique. Once they decide, you can always rest assured that it will be carried through. If anybody had any doubt that Sen. Ochillo-Ayako was, in fact elected, he was truly elected with the majority of the electorate in Migori County.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Wako, I can see you have been struggling for the last 20 minutes. I had already directed that the Senate Minority Leader will close but I will grant you just two minutes to also say a few words and then we exit that Order.

**Sen. Wako:** Mr. Deputy Speaker, Sir, first of all, I thank you for your understanding. Quite a number of times, I am not being registered.

I take this opportunity to welcome Sen. Ochillo-Ayacko as the Senator for Migori County. He is an eminent lawyer and we have been together in the legal profession. Migori County, having so many legal issues to tackle, I am quite sure that through his hands, he will provide the necessary leadership to be able to go through those many legal hurdles that Migori County is facing.

I also served with him in the Cabinet and together, we have seen the world. We have seen---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator. What do you mean by seeing the world?

**Sen Wako:** Mr. Deputy Speaker, Sir, I mean that we have gathered a lot of experience exploring the world as Cabinet Ministers. I am sure that the experience that he gathered at that time will provide him in good state as he provides the necessary leadership in Migori County. Migori County requires such leadership particularly at this point in time.

I have also observed him as the Chairperson of the Nuclear Board. I know as a fact that to have been appointed to that particular Board which is very sensitive and which requires careful handling and management; and even selling our country abroad, he has performed very well. I am sure that that experience will be useful.

Lastly, he is a good friend who has gathered a lot from me on how to manage a few things here and there. I have also learnt from him how to do a few things. Now that he is here, we shall be able to work together for the good of devolution because this Constitution is about devolution. I am quite sure that with him as the Senator for Migori County, we will ensure that this Constitution is implemented to the letter and spirit on issues touching devolution.

Thank you for giving me the opportunity.

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

Next Order.

Hon. Senators, I have a Petition to read to the House.



**PETITIONS****COMPENSATION AND RESETTLEMENT OF  
MARMANET FOREST EVICTEES**

Pursuant to Standing Orders 226(1)(a) and 230(2)(b), I hereby report to the Senate that a Petition has been submitted, through the Clerk, by representatives of evictees from Marmanet Forest in Laikipia County, concerning their compensation and resettlement.

As you are aware, under Article 119(1) of the Constitution, and I quote:

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

The salient issues raised in the said Petition are as follows-

(1) THAT in 1961, the then Government set aside land in Marmanet Forest in Laikipia, and settled the first group of settlers pending their permanent resettlement, which was to take place after Independence;

(2) THAT following Independence in 1963, the group was not resettled elsewhere, and continued residing in Marmanet Forest, where they also built schools, hospitals, cattle dips, places of worship and other social amenities. They were also frequently contracted by the Government, whereby they planted trees and carried out weeding and pruning of the expansive Marmanet Forest;

(3) THAT the Government was aware of the existence of these settlers, who numbered about 10,000 and used to set aside land where they could cultivate crops for food to sustain their families while also helping to take care of the Forest;

(4) THAT all this changed in the year 1988, when arising from the heated political situation at the time, the settlers were violently evicted from Marmanet Forest, and have since then never been resettled;

(5) THAT subsequently, almost the entire Marmanet Forest was excised and the land allocated to other people, who cleared the Forest of its vegetation and converted it to farms; and,

(6) THAT the evictees and their families continue to suffer greatly and live a life of abject poverty. This is compounded by the fact that the schools which were in the Forest are no longer in existence; and a majority of those who grew up in the Forest cannot access their academic certificates.

The Petitioners therefore pray that the Senate investigates this matter, with a view to ensuring the resettlement of the evictees from Marmanet Forest; their compensation and also the putting in place of measures to ensure that their children obtain their academic certificates.

Hon. Senators, pursuant to Standing Order 231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

Proceed, Sen. Kinyua.

**Sen. Kinyua:** Asante sana Bw. Naibu Spika. Wale watu waliokuwa wakiishi katika Kijiji cha Marmanet, hasa pale katika msitu, walifukuzwa mwaka wa 1988, na wanaishi katika hali ya ufukara mkubwa sana.

Tukiangalia katika sehemu zingine, watu waliofukuzwa katika sehemu za misitu walipewa makao mengine mbadala. Kwa mfano, wale waliofurushwa kutoka katika Msitu wa Mlima Kenya walipewa makao mahali panapoitwa Solio. Lakini ukitembea

huko Marmanet, kuna zaidi ya watu 10,000 wanaoishi katika hali ya ufukara mkubwa. Wanaishi katika vijiji ambavyo havina mashule au maji; wanaishi katika hali mbaya sana.

Ningetaka kuuliza Kamati ya Seneti itakayopewa jukumu hili – hasa ile inayohusika na mambo ya mashamba – watembee pale kwa sababu watakapoona ile hali ndugu na wazazi wetu wanayoishi pale, watajua kwamba wanaishi kana kwamba hawako katika nchi hii ya Kenya. Hii ni kwa sababu umaskini umekithiri pale, ilhali wao ni Wakenya.

Tulipokuwa tukiandika hii *Petition* ili tuilete hapa, tulishangaa kwamba wale watu wamekuwa katika hali hiyo kwa muda mrefu sana. Wamekuwa wakiambia Serikali zilizokuwa nyakati hizo, lakini hawakuchukuliwa kama Wakenya, na hawakupewa umuhimu unaofaa. Kwa hivyo, tunaiomba ile Kamati itakayopewa jukumu hili ifuatilie ili tujue ni kwa nini watu hao wa Laikipia wanachukuliwa kama wao sio wananchi wa Kenya hii. Hali yao ni duni, hawana mashamba, nyumba, shule wala hospitali. Wanaishi katika hali ya ufukara.

Bw. Naibu Spika, wewe na Seneti hili mnapaswa mshughulikie jambo hili kwa dharura. Pili, yale mapendekezo yatakayoletwa katika Jumba hili na Kamati hiyo yanafaa yafuatiliwe kabisa ili tuweze kuwasaidia wale Wakenya haraka iwezekanavyo kabla hawajaenda kwa Baba.

Asante sana.

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

Hon. Senators, I gave Sen. Kinyua more time because he is the Senator for Laikipia County. However, I will give the rest of you two minutes just to say a few things. We will start with the Senator for Kericho, Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Deputy Speaker, Sir. Mahatma Gandhi told us that: “The true measure of any society is how it treats its most vulnerable.” Unfortunately, it is becoming the order of the day, more so, with the present administration, where such vulnerable members of the society are being evicted from forests and places of disputed land ownership.

Consequently, they are dumped on the streets without any due consideration to human rights and property rights. They are also subjected to all forms of violation. If the Government is owned by the people, how can it kick out its owners?

Mr. Deputy Speaker, Sir, a time has come for a Committee of this House to keenly look into this eviction business from Laikipia to the very infamous eviction that has got us into very heated debate in this House – the Mau Forest issue.

There are also many other evictions that are being carried out by a Minister who is not very keen on finding solutions, but just appearing as if they are working. It cannot be considered that you are working as a Minister when you are dumping citizens of this country by the roadside. Until you propose a proper solution, then nothing can be said to have been done.

Therefore, I want to urge and humbly request the Committee that will be charged with this issue to sanction those people. Those who have approved these heinous acts need to be brought to book.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you for keeping it to two minutes.

Proceed, Sen. (Eng.) Maina.

**Sen. (Eng.) Maina:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the Motion that this matter should be looked into thoroughly by this House. The people of Marmanet who used to live in the forest are just a part of many others who have suffered this kind of situation.

My friend here, Sen. Kinyua mentioned that there were people who have been resettled in Solio. I want to tell him that those people suffered the same fate, and it took a lot of effort to get them settled somewhere else.

Mr. Deputy Speaker, Sir, there used to be the *shamba* system in this country which was working successfully. People used to go and cultivate in the forests and take care of the trees. The whole thing worked very well until sometimes back between 1988 to the 1990s, when they were all removed from the forests because of political gimmicks.

The people of Marmanet are a good example of all the people who were removed from forests through political gimmicks and most of them live miserably. It is time this House came up with a methodology to make it mandatory for those people to be settled. They are citizens of this land who have contributed tremendously to afforestation. We have witnessed how our forests have depleted because people who take care of them are cruelly moved out of the forest and left to suffer. Therefore----

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Your two minutes are up.

**Sen. (Eng.) Maina:** Mr. Deputy Speaker, Sir, kindly add me one more minute to conclude.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I will give you 30 seconds.

**Sen. (Eng.) Maina:** Thank you, Mr. Deputy Speaker, Sir. It is necessary for this House to come up with a decision for resettlement of people from Marmanet and other places.

In Nyeri County, we have many people in Kiandogoro and other places who similarly need to be settled.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you very much, Sen. (Eng.) Maina, Kirinyaga County.

Proceed, Sen. Sakaja.

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker, Sir. I thank the petitioners for coming to this House on this matter. We need to strike a balance in this country. This is the same issue from Marmanet Forest, Mau Forest *et cetera*. We understand the need to conserve the environment which must be done at all cost. However, this notion of indentifying projects and programmes before people is a wrong way to go about things. People must be treated with dignity and respect. As much as they must be settled out of the forest, the same way as the Mau Forest, let it be done in a dignified manner with respect to the fact there are children, old women and *wazees* who must be given an alternative place to settle.

Mr. Deputy Speaker, Sir, I urge the Committee, that as they look at this to also consider that I had raised a similar issue about the residents of Kibagare slums who needed their title deeds. I also brought the issue of residents of *Mukuru kwa Njenga* slum who have similar issues.

The Committee also needs to look at the issue of people being evicted from buildings that are built on riparian land. People cannot be evicted from a building where they are third or fourth buyers while somebody made money from it and those who

approved construction of those buildings are not asked to pay for it. I will bring the issue of demolitions in Nairobi and the compensation of those suffering from it to the House substantively.

I thank the petitioners and hope that the Committee will expedite this matter.

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

Sen. Ndwiga, I give you two minutes.

**Sen. Ndwiga:** Thank you, Mr. Deputy Speaker, Sir. I happen to serve in the Committee of Lands, Environment and Natural Resources. It is shocking that we have many Petitions touching on resettlement of people who are evicted from either forests, slums or who occupy plots that are not theirs.

Today in the Committee, we heard a harrowing story of a woman who spent seven years in the forest fighting for independence of this country. Last week, she was kicked out of her only plot in Gilgil by members of the Anti-Stock Theft Unit (ASTU). This phenomenon and the recurrence of evictions which come to this Committee points to only one thing; that we need a policy to specifically look at the landless people and settle them. I sympathize with the people of Marmanet and hope that when the Petition comes to our Committee, we will look at it and find out what this House will do for them.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Mutula Kilonzo Jnr., you have two minutes.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, from reading the Petition, it strikes me that there is a historical injustice claim particularly on the time that the Petition was done.

Two important things have happened. One of the solutions to this problem is the Land Use Planning Bill which we must pass as soon as possible. The second thing is that the National Assembly passed amendments to the Lands Act, particularly Section 38 which created a framework for historical injustices. However, that amendment did not come to the Senate.

The amendment derogates the position of interrogation of historical injustices by the National Land Commission (NLC). This is because NLC can only make recommendations on historical injustices. The Clause and the Section in the law does not say to whom those recommendations will be forwarded. Therefore, when the Committee makes a recommendation here, they will find, from my own reading, that this is historical injustice. One of the things that I would want to see this Committee do, is propose an amendment to the Lands Act so that it conforms to the Constitution. We set up the NLC to be the final arbiter on historical injustices.

If we are to make a recommendation on the institution of land, does that recommendation come to the Senate, the National Assembly or the Court and how do we enforce it? Therefore, while we appreciate that there is historical injustice here and that land must be given, unfortunately, from my own reading of the law, our hands are tied. We will give them what I call a placebo effect. They will sleep well at night but that order will not be enforceable.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, pursuant to Standing Order No. 232(1), the Petition stands committed to the Standing Committee on Labour and Social Welfare.

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

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Sakaja?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, as the Chairperson of the Committee on Labour and Social Welfare, I am grateful and excited to work on this. I note that this is in recognition of how hard I work in my Committee. However, this seems like a land issue.

Therefore, I urge that it be directed to the Committee on Lands, Environment and Natural Resources, although we can also help them with zeal, vigor and moral support as they deal with this.

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is it, Sen. Mutula Kilonzo Jnr.?

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, in view of Standing Order No. 1, I urge you to reconsider your decision. From my reading of the Standing Order and the Petition, I have not seen any labour related or social welfare issues. I have seen matters of land, eviction, alienation of a forest and denial of rights of these people in so far as land is concerned. Although my brother Sen. Sakaja wants to blow his trumpet, I think that---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator. If the trumpet is his, he has a right to blow it.

*(Laughter)*

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I did not criticize his blowing of his own trumpet. I want him to know that we heard it very well. Although, the Senate must have recognized the enthusiasm, vigor and the superiority in what they are doing, Sen. Mwangi Githiomi's Committee on Lands, Environment and Natural Resources is the best Committee to deal with this issue or the Committee on Legal Affairs and Human Rights where Sen. Orengo and I sit.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Is there another intervention through official channels?

Hon. Senators, you have noticed that there is reference to social amenities and the plight of people which was aptly captured by the Senator for that county, Sen. Kinyua. However, I also appreciate that the Petition is about ownership of land. Therefore, I would like to hear from the chairpersons of the Committee on Lands, Environment and Natural Resources and the Committee on Labour and Social Welfare, before I make further direction.

What is it, Sen. Halake?

**Sen. Halake:** My chairperson is not here---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Who is your Chairperson?

**Sen. Halake:** It is Sen. Mwangi

**The Deputy Speaker** (Sen. (Prof.) Kindiki): He is the Chairperson of which Committee?

**Sen. Halake:** He is the Chairperson for the Committee on Lands, Environment and Natural Resources.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You may proceed.

**Sen. Halake:** Thank you, Mr. Deputy Speaker, Sir. Our Committee is up to the task. As you know, we do have a lot of petitions because land issues are very emotive. We welcome the Petition and will do whatever it takes to make sure the issues therein are taken care of.

However, I would also like to mention that as much as these are land issues, they are also historical injustices as well as issues around human rights abuses. This is because these evictions have actually crossed the line, from just movement of people and displacements to actually infringing on the rights of individuals.

Perhaps, we would welcome the Committee on Justice, Legal Affairs and Human Rights. That said, we welcome the Petition.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Chairperson or the Vice Chairperson of the Committee on Labour and Social Welfare, you may proceed.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I am the Chairperson for the Committee on Labour and Social Welfare. I had expressed myself on this. We think it will fit very well in the Committee on Lands, Environment and Natural Resources. We can be available when called upon, to lend technical expertise on human rights as well as welfare issues.

However, as with any other petition that comes to this House, there will never be one issue that fits squarely within the mandate of only one Committee. So, we should lean on where the bulk of the matter is. I have just consulted with the Senator for Laikipia County and he says that his main issues are settlement and land.

We will be available at any time to support, as the Committee on Labour and Social Welfare, but kindly allow the Committee on Lands, Environment and Natural Resources to take the lead on this matter.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Thank you very much. I revise my directive and direct again, that the matter be placed before the Committee on Lands, Environment and Natural Resources. Respond to the Petitioner within 60 days and table a report in this House. It is so ordered.

It is past 3.30 p.m. and in the Order Paper there are two other Petitions to be read out by Sen. Mwaura. In consultation with Sen. Mwaura, I direct that the third Petition be deferred and we allow him to read the second Petition. Thereafter, we will restrict ourselves to very few comments on that, so we can move to other items in today's Order Paper.

CLEARANCES REQUIRED BY PUBLIC BODIES ON  
APPLICATION FOR JOBS IN KENYA

*(Petition deferred)*

ISSUANCE OF CURRENCY THAT CAN BE IDENTIFIED  
BY THE VISUALLY IMPAIRED

**Sen. Mwaura:** Thank you Mr. Deputy Speaker, Sir. This is a Petition to the Senate concerning the Central Bank of Kenya to establish bank notes and coins that visually impaired and blind persons can identify.

“We the undersigned citizens of Kenya and in particular, the visually impaired persons of Kenya draw the attention of the House to the following:-

THAT there has been an increase in the population of persons born visually impaired or blind in Kenya. According to a research conducted by the World Health organization (WHO) in 2016, the numbers have risen to about 274,000;

THAT there has been unending struggle to stop discrimination for persons with disabilities, among them the use of currency;

THAT the visually impaired and the blind persons cannot differentiate by a way of touch or feel the currency being used in our country, Kenya. This has been a major setback to the ability to transact business freely and to live independently;

THAT the visually impaired and blind have difficulties accessing banks and ATMs, and this has rendered them not efficient in transacting their business locally but also subject to conning and fraud;

THAT the national Government have not formulated and implemented favourable policies that take into account the rights of the visually impaired and blind persons with regard to their ability to easily identify, access and use the Kenyan currency;

THEREFORE, your humble Petitioners pray that:

(1) The Central Bank of Kenya (CBK) comes up currency that is easily identifies by the above category of Kenyans.

(2) To print different denominations varying in size, colour and texture that are easily identifiable by the visually impaired and blind persons.

(3) To formulate policies that govern printing, circulation, access and use of currency easily identifiable by the visually impaired and blind persons.

(4) To Establish ATMs that are friendly to the visually impaired and blind persons in Kenya.

Your Petitioners will ever pray.”

Mr. Deputy Speaker, Sir---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order. What did you want to say?

*(Laughter)*

**Sen. Mwaura:** Mr. Deputy Speaker, Sir, pardon my voice. I just wanted to make one statement and say that this is a very timely Petition. I would want to ask the House to favourably look at it, especially now that we are in the process of printing new currency for use by Kenyans.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. Mwaura. Hon. Senators, before I allow one or two Senators to make observations on that Petition, you will note from today’s Order Paper that we have a number of items for Division.

*(Interruption of Petition)*

*(Sen. Murkomen consulted with Sen. Ochillo-Ayacko)*

Senate Majority Leader, congratulate the new Senator in low tones.

You can see from the Order Paper that we have one item for Division; that is, Order No.9. Nevertheless, we will not proceed with Division today. For this Order and any other that is due for Division, the Division will take place tomorrow.

Therefore, I direct the Senate Majority Leader and the Senate Minority Whips, in consultation with their respective leaders to ensure that the House will have the necessary threshold tomorrow, in order for us to proceed with Division.

**Sen. Mutula Kilonzo Jnr.:** Most obliged.

## **BILL**

### *Second Reading*

#### THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO.17 OF 2018)

*(Bill deferred)*

*(Resumption of Petition)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. I will now allow a few comments.

Sen. (Dr.) Musuruve you have two minutes.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to support this Petition. I want to commend and congratulate the petitioners for this Petition.

The inclusion of Persons with Disabilities (PWDs) is an issue that needs to be taken with a lot of seriousness. Given the fact that we keep talking about issues of inclusion, there is need for the Government to actually think, walk, talk and practice inclusion. Most of the time, the PWDs are excluded from many things. The essence of inclusion is ensuring that PWDs are independent.

There are instances where PWDs go through many challenges that other people are not aware of, for example, the issue of currency which needs a lot of caution. If the visually impaired persons are not able to identify money and rely on aid, the possibility of not knowing the amount of money they are withdrawing or transacting is high.

Even as we talk about issues of inclusion, there is need for the Government to intervene. This not only affects the visually impaired, but also those who are physically challenged. There are those who are using wheelchairs and struggle to even go to their places of work simply because they do not have aids.

There is need for the Government to look into mechanisms of ensuring that all PWDs, regardless of their disabilities, are helped to be important members and co-partners in development of this country.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Your time is up. Thank you.



**The Senate Minority Leader** (Sen. Orengo): Mr. Deputy Speaker, Sir, the only thing which is not allowed in our paper money, according to Article 231 of the Constitution, is having the image of any person. That is being addressed as Sen. Mwaura has indicated.

However, nearly all countries do not have distinguishable features; what I normally call tactile markings or braille like dots in their paper money, to enable people who are visually impaired distinguish denominations. Some countries have denominations in different sizes like Kenya and some people fold different denominations of paper money in different ways to be able to distinguish them.

However, the world is moving very quickly. Canada was the first country to try and have paper money that has got these features. Australia, the European Union and the United Kingdom are moving fast with this. Kenya, especially Nairobi, being what it is, should be among the first, particularly in Africa, to have money with distinguishing features. Right now, there is technology that is available, including mobile applications which can be used to identify bank notes.

Thank you, Sen. Mwaura, for bringing this Petition and the Petitioners should be commended. This is the time to do it when we are printing new versions of our paper money.

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, this is an opportunity to hit two birds with one stone. I am grateful that Sen. Mwaura has brought this. As the Senate Minority Leader has said, our Constitution is clear that our currency should not bear the likeness of any individual and it should not have any symbol. The Central Bank of Kenya (CBK) is in the process of formulating the new notes. We can have some distinguishing features as long as the Committee on Finance and Budget determines the cost.

We know that there are many governors, national Government officials and many thieves who have millions in their houses that are stashed. We have the new CBK rules and this is an opportunity to tell everybody who is holding money to bring it back to the banks and explain where they got it from. If they do not bring it back in one month, that money will mean nothing. It will only be paper to be used to light firewood. Through that, we will assist the people who are blind and visually impaired and also give life to our economy.

There are billions of shillings out there. We have heard that people have strong rooms with a vault in their houses where they put this money. I want to thank Sen. Mwaura and I hope the Committee will consider it. I hope that we will have timelines for those who are holding public funds in their houses and offices to return it and give reasons for stashing any amount of money above Kshs2 million in cash. They will have to explain where the money has been and why it is in cash form.

I support this Petition very strongly.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Sakaja. What were the two birds, what was the stone and how do the two birds die?

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, the one stone is the change of our currency as envisioned in Article 231 of the Constitution. The two birds are the blind and visually impaired and the fight against corruption. The person who is going to throw that stone is the Senate of the Republic of Kenya.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well, Senator.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I support this Petition. Sen. Mwaura is right and I agree with hon. Senators who have said that this is a way to mop up money. The Prime Minister of India in an attempt to mop up illegal currency did away with some notes and some people slept in hospital. I suspect that there are a lot of Kenyans who will either sleep in hospital or somewhere else, which I will not mention here, because of the illegal money that they are keeping in their homes. The faster we do it the better.

Other than what Sen. Mwaura has pointed out, we are doing lip service to the people in all sectors, who are physically challenged in this country. This applies to buildings, examinations or even the gadgets that we have put in the Senate today. Are they compliant? Every time we do something, we must consider the people who are physically challenged. Our offices, our rooms and even the new structure in Parliament should be all encompassing.

I support Sen. Mwaura and I think that this will be directed to the Committee on Finance and Budget where we will make very drastic recommendations. We hope that for the first time, CBK will follow the cue of the Senate.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well, we will not spend much time on this.

**Sen. Dullo:** Thank you, Mr. Deputy Speaker, Sir. I wish to congratulate and thank Sen. Mwaura for this. I know that he is a champion of Persons with Disabilities (PWD's).

Looking at what the Petition is all about, it is discrimination against people living with disabilities which is provided in Section 23 of the Persons with Disabilities Act, 2003. As Sen. Mutula Kilonzo Jnr. has said, discrimination is not only in the currency.

Today, if you get into a *matatu*, PWD's cannot access it, and the Act is very clear. It is important and it is high time the Government implemented the Persons with Disability Act.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Deputy Speaker, Sir, I want to support this very important Petition from Sen. Mwaura. This morning at about 6 a.m., Sen. Mwaura made a very passionate Facebook post and I read it. It was about his experience in his former school.

I have known Sen. Mwaura since the days when we were agitating for the Constitution and the youth issues. If there is a person who has remained true to his calling and is a true defender of persons living with disabilities, then it is Sen. Mwaura. I have no doubt that Sen. (Dr.) Musuruve is doing the same and many others have done it, but Sen. Mwaura, who I have known for over 16 years has remained consistent in fighting for the interest and desire to mainstream persons with disabilities.

Two days ago, I saw an alert that the court had cleared the way for CBK to print new currency which is something good. The Petition is timed to be for a very long time. In the interim period, a letter will come from your office to the CBK or even through the Committee once the Petition is committed to the relevant Committee. If you commit it to the Committee on Finance and Budget, their first assignment will be to call the CBK Governor to ask him if they have incorporated those features in the new currency that they are going to produce.

In a small way, we will keep changing the world one step at a time. The next thing is to also require our Committee in charge of infrastructure to demand that all buildings that are not friendly to persons with disability, by not having lifts or ramps to

be used, should as a matter of right, be marked for demolition. The owners and the developers should be given a notice of maybe 30 or 60 days to comply. It is now a legal requirement that all the buildings be compliant to accommodate persons with disabilities.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Next is Sen. Wetangula. We have limited time, so you will only have two minutes.

**Sen. Wetangula:** Thank you, Mr. Deputy Speaker, Sir. I also thank Sen. Mwaura for bringing this Petition. I was happy to see in the media that the Governor of the Central Bank of Kenya publishing that the Judiciary has finally decided on the cases that were impending the effecting of Article 231 of the Constitution in terms of currency.

I agree that we need currency that is user friendly, even to persons with disabilities, especially those who are not able to see, because they get cheated here and there.

Equally important is the CBK to print bank notes that have a longer lifespan. The current bank notes, especially the high velocity currencies for traders are Kshs50. The lifespan of Kshs50 in areas where there is very high circulation is hardly a week. This is very expensive for the country. It means that we have to keep on printing more and more money.

In Australia, for example, they have new currencies which even if you inadvertently left your bank note, in your clothing as it goes to the laundry, it will withstand the heat and come out as good as it was when the clothes were taken there. We need to have currency of that nature.

Mr. Deputy Speaker, Sir, our bank notes are a bit too large. They should also find a way of looking at denominations from elsewhere. You look at the dollar bill whether it is US\$100 or US\$1; they are all of the same and a reasonable size. The CBK should look at all these innovations, but more importantly, our protection of persons with disabilities, so that they are not taken advantage of.

Lastly, we have enough law in this country to protect, defend and give comfort to persons with disabilities. What is lacking is enforcement. We want to urge the Government to strictly enforce these rules, whether it is in the transport or the building sector, among many others, so that they can live the full life that Kenyans are entitled to under our new Constitution.

**Sen. (Eng.) Maina:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the Petition. There is no doubt that it is long overdue. This country should in whatever new ventures, for example, buildings, new notes and so forth, cater for our disadvantaged members of the society. Therefore, the new notes should be printed taking that into consideration.

I wish to make a comment that I heard somebody saying the new notes will make old notes obsolete and illegal. This is a substantive issue which should be looked into. We all want to fight corruption. We want the CBK to declare like India that anybody with the old notes should surrender them to the bank within one month. If they do not comply, they can use them to light their fire. I think a Bill should be brought to this House because that is the kind of law we need in this country.

We are just haggling around fighting corruption and very little is happening on the ground. We have not even recovered some of the stolen property. People are arrested over corruption issues and they are handed bail. Some of them are even given special treatment. It is a good game that we are playing.

*(Laughter)*

Mr. Deputy Speaker, Sir, let us get currencies which are friendly to our disadvantaged members of society. I laud Sen. Mwaura for fighting for the rights of the less disadvantaged among us.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Sen. (Eng.) Maina.

Hon. Senators, pursuant to Standing Order 232(1), the Petition stands committed to the Standing Committee on Finance and Budget. In terms of Standing Order 232(2), the Committee is required in not more than 60 calendar days from the time of reading the plea to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

Next Order.

### PAPERS LAID

#### REPORT ON NATIONAL ETHICS AND CORRUPTION SURVEY, 2017

**Sen. Dullo:** Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following paper on the Table of the Senate, today Tuesday, 16<sup>th</sup> October, 2018.

Report of Ethics and Anti-Corruption Commission on National Ethics and Corruption Survey 2017.

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

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

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

**The Temporary Speaker** (Sen. Lelegwe): The Chairperson, Standing Committee on Energy.

#### REPORT ON THE ENERGY BILL, 2017

**Sen. (Eng.) Maina:** Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today Tuesday, 16<sup>th</sup> October, 2018.

Report of the Standing Committee on the Energy Bill (National Assembly Bills No.50 of 2017).

*(Sen. Eng. Maina laid the document on the Table)*

**The Temporary Speaker** (Sen. Lelegwe): Next order.

**NOTICE OF MOTION**

## ADOPTION OF REPORT ON THE ENERGY BILL, 2017

**Sen. (Eng.) Maina:** Mr. Temporary Speaker, Sir, I beg to give notice of the following Motion.

THAT, this House adopts the Report of the Standing Committee on the Energy Bill (National Assembly Bills No.50 of 2017).

**The Temporary Speaker** (Sen. Lelegwe): Next Order.

**STATEMENTS**

## INTERNATIONAL DAY OF THE GIRL CHILD

**The Temporary Speaker** (Sen. Lelegwe): Sen. Kasanga is not present. We, therefore, drop the statement.

*(Statement dropped)*

We have another Statement pursuant to Standing Order No.48(1). Yes, Sen. Mwaruma, proceed.

## WATER PROJECTS ACROSS THE 47 COUNTIES

The statement is deferred to next week.

*(Statement deferred)*

Next Order.

**BILLS***First Reading*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL  
(SENATE BILLS NO.28 OF 2018)

*(Orders for First Reading read – Read the First Time and ordered to be referred to the relevant Senate Committee)*

Let us move on to the next Order.

*Second Reading*THE CARE AND PROTECTION OF OLDER MEMBERS  
OF SOCIETY BILL (SENATE BILLS NO.17 OF 2018)

**The Temporary Speaker** (Sen. Lelegwe): Hon. Senators, as indicated before by the Chair, Order No.9 is, therefore, deferred.

*(Bill deferred)*

*Second Reading*THE COUNTY WARDS DEVELOPMENT EQUALIZATION  
FUND BILL (SENATE BILLS NO.5 OF 2018)

**The Temporary Speaker** (Sen. Lelegwe): Hon. Senators, Sen. Kang'ata is not here. I, therefore, defer Order No.10 to next week.

*(Bill deferred)*

Let us go to the next Order.

**POINT OF ORDER**HABITUAL DEFERMENT OF ORDERS  
DUE TO ABSENCE OF MEMBERS

**Sen. Wetangula:** Mr. Temporary Speaker, Sir, I get concerned. It is not enough to read out an Order and then the Speaker directs that it is deferred. We need to be told where the Senators responsible for these Orders are because our primary duty is to this House and not anything else.

When an Order appears on the Order Paper as an item for debate, whoever is responsible for that item has a fundamental duty to be in this House to prosecute their Motions, Bills, questions, statements or whatever they have. It should not just be a routine that when the Speaker sees that the Senator who sponsored an item is not here, then it is deferred as a matter of course. That way, we will distort the image and the business of the House.

**The Temporary Speaker** (Sen. Lelegwe): Hon. Senators, the responsibility of business on the Order Paper is on the Senator sponsoring a Motion, Statement or Bill. It is not the responsibility of the Speaker to make sure that Members are available here.

Let us, therefore, proceed to the next Order.

**Sen. Wetangula:** On a point of order, Mr. Temporary Speaker, Sir. I know and appreciate that the responsibility of the Chair is not to ensure that Members are in the House because that is the duty of the Whips. However, it is the responsibility of the Speaker to rule out of order and, in fact, issue notices to show cause to a Member who

sponsors a business and it is put on the Order Paper but they do not show up without any explanation of any nature.

Some of us have left our offices to come here to make contributions to these Motions and Bills but we get here and nothing takes off. I think the Chair has a duty to direct that such Members must furnish the Speaker in writing, explanations as to their whereabouts when they were expected to be in this House.

**The Temporary Speaker** (Sen. Lelegwe): Sen. Wetangula, your concerns are noted. We urge both the Senate Majority Leader and the Senate Minority Leader to make sure that Members whose items appear in the Order Paper are present in the House when such Orders are read.

I have already made a ruling, therefore, let us proceed to the next Order. Hon. Senators, for the convenience of the House, I, therefore, defer Order Nos. 11, 12, 13, and 14.

*Second Readings*

THE LOCAL CONTENT BILL  
(SENATE BILLS NO.10 OF 2018)

THE DATA PROTECTION BILL  
(SENATE BILLS NO.16 OF 2018)

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL  
(SENATE BILLS NO.19 OF 2018)

THE COUNTY PLANNING (ROADS, PAVEMENTS AND  
PARKING BAYS) BILL (SENATE BILLS NO.18 OF 2018)

*(Bills deferred)*

Let us go to the next Order.

*Second Reading*

THE PREVENTION OF TERRORISM (AMENDMENT)  
BILL (SENATE BILLS NO.20 OF 2018)

**Sen. (Rev.) Waqo:** Thank you, Mr. Temporary Speaker, Sir. I beg to move The Prevention of Terrorism (Amendment) Bill (Senate Bills No.20 of 2018) for Second Reading.

**The Temporary Speaker** (Sen. Lelegwe): Order Senator. You need to move the Bill properly as it is in the Order Paper.

**Sen. (Rev.) Waqo:** Mr. Temporary Speaker, Sir, I beg to move that The Prevention of Terrorism (Amendment) Bill (Senate Bills No.20 of 2018) be read a Second Time. This Bill is important because it addresses a nationwide headache that we can comfortably say troubles the entire country.

This Bill seeks to insert a new Clause after Section 12(d) of The Prevention of Terrorism Act. This particular Clause is very important because it will add value to the Act. As we all know, violent extremism is not like a normal crime because it has an element of social problem which must be dealt with by communities before it graduates to terrorism.

The formulation of county specific programme to counter radicalisation will ensure dealing with students at a personal level, thus address their fears and concerns. There is need to create fora for communities to engage in the conversation on countering violent extremism and develop relevant strategies that speaks to their context.

The County Education Board, institution administrator, the security team under the county and the county commissioner and all concerned parties need to work together in order to win the war on radicalisation of the youth. To help in counter terrorism and violent extremism, preachers, community-based organisations, village elders and family members must all be involved.

Thousands of youth are recruited into Al-Shabaab every year. Al Shabaab is mostly targeting secondary and university students, both male and female. Areas that are most affected by recruitment of Al Shabaab are north eastern, coastal regions, upper eastern region, and some areas in Nairobi, slums like Majengo. The former Nyanza Province and western Kenya regions have also become fertile regions for recruitment. This is mainly because of unemployment in our country.

The clause also has a subclause on standardized curriculum to be taught. Religious Education Council should come up with a unified curriculum aimed at standardizing religious education in the county. The standardized curriculum will help in demystifying the fear that religious centres are breeding areas for radicalization. This will boost confidence for State agencies to forge a great working relationship with religious leaders.

Once the curriculum is in place, qualified persons should be tasked to carry out quality assurance and monitor the delivery standards. There is need for students in the country to go through lessons that will prepare them both psychologically and socially, for the dangers that face them regarding radicalization.

The Bill under Clause 12(f) also emphasizes on the need for the institutional staff to undergo training so that they are able to recognize vulnerable students who can easily be drawn into radicalization.

Another important aspect mentioned in this amendment is the collaboration of the State offices with other stakeholders to design appropriate amnesty programmes and regulations to cater for students who turn back from radicalization.

Mr. Temporary Speaker, we all know that our young people who have been recruited, once they come back, they are faced with many challenges, because of the stigma that they go through. That is why this Bill is mainly concerned with the young people in our country, so that we can prevent our youth and anybody being recruited into terrorism from the early stage.

A socio-economic and demographic survey of Kenya's returnees conducted by Supreme Council of Kenya Muslim (SUPKEM), Government of Kenya through the Ministry of Interior Security and Coordination of National Government and the International Organization for Migration (IOM) done in 2014 in the coastal region,



revealed there were 700 returnees from Somalia. There is need to devise a strategy to integrate such individuals into the society without them being discriminated against.

At the same time, we need to protect them from the terrorist cells operating in the different counties, not to be targeted as traitors. This can only be achieved by teamwork and developing good working relationships with the security agencies. The security team in particular, needs to create an enabling environment for communities to engage them and benefit through human intelligence, necessary for such complex undertakings presented by terrorism.

There is need for rehabilitation centres to be established in all the counties for the returnees. The youths are mostly lured into terrorism by the promise of a good life. The terrorists also take advantage of the high unemployment rate in Kenya among the youth, to lure and trap recruits. Therefore, there is need to go a step further in creating economic empowerment programmes in the rehabilitation centres to make the returnees financially independent.

The insertion of a new definition of institution administrator is equally very timely. We need institution administrators in all our schools and colleges to ensure that they take student's records for purposes of following up absentee students. In addition, the institution administrators should be locals to ensure easy access and interpretation of information. If we had an administrator in Garissa University, who was a local, the terror attack would have been thwarted with ease due to dissemination of information from the locals who have information on the planned attack.

Mr. Temporary Speaker, I therefore, propose the amendment, and from the proposed Bill, we can clearly see that this is not a---. From the statement, the principal objective of this Bill is to amend the Prevention Terrorism Act, provide for the duty of institution administrators and counter radicalization.

Part II of the Fourth Schedule of the Constitution assigns the function of pre-primary education to county governments. The Bill in amending the Prevention of Terrorism Act seeks to ensure that all institution administrators are mandated and charged with the duty of ensuring measures are put in place in their respective institutions to prevent radicalization and violent extremism.

This is by building the resilience of learners through sensitization, building strong support and care network for students and working with the key institutions to counter ideological challenges associated with terrorism.

Under the Bill, the school administrators will be required to keep and update records of all their students, ensure teachers are sensitized to detect extreme behaviour in students and collaborate with key stakeholders in counter-radicalization.

Therefore, I propose the amendment and request Sen. Faki to second.

**The Temporary Speaker** (Sen. Lelegwe): Yes, Sen. Faki.

**Sen. Faki:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuunga mkono mapendekezo ya marekebisho ya sheria ya *terrorism* ambayo imebuniwa na Sen. (Rev.) Waqo.

Bw. Spika wa Muda, ugaidi umekuwa janga katika nchi yetu ya Kenya kwa muda mrefu kutoka miaka ya 1980 tulipopata tukio la kwanza la ugaidi wakati hoteli ya Norfolk iliposhambuliwa na magaidi. Baadaye, tukapata hasara kubwa wakati Ubalozi wa Marekani ulipopigwa tena na magaidi, Kikambala na kwengineko ambako kumetokea visa vya uhalifu wa kigaidi.

Bw. Spika wa Muda, cha kusikitisha kabisa ni wakati magaidi waliposhambulia Chuo Kikuu cha Garrissa ambako wanafunzi wengi walipoteza maisha yao bila ya hatia yoyote. Kwa hivyo, ugaidi umekuwa ni janga la Taifa na umesababishwa zaidi na mafunzo ya itikadi kali ambayo yanafanywa na wale wanaoongoza vikundi vya kigaidi ambavyo vimeingia katika jamii yetu, na imekuwa vigumu kwa asasi za kitaifa kama vile polisi wahaohusika na *anti-terrorism* kuwatambua watu kama hawa na kuwatoa, ili vijana wetu wasiweze kujiunga na vikundi hivi vya itikadi kali za kidini.

Bw. Spika wa Muda, nikizungumzia sehemu ya Mombasa na pwani kwa jumla, vijana wengi sana wametoweka na kwenda sehemu ambazo, wengi wanatumiwa na wanaojifunza mafunzo ya kigaidi. Kwa mfano, wengi walikwenda Somalia na kujiunga na kundi la Al Shabaab, na wengine wakaenda hadi Syria ili kupigana na mambo ya jihadi ambayo ni kinyume na dini ya Kiislamu.

Bw. Spika Wa Muda, sheria zilizoko kwa sasa zinaupungufu. Hii ni kwa sababu wengi walioenda katika safari za kigaidi wakirudi, jamii inawakataa. Wanapokataliwa na jamii, hawajui iwapo waende kwa polisi au wajifiche. Hii ni kwa sababu wakienda kwa polisi, tayari wana hatia, na wakijificha, polisi watawasaka na kuwaua bila hatia yoyote. Vilevile, hawawezi kurudi kule walikotoka kwa sababu watachukuliwa kama wasaliti kisha wauawe. Kuna vijana wengi hasa kutoka sehemu za Kwale na Mombasa ambao walirudi kutoka Somalia na wakapoteza maisha yao kwa hali kama hizo.

Serikali imewapoteza vijana wasiopungua 300 sehemu ya Mombasa na kwingineko Pwani kwa sababu ya tuhuma kwamba wanashirikiana na magaidi. Mmoja katika vijana hawa ni Bw. Husni ambaye alichukuliwa mwezi wa tano mwaka huu na hadi sasa hajulikani alipo. Ijapokua sheria iliyoko sasa inalinda wananchi na mambo ya ugaidi, ina upungufu fulani ambao lazima ufanyiwe marekebisho ili iweze kusaidia.

Bw. Spika, nimefurahi kwamba kuna kifungu kilichobuniwa cha 12(e). Kifungu hiki kinasema kwamba kuwepo na County Education Board (CEB) ambayo itakuwa inaangalia mtaala unaofunzwa katika taasisi za kidini.

Wengi wanaopoteza vijana wetu wanafanya hivyo kwa njia ya dini. Kwa hivyo, tukipata marekebisho katika mtaala au tuwe na mtaala mmoja katika mambo ya dini, vijana wetu watafunzwa mambo yanayojulikana ili kuepushwa na maswala ya itikadi kali.

*(Loud consultations)*

Bw. Spika wa Muda, ninaomba unilinde.

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

**Sen. Faki:** Bw. Spika wa Muda, jambo lingine ambalo linafurahisha katika marekebisho haya ni kwamba kumependekezwa kuwa na mkuu wa taasisi ambaye atakuwa akisimamia mambo ya *administration*. Kwa sasa, taasisi nyingi ambazo sio za Serikali rasmi hazina msimamizi rasmi wa kuangalia kwamba wanafunzi wanafunzwa mtaala sawa.

Katika Kifungu cha 12(g) majukumu ya wazazi yametolewa wazi. Wana majukumu ya kuhakikisha kwamba watoto wao hawaingii katika itikadi kali zisizojulikana. Hivi sasa, mtoto akipotea, mzazi anakua na hofu kubwa kwamba akienda kuripoti kwa polisi, yeye mwenyewe pia anaweza kuwekwa ndani kwa sababu hataweza kujieleza kwa ufasaha mtoto ameenda sehemu gani. Huenda akachukuliwa kama

mtuhumiwa na itabidi abaki korokoroni, huku polisi wakitafuta habari kuhusiana na kijana yule.

Kwa upande mwingine, mzazi ana hofu kwa sababu waliomchukua mtoto wake wanaweza kumuua wakisema kwamba amepiga ripoti kuhusu mwenzao na kwa hivyo, lazima wamuue ili kuepuka matatizo.

Iwapo marekebisho haya yatakubalika, mzazi atakua na uwezo wa kuenda kuripoti iwapo mtoto wake amepotea kwa njia zisizojulikana. Polisi watakuwa na nafasi ya kufanya uchunguzi kujua kule kijana huyo ameenda.

Bw. Spika wa Muda, jambo lingine nzuri ambalo limekuja na Mswada huu ni kwamba kunatakiwa kubuniwa taasisi za kurekebisha tabia za wale waliosafiri kwa maswala ya itikadi kali na pia ugaidi. Kuna wakati ambapo wengi waliorudi walikuwa wakipelekwa Matuga Technical Training College, lakini baada ya kutoka kule, wengi wao waliachwa kivyao bila makaazi. Wale magaidi walioandamana nao safarini kule Somalia au kwingineko, wanarudi kuwaua kwa sababu wanachukuliwa kama wasaliti.

Kwa hivyo, tukipata taasisi za kurekebisha tabia, wengi watapata mafunzo ili waweze kutumikia maisha yao kwa njia ya amani na kusaidia jamii katika mambo tofauti.

Tumeona pia wengi waliorudi kutoka kwa hizo safari za itikadi kali na ugaidi hawana makaazi. Wengi wao waliposafiri, labda walipewa USD1,000 na kuahidiwa mengi makubwa wakifika kule. Wanapofika huko na kupata shida, hawawezi kurudi huku kwa sababu inawasubiri kuwahukumu na pia jamii haiko tayari kuwakubali kwa sababu ya itikadi walizoenda kule.

Kwa hivyo, taasisi za kurekebisha tabia zitasaidia pakubwa kurekebisha tabia za waathiriwa na kuwafanya wawe wananchi wa kutegemewa katika jamii.

Ninaunga mkono Mswada huu wa kurekebisha hii sheria ya ugaidi ili iwasaidie waathiriwa wa itikadi kali na vilevile wale waliofungwa kwa sababu ya ugaidi. Pia twaomba Serikali iangalie sana maswala ya vijana wanaopotea hivi sasa. Hii ni kwa sababu wengi wanapotea kwa mikono ya polisi ama taasisi za Serikali zinazolinda usalama wa nchi.

Kwa sasa, kama nilivyotangulia kusema, kuna vijana zaidi ya 300 waliochukuliwa. Tulileta Hoja hiyo hapa na kutoa *Statement*, lakini hadi sasa hatujaona marekebisho yoyote ama dalili zozote kwamba hawa vijana wataachiliwa.

Bw. Spika wa Muda, ninaunga mkono Mswada huu wa kurekebisha sheria ya ugaidi.

*(Question proposed)*

**Sen. Wako:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to speak on this important Bill.

First of all, I commend my namesake, Sen. (Rev.) Waqo for having thought of bringing this Bill to amend the Prevention of Terrorism Bill. In our fight against terrorism, we have to keep on improving. I consider this amendment very important because it touches on the key issue of how to deal with radicalization.

I am sure that at the time that the Act was enacted, the way terrorism was being carried out, is now very different from the way it is being carried out today. In other words, terrorism also improves with time. There was a time when the world would profile a terrorist; that he must look like this, have a beard, his eyes may be this way, may belong

to a particular religion. Therefore, if you saw somebody like that, he was construed to be a terrorist.

I recall that one of my nephews got married to a Somali. I have two nephews; one of them looked ordinary like us, while the other one looked like a Somali. They both applied for a US Visa, and the one whom America profiled to be a terrorist was denied the visa. We were not given any reason for the denial, but we all know it is because of the way he looked.

Mr. Temporary Speaker, Sir, we saw the way terrorism was organised, and it kept on improving to the extent where they were using people of the territory or the country where terrorism activities were going on. When I was the Attorney-General, I recall that the first people whom I tried and prosecuted for terrorism were not those who had been profiled to be terrorists; they were those who were very ordinary, and one or two of them had names and the looks of my people of Busia or Luhya land. What had happened is that they had been lured to go to those areas where they were radicalised.

Therefore, Mr. Temporary Speaker, Sir, to the extent that this Bill is focusing on the issue of countering radicalisation, I give it a tick, because most of our youth have been taken away and radicalised outside this country. Very few youth are radicalised within the country. Why is it so easy to lure them to those countries? This is where I would appeal to the Government and all of us to address those issues which cause the youth of this country to be easily lured to go outside for radicalisation.

Mr. Temporary Speaker, Sir, from the stories we have heard from those radicalized youth who have come back, they are lured very easily when they are told that they will go to those countries for further education, with all costs paid for. Of course, when they got there, it was not the type of education that they were anticipating. How were they easily lured? They are easily lured because of unemployment amongst the youth of this country.

They were given great promises of employment in those other countries. I am sure that most families must have felt that if their youth go to those countries and are employed, they will assist them back home. Of course when they got there, it was anything other than being employed, which is the reason they went there in the first place. Therefore, these are some of the issues that must be addressed.

Mr. Temporary Speaker, Sir, when these youth were lured, some of their families supported them under misrepresentation that they were going for further studies. Even those families that knew that they may be going for radicalisation and would not support them, they were fearful of making reports to the law enforcement agencies. This is because they feared that if they made those reports, they would be arrested, dealt with by the law enforcement agencies and, in fact, that their other children may even be shot dead.

We have heard stories; and the Senator for Mombasa County has just referred to the extrajudicial killings among the youth in Mombasa because of this so-called radicalisation. Therefore, those are some of the issues that must be dealt with. I am glad that this Bill addresses those particular issues and gives the Ministry of Education the responsibility, through the County Education Board, institution administrators; and even parents and guardians to educate the children not to be radicalised.

Mr. Temporary Speaker, Sir, we will not be the first country to use education as a means of countering radicalisation. I recently saw on television that China has very many

students who are undergoing training in special colleges which are specifically earmarked for radicalized people, particularly the youth, so that they do not continue in their radical ways. It may not be like the Muslim radicalisation. As you know, China is a country of many nationalities, and the Chinese Government has fears that there is an increasing radicalisation of the youth in some areas to the extent of even making them want to leave China.

Therefore, China, being a country of billions of people, rather than going piecemeal the way we have gone – through the County Education Boards, schools and so on, and so forth – it has actually put up training colleges and institutions so that if they come across any person who has been radicalised, he is sent to that institution for training. From what I have heard, there are hundreds of thousands of such people undergoing training in China so that they do not continue being radicalised. I, therefore, commend Sen. Waqo for bringing this amendment to ensure that our schools should engage in these programmes of countering radicalisation.

Mr. Temporary Speaker, Sir, we are talking about the curriculum which is taught in all schools, having the necessary checks in schools and inter-agency collaboration which is necessary for this type of thing. The reason I particularly like this amendment brought by my namesake is the fact that those who have been lured to go away will not be victimised. This is because even when these radicalized youth want to come back, they fear that they will be victimised when they come back. That, therefore, makes it very difficult for us to deal with terrorism. This is because if they fear that they will be “dealt” with when they come back as terrorists, then they might as well become terrorists, and then come back to carry out their terrorist acts.

I am glad that this Bill provides for catering for students who denounce radicalisation. We should not punish them. The punishment here can mean being shot on sight, tried and put in custody or imprisoned for many years and, therefore, losing one’s life on this earth. This is because by the time an individual comes out of prison, he will be too old to do anything useful for himself. Instead of punishing them, I am glad the approach of this Bill is to rehabilitate our youths.

Mr. Temporary Speaker, Sir, I fully support the provisions of Clause 12(e)(1) and (f) on rehabilitation. It should be used so that our youths are also given a second chance. We, as Christians, normally say that our God is a God of second chances. If one does one mistake, he should be forgiven and given a second chance to become a useful member of the society. This Bill wants to give our youths who have been radicalised a second chance to become useful members of our society.

As I am talking right now, there is a very big regional conference on counterterrorism in Nanyuki. It is being attended by many countries. I hope this is one of the issues they can take on board and say let us now give it another approach. This is because as terrorism mutates into something else, we should also mutate in our counterterrorism proposals and have more vetting machinery to deal with it.

Mr. Temporary Speaker, Sir, with those few remarks, I fully support this Bill and hope that it will be implemented faithfully.

**Sen. Pareno:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this Bill by my sister Sen. (Rev.) Waqo. To me, this Bill seeks to include a very important aspect that was left out when the Anti-terrorism law was crafted.

At the time the original Bill was being drafted, it did not come to the mind of those who were drafting it that they needed to deal with this problem of terrorism right from the very tender ages of our youths. They were supposed to come up with teachings that would help them handle these issues of terrorism at an early stage. That was a very big oversight or a gap that was left at the drafting stage of this law. Many of our young people have been involved in the suicide bombings and the acts of terrorism in this country.

If we want to root out a problem, we start with good teachings and imparting good knowledge to our youths. This Bill seeks to fill that gap and ensure that there is education from the beginning. This has been a major challenge. Education is power. It will empower the children as they grow up and shape their character, humanity and the whole being.

Mr. Temporary Speaker, Sir, I strongly believe that we are all here and serving in different capacities because of education. We should amend this Bill to incorporate good teaching right from the onset. These teachings must be put in the school curriculum. We must teach our children how to behave, be good citizens and avoid being involved in harmful activities that can harm society at large. With these amendments, we will be moving in the right direction.

The Bill seeks to create programmes that will counter radicalisation. This is because by the time a person is radicalised, he must have been taught some radical teachings. Therefore, we can undo all that by teaching them good teachings over and over. This Bill seeks to introduce good teachings in our schools. We need to involve education boards, police and all other stakeholders.

Mr. Temporary Speaker, Sir, what happened to the co-curricular activities that we used to get involved in while in primary schools? We are overburdening our children. We have not given them the chance to develop the mind that is good for society. It is said that an idle mind is the devil's workshop. How many activities are we putting into our children in terms of even just giving them extra activities that they can do? How much have we looked at in terms of poverty reduction? It is provided in this Bill that we shall create interventions that should help us divert the attention of the youth from radicalisation. What came to my mind on these interventions is whether we will create employment.

I always remember the Jubilee Government promising to create so many jobs for our youth within a given timeframe. Up to now, they have not created those jobs opportunities they promised Kenyans. How much are we going to do to ensure that we have job opportunities for our youths? One of the reasons why they embrace radicalisation is because they are idle, jobless and have to look for something to do to earn a living. They think there are greener pastures wherever they are promised.

Mr. Temporary Speaker, Sir, I do not know whether other Members have seen a video that was circulating on social media. In the video, a young man was crying that he had been taken to Somalia and was now there limbless and abandoned in the camp because a bomb had blown off his legs. He was crying for someone to get him out of there. He said he is a Kenyan who had gone there to be employed. He was trying to reach out to a certain teacher to help him. They were giving names in the video, with the young man saying that he went there because he thought there was a job for him, but he was

recruited to participate in terrorism activities. I do not know whether you saw that video in the social media.

That was a child crying desperately. It is true that he was duped and thought there was a job out there for him. Many of our youths are conned into believing that they will be employed and make their ends meet. One is lured in the first place because of being jobless, idle and not thinking of one's job because of their character.

We need to go back and reverse all this. I think introducing good teachings in our schools will help to reverse all this. Even if one will not be employed, his character will be changed and he will improve on his livelihood.

The Bill proposes that we even have a background check of those that are teaching our children. If we are vetting Cabinet Secretaries (CS) and everybody else, how come we have had people with fake certificates purporting to be teachers? We do not know the background of such people while others are hiding and pretending to be imparting religious knowledge to our children. They might be radicalising them in the name of teaching them. We need to do a lot of vetting to know their background before we engage them to teach our children.

This Bill seeks to bring a background check that will ensure that those that are going to teach our children are people whose backgrounds we have counterchecked so that we do not create harm. I believe this should also be done in the churches because we have been told some of this radicalization has been done behind the churches. Somebody sits and pretends he is a preacher but instead, he is operating a devil's workshop.

We should create vetting mechanisms for those teaching in schools, churches and in whatever institution so that we do not have the wrong information going to our children. Also, we should not give a chance to those who possess fake papers to have a field day, pretending to be teachers. If somebody can forge certificates and other credentials, that person can do anything. He can pretend to be somebody else that he is not. They are dangerous to our children and of questionable character.

Mr. Temporary Speaker, Sir, on the issue of poverty, I hope as we create interventions, as proposed by this Bill, it will be tackled. If we do not tackle poverty, we will continue having the same problems. Since our youth are sometimes idle, we need to watch out for these extra-curricular activities. I see a lot of leagues, the governors coming up with the Governor's Cup, the Senator's Cup and so forth. Let us ensure that our children are busy at all times.

I agree when this Bill proposes that parents also take responsibility because a teacher cannot be the only person to have responsibility over one's children. It brings out that parental touch. I know many parents are so busy. We are also busy but if we came out strongly to see how our children are behaving and to monitor them, it will help out.

Mr. Temporary Speaker, Sir, this Bill proposes that immediately you notice that a child has a problem or a child is missing, then you should report to the Inspector General of Police. However, a person in the village cannot report to the Inspector General of Police. It should be to the nearest government agency, be it a police station, the local chief, or village elder. Let us make it that simple. If we maintain that provision, our villagers will be unable to report to the Inspector General of Police.

Let us amend it to include the nearest authority because you can intervene very fast by reporting to the nearest authority than reporting to the Officer Commanding

Police Station (OCS) who is far away from the village yet, these things happen around our schools in the villages, and to reach out to the highest authority will not be easy.

I propose that, as the Committee considers this Bill, that we consider the appropriate nearest authorities for reporting if a child has gone missing or if there is something that needs to be reported on the activities of our children when it comes to radicalization. Perhaps, we should broaden it, not just the police, let us go to the village elder and chiefs or the nearest police station.

Today, we had a discussion with the *Nyumba Kumi* Initiative and we had the Chairman, Mr. Joseph Kaguthi, with us this morning as the Committee on National Security, Defence and Foreign Relations. They told us that we now have these small groups or *Nyumba Kumi* Initiative is everywhere in the villages and each has got a chairperson. These heads know each other; the ten people per group know each other.

If you allow these people to report to the head of that *Nyumba Kumi* or if there is a structure to be reported that is lower, that will help upscale what we want rather than reporting to the highest body like the Inspector General of Police who should be the last resort. By the time the Inspector General of Police knows that something is happening in a village, the chief, the head of the *nyumba kumi* and of the nearest police station and the children officer should have acted.

Let us not leave out the children officer. The children officer should be known by all children and by the people affected in the area. They should know that there is a children officer who is supposed to protect the children when there is trouble and that they can run to that office for rescue or help.

Mr. Temporary Speaker, Sir, from our discussion this morning with the *Nyumba Kumi* Initiative, they told us they have call centers or control rooms where one can call and report whatever is happening. Perhaps, that is an aspect that we need to include in this Bill. They gave us a number, 22068--- They told us one can call this number when there is trouble anywhere. Where does it come in, in this Bill?

Can we have these emergency Nos.911, 999 and then those additional ones of that control room so that when there is trouble anywhere, when a child is missing or you notice there is some terrorist activity happening, you can report it very fast? We should borrow a few of these ideas from that *Nyumba Kumi* Initiative and other security initiatives to ensure that this Bill tightens up what we really want, especially on how to immediately rescue a child that is involved or how to immediately stop a child that is about to be involved in terrorist activities.

Mr. Temporary Speaker, Sir, there is the issue of radicalization having been caused or there is a feeling that this radicalization has come up because some people are agitated about the political situation. They feel marginalized by the politics of the day and they feel that they can radically do certain things. I am praying that this *Building Bridges Initiative*, the *Peace Initiative* that is coming to this country will come to bring up a balanced society that does not have to make people feel marginalized in any way, to an extent that they want to think of radical measures to handle the situation.

When you push a dog right to the corner, however cowardly it may be, at one point, it will fight back. There is a time in this society that people have come to an extent of feeling they are so desperate and that they have been pushed so far until they cannot be pushed anymore. We should look forward to this *Building Bridges Initiative*. We look



forward to a better Kenya where nobody is marginalized either because of their few numbers or religion or anything else.

Mr. Temporary Speaker, Sir, many areas have been marginalized when it comes to development. When we were approaching the last general election, we said that some of us are not Kenyans anymore because we cannot stand any more oppression. This is the kind of feeling that we should stop and people must put aside, build these bridges and have an initiative that brings Kenya together. Therefore, we will have a peaceful Kenya; a Kenya where people will not feel they would be better joining terrorism to revenge or join any other revenge mission and be proudly Kenyans.

I support.

**Sen. Dullo:** Thank you, Mr. Temporary Speaker, Sir. I wish to support this Bill and congratulate Sen. (Rev.) Waqo for having the motherly heart to propose amendments to this Act. A lot has been said by Members especially on the issues of curriculum. As a country, we should come up with a curriculum that allows schools to look at the ways of preventing radicalization and terrorism in schools.

A good example is when kids are missing from school. When they are released to go home, sometimes, the school thinks the kids are with the parents, and the parents think the kids are with the teachers. Clearly, this Bill addresses that concern. Schools need to establish a strategy or a structure where they can monitor when the kids are released from home by their parents to go to school, and from school to their homes to be with their parents.

It is important for schools to identify a structure where they can monitor children when they are released from schools to their parents or from their parents to schools. Secondly, the issue of essay competition in schools can sensitize most of our children, starting from primary to university level. We have seen instances where students disappear from universities to join terrorism activities.

Mr. Temporary Speaker, Sir, training of teachers is important because they are always with the children. However, most schools do not know how to handle children who are involved in these activities. They are unable to detect the behavioral change of students in schools before they disappear. This training will assist students and teachers in terms of preventing radicalization and terrorism. It is time for schools to come up with structures and training on how to detect radicalization and prevent terrorism early enough.

Mr. Temporary Speaker, Sir, the other concern is on sensitization and training of parents. Most parents back at home do not know how to handle issues of terrorism, for example, its prevention or detecting children who have behavioral change in terms of radicalization and all that. Therefore, we clearly need a lot of sensitization. This means that we need to have a budgetary allocation both at the national and county level where parents and guardians are properly sensitized on how to prevent radicalization. Clearly, this does not leave out institutions like churches, schools and Islamic madrasas.

Mr. Temporary Speaker, Sir, at one time, I went to Iran which had established a very religious institution that trains people on how to prevent radicalization. It is time for the Kenyan Government to also come up with institutions that can train people on prevention of radicalization.

Mr. Temporary Speaker, Sir, another concern that Sen. (Rev.) Waqo needs to look into is the issue of security agencies that handle suspects. For example, when you go to Isiolo County, there are children who are rotting in remand for almost a year because investigations have not been completed. Sometimes, they do not know what to detect in a person who is suspected to be radicalized. Therefore, training of security agencies is very important. We also need secluded cells or remands for radicalized suspects.

In most prisons, suspects from different crimes are mixed. This clearly means that the radicalized suspects will influence those who are innocent. Therefore, prison cells should cater for these kinds of suspects so that we can protect other inmates within those institutions.

Mr. Temporary Speaker, Sir, in addition, rehabilitation programmes and centres are important. You will find that some suspects are released back into the community and it takes long for them to go through a rehabilitation programme. It is important for us to have rehabilitation centres where these children will be rehabilitated and thereafter enroll them in training institutions, for example, colleges or job placements once they have finalized their studies.

Mr. Temporary Speaker, Sir, as a country, we need to invest a lot in research so as to understand the causes of radicalization in the country. As Sen. Pareno has said, people suspect that poverty could be one of the aspects that drive people to radicalization and terrorism. People also talked of marginalization as a cause of radicalization. What about Western and Northern Kenya? Therefore, we need to carry out research to really understand the causes of radicalization in our country so that we can prevent terrorism.

Mr. Temporary Speaker, Sir, without taking a lot of time, we need to put mechanisms in place to detect terrorism. For example, what do the police need to have in place for them to identify a radicalized person? Do we have enough equipment? Do we have a Judiciary that is competent to address issues of radicalization? All these aspects are important.

In finality, I request the sponsor of this Bill, Sen. (Rev.) Waqo, to introduce an amendment to this particular Bill. I know that it is the first Bill on radicalization and prevention of terrorism that has come to the Senate. Therefore, it will address most of the challenges faced by various parents. It will also help the various counties and the country at large to deal with issues of radicalization.

This morning, we met the Committee on *Nyumba Kumi Initiative* that Sen. Pareno talked about. We expect it to help with issues of radicalization and terrorism by indentifying strangers within villages. However, if today you walked into a village, for example, where I come from, people do not know who is a stranger and who is not. We have the *Nyumba Kumi Initiative* in place. Unfortunately, we do not have funding to establish an institution that will help us in such circumstances. Therefore, we keep on creating institutions that do not address the proper objectives that are supposed to be addressed. Terrorism is a very serious problem in our country that we need to deal with and protect our citizens.

Mr. Temporary Speaker, Sir, I support the Bill.

**Sen. Halake:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill and congratulate Sen. (Rev.) Naomi Waqo for bringing it to the Senate.

This Bill is important because of the fact that it creates awareness. Of late, we have probably relegated the whole issue of terrorism, extreme violence and radicalization

as if it has gone away. Therefore, I am glad that this Bill will create a conversation around something so important yet so neglected. This is a problem that has been with us and continues to be with us; and for a while now, we have relegated it to the back burner.

Mr. Temporary Speaker, Sir, allow me to define radicalization, because as it stands, some of the determinants feed into extreme violence and terrorism. The English Dictionary defines radicalization as, “a process by which an individual or a group comes to adopt increasingly extreme political, social or religious ideals and aspirations that reject or undermine the *status quo* or undermine contemporary ideas and expressions of the nation.” It is important for us to understand what some of the determinants or drivers of terrorism are, for us to deal with it and prevent it.

Mr. Temporary Speaker, Sir, many parts of the world have identified extreme violence or radicalization as drivers of terrorism. That is the key underlying factor that we, as a nation, should be looking at, because that is what then drives terrorism. Therefore, dealing with radicalization and Countering Violent Extremism (CVE) is the only way we can deal with terrorism.

Mr. Temporary Speaker, Sir, a lot has been said about the causes of radicalization. Unfortunately, I have not read the principal Act, and what I have is just the amendment Bill that Sen. Waqo has so ably brought to us. However, one of the things that we basically need to understand is that the prevention of terrorism cannot be done by one institution. I, therefore, commend Sen. Waqo for looking at different institutions and assigning roles and responsibilities in this amendment. She has recommended duties and responsibilities for institutions and their administrators; for parents and guardians; and the procedures for reporting missing youth, and the rest of it.

With that said, perhaps we also need to create conversations and look at the entire radicalization process. What are some of the signs of somebody being radicalized? What is the common thread that runs across some of the already radicalized people? Where do they go, for instance? One agency alone cannot deal with this issue; and I know that some Senators have mentioned the *Nyumba Kumi* Initiative, policemen and the rest of it. However, some of the issues around this multi-agency approach is the fact that these agencies have different structures, goals and agendas. Therefore, how do they then work together? That continues to pose a problem.

Mr. Temporary Speaker, Sir, I know in part that perhaps the most important thing is information sharing. What are some of the ways in which these multi-agencies can share information? How can schools, the Police and religious institutions share information? We need to look at some of these determinants and drivers of terrorism and radicalization for us to create awareness.

I do not think that I have ever heard of, or talked to my children about these things at home or anywhere else. However, the more we interact with these Bills and think about prevention, the more I am wondering whether these are things that need to be talked about in the public domain; and for parents, teachers and educators to be trained on what the signs are and what the process to deal with this is, because there is a process to it.

Mr. Temporary Speaker, Sir, I have had occasion to participate in some dialogue with youth as part of CVE and its prevention. One thread that has come through – at least for me when I dealt with this in a different space – is that victimization and humiliation

makes people want to act or do something about it. This narrative around victimization and humiliation is different for different people.

One university student once told me, "I was just studying for my exams, but because I was up late and I am of a certain profile, they thought I am a terrorist." Others have different experiences. Therefore, once again, the narrative around humiliation and victimization that makes some people go to extreme thoughts and actions is different for everybody. However, considering how we, as parents, can identify them and what we can do about these kinds of things, would be a good thing.

However, Mr. Temporary Speaker, Sir, the problem is the vicious cycle, especially with regards to our policemen; who also need some training in terms of what the signs and drivers of terrorism are. The vicious cycle created, for instance, is the one in which the brutality or the extrajudicial killings create the cycle of humiliation and victimization, which then goes round and round.

I know that Sen. Faki has very ably, and in very good Swahili, explained how killings have happened in the past under the guise of countering terrorism. However, these kinds of things only fuel the vicious cycle of humiliation and the feelings of victimization that then feeds into extreme thoughts and radicalization. We, therefore, need to look at all these things with regards to training, not just our policemen, but also ourselves, as parents and our educators.

The other thing I have seen happening in different parts of the world is community policing. Of course, our definition of community policing is perhaps the *Nyumba Kumi* Initiative. Community policing has worked for many places, but with very defined programs and structures that have information sharing at its core. Where do people within the *Nyumba Kumi* Initiative go to with this information? How does it link to the different agencies that look at these things?

Therefore, Mr. Temporary Speaker, Sir, this is a very good Bill. Unfortunately, I do not have the principal Act which this Bill seeks to amend. Perhaps some of these things are there. However, with that said, I am happy with the amendments that are being introduced in this Bill. This is because they have a multi-pronged approach and a multi-agency principle to it.

I hope that in the principal Act, all these issues of awareness, information sharing and the new concepts around social media, the use of analytics and data to counter violent extremism and terrorism are also looked at in the primary Act. If it does not exist in the principal Act, then Sen. Waqo should consider looking at the new internet and data driven approaches as part of the prevention strategies.

Mr. Temporary Speaker, Sir, I know that right now, people are on Google, Facebook and YouTube; and that they watch very closely for any content that may be from radical groups. However, as part of these amendments, we should also look at the ways in which information flows; be it on social media, the internet and the rest of things. This is because, right now, that could also be an area of concern since most kids and teenagers are very impressionable between ages 12 to 20 years. That is when they are trying to find themselves; they are grappling with a lot of things like identity issues, issues around finding your livelihood and trying to see whether you could amount to something or not. Therefore, if a radical group comes up with a solution to all the problems that are going around your head---

Mr. Temporary Speaker, Sir, we need to catch these youth in good time at that impressionable age. Where do the 12 to 20 year olds go? They go on the internet and that is their primary communication tool. I am, therefore, hoping that the primary Act has provisions for these approaches; but if it does not, I request my sister, Sen. Waqo; to also look at ways in which prevention can also leverage on the new ways in which people communicate, including social and new media

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

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

With those few remarks, Madam Temporary Speaker, I beg to support this Bill. I look forward to its implementation because depending on the profile that some of us bear, we tend to bear the brunt of these things. I know that Sen. Wako mentioned a profile of people who look very normal or very natural. Therefore, the profiles exist and it is in our interest – for some of us who know this first hand – to work together with Sen. Waqo to ensure that all the loopholes with regards to prevention, monitoring, and new media are sealed. We also need to work together to ensure that our youth are mentored well and that their energy and restlessness is channeled to the right places.

Lastly, Mr. Temporary Speaker, Sir, it is very difficult for anybody who has been radicalized to be de-radicalized. It is very difficult to find jobs. They could have the radical views but not have the opportunity to convert that to actions that would hurt them or others. That is why prevention is key. I look forward to the implementation of this Bill to enhance and make the principal Bill more robust and more useful.

I thank you and I support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Could we hear from Sen. Madzayo Stewart Mwachiru?

**Sen. Madzayo:** Ahsante, Bi. Spika wa muda, kwa kutamka jina yangu sawa sawa. Ahsante pia kwa kunipa nafasi ili niweze kuchangia Mswada huu ambao unataka kufanya mageuzi kwa sharia dhidi ya ugaidi na kuifanya iwe mwaafaka.

Ningependa pia kumuunga mkono na kumpa hongera Bi. Seneta mteule, Sen. (Rev.) Waqo. Inasemekana ya kwamba Wako nyingi ni yale ambayo yako na konsonanti ‘k’ lakini nilipokuja Seneti mara ya pili, nilipata kujua ya kwamba kuna Waqo ambayo iko na konsonanti ‘q’. Amefanya juhudi na ninampa hongera kwa kuleta Mswada huu ili tuipege pasi hii sharia na kuifanyia mageuzi ili iweze kufaa jamii ya wakenya.

Sio jambo jipya kuona ya kwamba watu wetu wanaingia katika vikundi vya ujangili kwa urahisi ili kuletea binadamu shida. Tunajua ya kwamba ujangili ama ugaidi haiko Kenya peke yake bali iko ulimwengu mzima. Tunafa kuweka mkazo hapa nyumbani kwa sababu tumeona vijana wetu wengi wakijiunga na vikundi vya ugaidi kwa urahisi sana.

Haya yote yanaletwa na ukosefu wa kazi na utendaji wa shughuli fulani. Wengi huacha masomo wakifika kiasi fulani. Hata wale ambao wamesoma wakafika katika vyuo vikuu, unapata ya kwamba wale watu wanaweza kuwafikia na kuwatia katika vikundi vyao vya ugaidi. Tumeona ya kwamba imekuwa rahisi vijana wetu kuingizwa katika vikundi hivi kuanzia shule za msingi hadi vyuo vikuu na serikali imeweza kuchangia hali hii.

Jamii ya Kenya na serikali yetu inafaa izingatie jinsi ya kuwalinda wananchi wake, haswa vijana ambao ni wa kike na wakiume. Hii ni kwa sababu katika ugaidi, tumeona wavulana na wasichana wetu, wakiwa watoto ama watu wazima, wakihusishwa katika mambo haya na wameingia katika vikundi vinavyofanya mambo ya ujangili.

Serikali yetu inatajikana kujenga *polytechnics* ama shule ya kufundisha mtu anapomaliza shule kwa sababu hawa vijana wanahitaji kupata vibarua. *Polytechnic* imekuwa ghali na hawa vijana wamekuwa wananchi ambao hawafanyi kazi. Kina mama wetu ambao hawafanyi kazi wanategemea kulima vipande katika shamba ya watu wengine ili wapate chakula ya kukula na kulisha watoto. Imewabidi kuwapeleka watoto wao katika *polytechnic* kule vijijini na hiyo hali ni duni.

Ikiwa tutapitisha hii Mswada, serikali itatajikana iende chini kuhakikisha ya kwamba watoto wetu wameepuka mambo kama haya. Tukitaka kupigana na jambo hii, inafaa ya kwamba watoto waweze kwenda katika *polytechnic* wakimaliza shule ili wajifundishe kitu fulani ambapo wakimaliza, watakuwa na shughuli ya kufanya na hii inaweza kuwa useremala ama kutengeneza baiskeli.

Katika huu Mswada, nimeona kipengele cha 12(e) ambapo kuna mikakati ambayo tunaweza fanya ili hawa watoto waweze kuelimishwa na kupata kazi ya kufanya. Ningependelea ya kwamba tuweke mkazo ili watoto wakimaliza shule waweze kupata kazi ya kufanya. Isiwe ya kwamba mtu anamaliza kidato cha nne na hana pakuenda. Akiangalia *polytechnic*, anapata ya kwamba imekuwa ghali na mama yake amebaki nyumbani na hawezi kumusaidia na chochote. Mzee pia hawawezi kumusaidia kwa sababu hana kazi na wala hana ndugu mwenye anafanya kazi.

Kwa hivyo, anakuwa mtu amesoma, amefika kidato cha nne, darasa la saba ama chuo kikuu lakini hana kazi. Itakuwa rahisi sana shetani afanye kazi kwa akili ya mtu kama huyo na ndio wazungu wakasema ya kwamba; *it is a devil's workshop*. Yaani, shetani atafanya kazi yake anayojua katika akili ya yule kijana ama yule dada. Kwa hivyo, kipengele kama hiki ni muhimu na ninaiunga mkono ili tuweze kufanya mageuzi ndiposa ipatikane katika sheria zetu za kupambana na mambo ya ugaidi.

Jambo lingine ningependa kuzungumzia ni vijana kupigwa risasi na kuuawa katika mkoa wa Pwani; Mombasa, Kilifi na Kwale. Sio wengine wanaofanya jambo kama hili ila ni polisi. Jambo hili linafanywa na watu ambao wanasilaha. Mara nyingi ukienda kuuliza baada ya siku mbili au tatu kuhusu mtu ambaye amepigwa risasi, utaambiwa ya kwamba 'hatujui ni nani alimua'. Visa kama hivi vinafanya watu wawe na ugumu kukubaliana na yale mambo ambayo wanaambiwa kuwacha. Badala yake, hao husema 'waliuwa baba yangu, waliuwa ndugu yangu au shangazi yangu na mimi pia nitalipiza'.

Kwa hivyo, kunatajikana kuwe na elimu au hoja kama hii. Tunafaa kuiunga mkono kwa sababu tunatafuta jinsi tunavyoweza kusaidia wakenya kwa sababu ukiangalia ugaidi siku hizi, utapata kuwa kuna mjaluo, mluhya, mkalenjin, mturkana, mgiriamu, mmijikenda na hata msawahili kama kuna kitu kinaitwa Swahili. Ninasema hivyo kwa sababu sisi huwa tunawaita waswahili wajomba kwa sababu walikuwa watoto wa *aunties*. Kila jamii ya Kenya ama kabila iko ndani ya Al-Shabab, Mombasa Republican Council (MRC), Chinkororo, Jeshi la Msambwa, Jeshi la Mzee ama Sabaot Land Defence Force (SLDF) ya Mt. Elgon.

Magenge kama haya yanafaa kuangaziwa ili tumalize ugaidi. Wakati Serikali inatafuta bunduki zilizopotea, wanafaa kupeana *amnesty* kwa walio na bunduki bandia wazirejeshe ili wasamehewe. Watu wengi wanajiunga na vikundi vya ugaidi. Wengi

wako hapa Kenya na wengine wako Somalia. Ndio maana wanajeshi wa Kenya Defence Forces (KDF) wako kule Somalia kwa sababu sote hapa tunataka amani ambayo haiwezi kuwepo bila sisi kuwa na majeshi yetu Somalia. Hata hivyo, hiyo sio suluhu pekee. Tunafaa kuzingatia kuwa kuna watoto wetu kule na ikiwa wataondoka---

Kwa mfano, kuna mmoja aliyekuwa akilia kuwa hana miguu na mikono kutokana na pengine kulipuliwa kwa bomu au kukatwa na watu kwa sababu hakushirikiana nao. Lazima Serikali ipeane *amnesty* kwa watoto wetu waliojiunga na kundi la Al-Shabaab ama magenge mengine kama vile *Chinkororo*, Mombasa Republican Council (MRC), Jeshi la Mzee na kadhalika na hatimaye wakajiondoa.

Kuwe na *amnesty* kwa mtu yeyote aliyekosa na kuomba msamaha baada ya kuachana na mambo ya *terrorism* ama ujangili. Anafaa kupewa nafasi kuwa mmoja wa Wakenya “waliojisafisha” kama vile Wakristo husema kuwa wameokoka na hawatafanya dhambi tena. Lazima tuangalie jinsi ya kuwachunguza wakijitokeza kwa nia safi. Wanafaa kuangaliwa tabia mikononi mwa Serikali bila kuadhibiwa. Wanafaa kukubaliwa na jamii na hata kupewa ajira wakati kuna nafasi za kazi.

Tuko hapa sote kama Wakenya. Ikiwa nchi hii itaharibika, Wakenya wa tabaka zote wataharibikiwa. Hatuwezi kusema kuwa ugaidi unafanywa na Waislamu ama Wakristo. Vile vile, hatuwezi kusema kuwa unafanywa na watu ambao hawana dini. Ugaidi unahusu kila mtu; awe Mkristo au Mwislamu.

Tumeona vijana wetu wa dini za Kikristo na Kiislamu na vile vile wasiokuwa na dini wakijiunga na ugaidi. Tumeshuhudia vijana wetu wa tabaka mbalimbali za Kenya wakijiunga na makundi ya kigaidi niliyotaja hapo awali. Kwa hivyo, Serikali inafaa kuhakikisha kuwa Kifungu hiki cha 12 kinawekwa mwafaka. Baada yao kupewa mafunzo, Serikali inafaa kutangaza kujumuika kwao na Wakenya na wasichukuliwe kama wagonjwa wa ukoma ya kwamba hawawezi kupata kazi. Hiyo inawafanya kubaki kama mayatima. Ikiwa siwezi kupata kazi, basi nitarudi kule nilikotoka.

Kwa hivyo, sisi kama Wakenya lazima tuzingatie mambo haya. Serikali nayo inafaa kujikakamua vilivyo ili kutekeleza wajibu wake kwa Wakenya.

Bi. Spika wa Muda, naunga mkono Mswada huu.

**The Temporary Speaker** (Sen. (Prof.) Kamar): *Asante* Senator. Let us now listen to Sen. Wario.

**Sen. Wario:** Bi. Spika wa Muda, asante kunipa nafasi hii ili kuchangia Mswada ulioletwa hapa na dadangu, Seneta Mteule, Rev. Naomi Waqo.

Ujangili na ugaidi umekuwa tishio kubwa katika nchi ya Kenya. Ugaidi umeshuhudiwa mahali pengi katika nchi hii na hasa wakati Chuo Kikuu cha Garissa kilipovamiwa. Wale waliohusika walikuwa vijana wa vyuo vikuu ambao walitekeleza maafa hayo. Hiyo inamaanisha kuwa sisi kama Wakenya tumepoteza uadilifu kama jamii ya kiafrika.

Ugaidi ni kitu ambacho sisi kama jamii tunafaa kuanza kupigana nacho. Ni vyema tupambane na ugaidi kabla haujafikia katika serikali za kaunti ama Serikali ya kitaifa. Sisi kama jamii ambao tunaishi vijijini na sehemu mbalimbali za Kenya tunafaa kuukandamiza. Tunafaa kutangaza na kuambia wanaohusika na ugaidi kuwa ugaidi haufai.

Hakika, masomo kuhusu ukandamizaji wa ugaidi yanafaa kutolewa kuanzia shule za chini kabisa mpaka vyuo vikuu ili watu wajue kuwa ugaidi ni kitu kibaya.

Seneta aliyezungumza kabla yangu, Sen. Madzayo, alisema kuwa ugaidi hasa unaletwa na ukosefu wa ajira na ni kweli. Vijana ambao hukosa ajira na kubaki nyumbani hukosa jambo la kufanya na kuingilia ulevi. Hatimaye wanaingia katika ugaidi kwa sababu wale wanaouendeleza huwaambia watawalipa vizuri. Kwa hivyo, ni jukumu la serikali za kaunti na Serikali ya kitaifa kupatia vijana wetu majukumu. Wale waliosoma wanafaa kupata vibarua ili wasijiingize katika ugaidi.

Bi. Spika wa Muda, ugaidi unarudisha nyuma jamii iliyostaarabika na ambayo inataka kuendelea. Kuna mambo ambayo hufanyika kule Pwani ambayo ni ya kuvunja moyo sana. Wakati wa kushambulia magaidi, tumeona jamii fulani ikiathirika sana katika vita hivi. Misikiti ya Waislamu mjini Mombasa imevamiwa na askari. Vile vile Waislamu kwa jumla wamehusishwa na ugaidi ilhali tunajua kwamba ugaidi hauambatani na dini kwa njia yoyote. Tumewaona polisi wakivamia misikiti kule Mombasa na kuleta vurugu. Hali hiyo haiwezi kukomesha ugaidi kwa sababu magaidi hawako katika dini yoyote.

Ni watu waliotoka katika dini na wamelaaniwa kwa sababu huwezi kuua watu kisha ujiite Muislamu. Ukifanya hivyo utakuwa unaharibu jina nzuri la Kiislamu kwa sababu Quran inasema kwamba mwenye kutoa roho ni Mungu pekee wala sio kazi yako. Anayejiingiza katika hali ile anawaharibia jina watu wa dini hiyo.

Ni vyema tuungane mikono kuanzia vijijini ambako jamii zinaishi na lisiwe jukumu la Serikali pekee. Serikali pekee haiwezi kufaulu katika vita dhidi ya ugaidi. Magaidi wanaishi miongoni mwa jamii vijijini na katika miji mikubwa ya nchi hii. Kwa hivyo, liwe jukumu la Wakenya wote kuangalia na kujua ni nani gaidi na jinsi tutakavyopigana na ugaidi.

Naunga mkono Mswada huu uliyoletwa na Sen. (Rev.) Waqo wa kurekebisha sheria ya kupigana na ugaidi, ujangili na ujambazi ambao umekuwa janga kubwa katika hii nchi yetu.

Bi. Spika wa Muda, asante kwa kunipatia nafasi.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. There being no other Member wishing to contribute, I now ask the Mover to reply.

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I stand to reply. From the outset, I take this opportunity to thank my fellow Senators for coming up very fast to support the amendment Bill. A special thank you goes to Sen. Faki who seconded the amendment Bill and Sen. Wako, my namesake. I also thank Sen. Pareno who passionately contributed, Sen. Dullo, Sen. Halake, Sen. Madzayo and Sen. Wario.

From the Members' contribution, you could clearly see that this is a problem which affects every part of our nation. When Sen. Faki seconded the amendment Bill, he narrated the problem and challenges that they have gone through in his County. He also talked about the dilemma that the young people go through everyday, especially the disappearance of young people and the pain that parents go through. As the debate went on, the Members brought out passionately the issues that have been affecting us, as a nation, and the need for this amendment.

When I dreamt of this Bill, I considered the many parents who live with the pain of identifying themselves with their sons and daughters, who have already been radicalized, disappeared and those who do not know where their children are. I come from Marsabit County in the northern part of Kenya, where some of our young people have disappeared without any trace. The pain that the parents go through is so much such



that you wonder how you can help them. In cases where some of them come back – although that does not normally happen - the parents cannot even identify with their sons and daughters. It is a very painful experience. This Bill on prevention of terrorism will fill the gap that has been there.

Madam Temporary Speaker, as Kenyans, we know that we have created a huge gap between ourselves as parents and our children. We have left the responsibility of discipline and other things to teachers. The teachers have also left it to us because we have put measures in place that they should not discipline our children. In between, our boys and girls suffer. They influence each other and by the time they get to the age of 14 or 15, they are already radicalized and we are unable to bring them back to the society.

Poverty as one of the causes has been highlighted by all the hon. Senators. Sen. Pareno spoke on that and many other Senators touched on it too. Poverty and the hope of receiving a lot of money on the other side gives the young people who are idle a bit of hope and, therefore, they do not consider the risk that is involved.

As I said, the Bill touches on the responsibility of parents and how they need to be closer to their children. All the Senators who have spoken have also touched on that. We will see how the relationship between the parents and the children can be enhanced in order for us to take care of the existing gap.

Madam Temporary Speaker, the issue of us reporting matters to the Inspector General of Police came out clearly. As Sen. Pareno said, there is need for us to see how we can get closer to the community. We need to involve chiefs, police officers and even village elders. I have taken note of that. We will consider it with the relevant team and see how we can bring it on board.

Training of teachers is very important and many Senators have touched on it. Sen. Dullo passionately spoke about empowering the teachers. She also talked about capacity building of the students who have been radicalised. She also talked about rehabilitation of the students and how we can even build, grow economically and create jobs for them. I know that is sensitive and it is not that easy. However, where there is a will, there is a way. I am sure we will be able to do something.

Another very important aspect that came out is budgetary allocation. Sen. Dullo passionately said we need to have a budget to support the entire thing and see how the young people can be empowered economically. That is a good thing which we had not thought of before. However, with the time and this wisdom that we have received from this honourable House, we will be able to bring it out.

There is also something that came out on security agencies. This is the mistreatment that the young people on remand go through and the many years they spend there. It is also very important to empower our security agencies and train them on how to deal with the individuals in a friendly manner. We know very well that when anybody goes to any cell or gets into the hands of the police, people prepare themselves for much mistreatment. However, when we empower them and give them relevant training on how to deal with people and apply friendly measures, I am sure that will help us.

Madam Temporary Speaker, there is also need for research to be done. We, as a nation, have neglected some of our responsibilities. We know how much radicalisation has affected this country. Maybe one thing which we have not done is research to show us where we are, how it started and how we can get out of this. We will take these recommendations on board to enrich this Bill.

There is also another suggestion on mechanisms to be put in place to detect radicalisation. That is very important at this time. When Sen. Wako spoke, he said that radicalization is not as it was before. It is now modernized and current. I believe it is more complex than when it began. For that reason, we need to pull up our socks and seriously think of how best to handle this and see how this nation can be helped. Failure to which, as a nation, we will lose our young people and suffer because of the challenge of that process.

Madam Temporary Speaker, a lot needs to be said but because of time, pursuant to Standing Order No. 61(3), I request you to defer the putting of the question to a later date.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. It is true that the Bill concerns county governments in terms of Article 110(1) (a) of the Constitution. Therefore, I order that we defer voting until tomorrow, Wednesday 17<sup>th</sup> October, 2018 for the convenience of the House.

*(Putting of the question on the Bill deferred)*

We move on to the next Order.

Hon. Senators, after consultation, we will defer Order Nos.16, 17, 18 and 19 for the convenience of the House.

*Second Readings*

THE COPYRIGHT (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO.33 OF 2017)

THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO.52 OF 2017)

THE LAND VALUE INDEX LAWS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO.3 OF 2018)

THE COUNTY STATUTORY INSTRUMENTS BILL  
(AMENDMENT) BILL (SENATE BILLS NO.21 OF 2018)

*(Bills Deferred)*

We move on to the next Order.

*Second Reading*THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL  
(SENATE BILLS NO.22 OF 2018)

**Sen. Pareno:** Madam Temporary Speaker, I rise to move that The Petition to County Assemblies (Procedure) Bill (Senate Bills No.22 of 2018) be now read a Second Time.

Madam Temporary Speaker, this is a Bill that arises from the provisions of the Constitution of Kenya. It is, therefore, well entrenched and founded on the constitution and the principles therein.

Our Constitution has brought forth a lot of principles some of which put the citizens first in everything that we do. One of this is on the issue of public participation by the citizens and the sovereignty of the people in public participation. Therefore, it is the people first, the Republic then everybody else follows. The Constitution has brought forth many Articles that keep repeating how we must involve the citizenry in the processes of decision-making, governance and the laws that we pass. Therefore, this Bill comes up to ensure that people are at the center of everything as dictated by the Constitution, to ensure that they are consulted and that the decisions that are made by the county assemblies are involving and have the interests of the people at heart.

Madam Temporary Speaker, Article 1 of the Constitution of Kenya categorically declares that all the sovereign power belongs to the people of the Republic of Kenya. Article 10 of the Constitution says participation of the people in governance is one of the national values and a principle that must be adhered to. It also binds all State organs as well as State and public officers. So, in everything a State organ or a public officer does, and in every decision of governance; the people have been put at the centre of it and public participation must be realised.

Madam Temporary Speaker, under Article 174; the participation of people in the exercise of the powers of the state and in making decisions affecting them is again one of the objects and the principles. Articles 1, 10, 174 and 196 say that the Constitution enjoins every county assembly to, among others, facilitate public participation and involvement in the legislative and other business of the assembly and its committees. It even dictates under Article 196 that the county assemblies must ensure that the people participate in the legislation that they make and in the business of the entire assembly and its committees.

This Bill, therefore, brings to life one of the mechanisms through which people can participate through petitions. So, it has brought in a procedure through which the people can relate to the county assemblies. Currently, as we speak, there is a procedure in the National Assembly, but there is no procedure in the county assemblies.

Madam Temporary Speaker, we have presented petitions and statements before this House, and I am sure you have come across our citizenry just in the streets and they tell you, "Sen. Pareno, we have a petition." They give you just a paper and tell you we have this problem. Sometimes we even tell them to go back and put it into the right format of a petition. At the end of the day, there is no procedure, it is like you meet legislators and tell them what you want to do. After listening to the people, you will realise that they want to present a petition to the assembly.

This Bill intends to bring in orderliness through which petitions can be presented to the county assembly. Having put the public participation as a core principle in our Constitution and in our business, these people can therefore communicate to Parliament, to the county assembly and to any other body through petitions but in an orderly manner. So, we are now providing for the county assemblies because other bodies probably have other ways through which the petitions can be presented to them.

Madam Temporary Speaker, in Article 37, it is a fundamental right for a citizen to present a petition. So, you can imagine all these provisions—more than five provisions—of the Constitution emphasizing on how we must allow people to communicate with us and participate in decision making, and one of them is by way of petitions.

Madam Temporary Speaker, when a petition is presented like we do here in the Senate; it is processed and then there is a way these people are summoned, they are heard, a decision is made and it is communicated to them. If we did not have a link between us and the people, how would they communicate to us? How will they relate to us? How will we even know their problems?

For us to be able to speak on their behalf, for the county assemblies to be able—because we are providing for the county assemblies—to speak to the people and have that link, then this particular Bill is one such tool that will allow for the link and proper communication by the people to the county assemblies. They will be able to pick up the grievances and even direct how they will be dealt with. It, therefore, provides a direct link for purposes of communication.

Madam Temporary Speaker, apart from this Bill providing for the procedures, it will also make us relevant, as the Senate. This Senate is here to protect county assemblies and the interest of the people who live in those counties. If we were to receive as many petitions as we are receiving now, how many relevant questions have we raised, because they arise from the same petitions? In fact, receiving these petitions gives us a lot of Business. Similarly for the county assemblies, by receiving petitions, they will have work; they will listen to the concerns of the people; they will sort them out and give a way forward.

Moreover, they would have raised questions, statements and motions out of those petitions and grievances by the people. Petitions are actually one way for us to realize our mandate, because we will be able to sort out the issues of the counties. They are also one way through which the people can bring their problems to the county assemblies.

Madam Temporary Speaker, the provision that provides for the processes indicates as follows. It gives guidance as to how a citizen may bring the issues forth to the assembly. It guides them not to go overboard by providing a simple but effective way to communicate to the county assemblies. It actually provides what the parameters for the exercise of this right are; to whom the petition should be submitted; and the content that is admissible and inadmissible.

We all know that we cannot allow petitions that are out to malign or are malicious, and which may cause conflicts. Therefore, the content of the petition will be checked to confirm whether it is admissible or not. This will guide citizens on the content they are expected to include in the petition they will be presenting; it must be in civil language, and it must be in this form.

In addition, Madam Temporary Speaker, this Bill also provides what a county assembly is expected to do with the petition. This is so that when citizens present their

petition, they then know what the next step to be taken by the county assembly will be. That way, they do not just give a petition, go home and they do not know the way forward. This Bill seeks to give them that guidance so that they know how to access the information they are seeking; or how their problem has been addressed.

It also helps them to know when to expect feedback so that when they present a petition, they then know that they should expect feedback within 60 days. That way, it does not become an exercise in vain. Therefore, this Bill gives us proper guidance on how to receive and process petitions. In addition, it gives us the guidance on how to process that right of the citizens to give petitions, to access information and to question what we do.

Madam Temporary Speaker, when a petition is presented, like we have done in the Senate, there is some sort of recommendation or resolution to the problem at the end of the day. At the end of the day, we will have a way to enforce what we are petitioned for. Most of the time, we will have a recommendation, which is enforceable, with regard to what the petitioner is asking for. It can be followed and traced. There is a way we will receive these petitions; there is a register for them. So, there is no discrimination and haphazard way of handling them.

There is a register and they are addressed to the clerk and county assembly. When a petition is addressed we will be able to track; that it was received, processed and we are waiting a particular number of days, and thereafter, we will get a feedback. When we get that feedback, we will go down to it and check what the recommendation is. If that recommendation has not been met, it will be easier to track and check that it is enforceable.

Madam Temporary Speaker, this is a better way to handle these grievances by the citizens. We will hear their cries and at the end of the day, they will have been served, because we, as the Senate, and the county assemblies exist as servants of the people. When we serve and give them resolutions that are enforceable, they will be happy.

Madam Temporary Speaker, we have a precedent and so, this is not unique. There is the Petition to Parliament Procedure Act No.22 of 2012 by the National Assembly. This is just devolving some of the services and precedents that can help us serve better. If this is adopted, it will mean that the county assemblies will also have a way of doing it, like the National Assembly has.

Madam Temporary Speaker, Clause 3 of this Bill, as read with the First Schedule provides for the form of the petition. There is a form that will be guiding them, so that we do not get letters, left right and center, that are not in the proper format. This is a simple form which is easy to understand. It has guidelines which provide clarity to the public on how to lodge a petition, in a manner that clearly sets out the objectives of a petition and the action requested to be taken by the county assembly. You can imagine if you get a form that just clearly tells you what you require and you are able to fill it up.

Madam Temporary Speaker, Clause 4 provides the procedure for presenting petitions. This clause is important because it outlines the procedure to be followed by the county assembly and sets the timelines for communication of a decision on the petition. This is what I had said earlier on. It gives the guidelines and sets a time limit.

Clause 5 provides for a register of petitions at the county assembly. This will ensure the proper tracking of petitions and enhancing the public's right to access to information. So, they will have information and they will be able to track how the

petition is being processed. The Bill, therefore, seeks to bring a harmonized and uniform way of procedure to handle these petitions all over in the county assemblies.

In conclusion, Madam Temporary Speaker, this Bill will not only sort out the county assembly procedures, but also help us realize and effect the right of the citizens to participate and their sovereignty. They will be able to participate in the decision making processes by putting this petitions forth, being heard and getting answers.

Madam Temporary Speaker, I beg to move and ask Sen. Madzayo to second this Bill.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you Sen. Pareno.

Sen. Madzayo.

**Sen. Madzayo:** Asante sana, Bi. Spika wa Muda, kwa kunipa nafasi hii. Ningependa kumuunga mkono Sen. Pareno katika Mswada huu ambao ameuleta kuhusu jinsi ya kuwasilisha malalamiko ya wananchi katika Bunge.

Bi Spika wa Muda, tulikuwa hapa mwaka wa 2013 katika Bunge la Kumi na Moja. Wakati huo hatukuwa na sheria ambapo wananchi wangepewa nafasi ya kutoa malalamiko yao katika Bunge. Nina furaha kuwa sheria zetu zinawezesha watu wetu katika kaunti zetu au mtu binafsi kuleta malalamiko yake mbele ya Seneti hii na kusikilizwa. Jambo hili lilikuwa limeleta joto nyingi kwa MCAs wetu katika Serikali za Ugatuzi kutosikizana.

Na tulikuwa na hiyo shida katika Bunge la Kumi na Moja. Lakini hivi sasa nimeona ya kwamba mmezingatia huu Mswada ambao umeletwa na dada Sen. Pareno. Nimeona ya kwamba hii sheria ambayo itatusaidia katika hizi harakati zetu, za kuweza kusikiza malalamiko kutoka kwa wananchi, kaunti zetu sote na taifa kwa ujumla.

Nimetafakari zaidi sana juu ya Mswada huu. La umuhimu zaidi ni kwamba tulikuwa na maombi tuliyoipata katika Bunge la Kumi na Moja ikiwemo malalamiko makubwa kutoka kwa Gavana Mwangi wa Iria wa Kaunti ya Murang'a na Gavana wa Kaunti ya Embu. Na kwa sababu ya upunguvu wa sheria fulani waliweza kutumia vipengele fulani vya Katiba na wakaweza kufaulu. Seneti ikawa haina mamlaka yoyote isipokuwa kuangalia tu na kutii uamuzi wa korti.

Hawa watu wakaendelea kuwa ofisi japokuwa Seneti ilipitisha sheria ya kuwaachisha kazi. Lakini haikuwezekana kwa sababu ilibidi waende katika Mahakama Kuu na wakaweze kuzuia mapendekezo ya sheria zile ambazo zilikuwa na upungufu, hasa kuweza kukumbaliana na pendekezo ama lalamiko la wananchi au la mtu binafsi kutoka mashinani.

Mwanzo sheria hii ambayo tumeiweka ama tunataka kuiweka ama iko katika zile harakati za kuiweka ni sheria ambayo itaweza kuweka mwangaza, na kuleta njia mwafaka yakwamba ikiwa kuna mtu anahitajikuleta malalamishi yake katika serikali za mashinani, basi iko njia anayoweza kufuata kama mwananchi na halafu atapewa fursa ile yeye kuja na kuweza kuitetea ile. Nimeona tunaweza kuweka lalamiko hili kwa lugha ya Kiswahili ama Kiingereza. Maoni yangu ni tupee kipao mbele malamiko kama haya yanayotoka mashinani. Tunajua wote walioko huko mashinani wanaelewa na kusikia lugha ya Kiswahili.

Nikimwambia nyanyangu aandike *Petition* au lalamiko lake katika lugha ya Kiingereza itakuwa vigumu kwake kufanya hivyo. Ni maoni yangu kuwa serikali za mashinani na mabunge yao, yatilie mkazo matumizi ya lugha ya Kiswahili katika shughuli zao za kila sikul ili wananchi wetu wafaidike sana.

Kipengele cha 4(4) na (5) cha Mswada huu kinasema kwamba malalamiko yoyote hayawezi kutupiliwa mbali na katibu wa bunge la kaunti. Mara nyingi kumekuwa na upungufu wa watu kutoelewa aidha katika malalamiko hayo ama katibu yule asipolielewa vizuri anaweza kutumia sheria vibaya na kusema kwamba “ombi hili halikuandikwa vizuri, kwa hivyo sitaikubali.”

Makatibu sasa wanamulikwa na hawawezi kukataza malalamiko kwa sababu hayakuletwa kiusawa au kisheria bora tu yawe ni malalamiko. Hatutaki kumpatia katibu wa bunge la kaunti mamlaka ambayo baada kuangalia ombi la wananchi anaamua halikubaliki kwa sababu ni kinyume cha sharia na kumsihi spika kulitupilia mbali. Ikiwa malalamiko hayo yametumwa kwa bunge la kaunti kupitia kwa spika au katibu wa bunge la kaunti, ombi hilo litakubaliwa. Kipengele kama hiki kinazuia utumiaji vibaya wa mamlaka katika serikali za kaunti.

Tumegundua kwamba wakati mwingi, sheria zinatumiwa vibaya, haswa katika serikali za kaunti. Sheria hii itaweza kuweka mwelekeo ama mwangaza kisawasawa kisheria ili kila mtu ambaye ana jukumu kama katibu asitumie sheria hii kukataza malalamiko ambayo yamewasilishwa na mwananchi kwa bunge la kaunti ama serikali ya kaunti kwa misingi kwamba haikuzingatia muundo wa kuwasilisha ombi hilo kwa bunge. Tunataka kupitisha sheria hii ili itumike vivyo hivyo.

Pia, maagizo ya vile watu wanaweza kuja pamoja na kuongea juu ya malalamiko yao, sheria hii itakuwa nzuri kwa sababu mara nyingi watu wanakatazwa nafasi za kuongea, haswa katika mashinani, wakati wowote ikiwa wana malalamiko. Kwa hivyo, sheria hii ambayo tunataka kupitisha itasaidia serikali za kaunti kutatua malalamishi ya wananchi yanapokuja ni kwamba wao wasiwe na uwezo wa kuzuia mtu yeyote kuwasilisha malalamiko yake kwetu au kwa bunge la kaunti na hatimaye bunge hilo la kaunti kuwasilisha malalamiko hayo kwa Bunge la Seneti. Sisi tukiwa kama baba yao, ama waangalizi maalum kama Bunge la *Senate* ambalo linaangalia maslahi ya serikali za kaunti.

Naunga mkono zaidi na kumpatia hongera Sen. Pareno ambaye sisi sote ni kama wahamiaji—tunahama hama hapa na pale lakini hayo ni baadhi ya mambo mengine tukitafakari. Nataka kuunga mkono sheria hii ambayo inaweza kuangalia majukumu ya *petition* ambazo zitakuwa zinaenda katika bunge za kaunti.

*(Question proposed)*

**The Temporary Speaker** (Sen. Kamar): Proceed, Sen. Waqo; you have five minutes. We shall adjourn before you finish.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker. I beg to support this Bill. I also congratulate Sen. Pareno for coming up with it.

Madam Temporary Speaker, the Bible says, “My people perish due of lack of knowledge.” If we are not ready to pass on knowledge to empower others, then chances are that the people will not know what they are doing, and they will not be able to play their roles well. Therefore, what Sen. Pareno has done is to give guidance to the county assemblies so that one can clearly know what steps to take.

Madam Temporary Speaker, as I was going through the Bill, I realized that Sen. Pareno has considered the issue of time. It states that from the time they receive the petition, the Clerk shall, within 7 days from the date of the receipt of the petition, review

it to ascertain whether it meets the requirements specified under Clause 3. This is very important, because it ensures that no time is wasted. It also gives a lot of confidence to the petitioner. This is because when you know very well that there is some guidance, and that time will not be wasted in any way, it then helps a lot.

Madam Temporary Speaker, as I was going through the Bill, I clearly saw that it has considered the concerns of the petitioner. For example, Clause 4(5) states:-

“A petition shall not be rejected merely because it is not addressed to the Clerk of a county assembly.”

This gives a lot of confidence to the petitioner, because by the time you do the petition, some people are worried and do not know what will happen next. However, even if they make that mistake, they then know that the petition will not be thrown away as long as it meets the other requirements. As you go on, you realize that it is also forwarded to the speaker within time and the proper action is taken.

Madam Temporary Speaker, what has also excited me is under Clause 5(4)(a), where it states-

“Notwithstanding sub-section (2), the relevant county assembly committee may in considering the petition—

invite the petitioner to clarify or submit such further information as the committee may consider necessary;”

This is very important, because there is a big difference in putting down something on paper and coming to clarify on different areas and issues. When one is invited, they are given the opportunity to confirm what they have written down. They are also given the opportunity to give input on what they have already put down. The petitioner will be excited to appear before the committee to defend him or herself, and also to clarify on the areas that need clarification.

Madam Temporary Speaker, Clause 5(4)(a), is on public hearings, where it states-  
“conduct public hearings with respect to the petition.”

These days, the issue of public hearing is very important in our country, because it gives everybody the opportunity to be heard. By allowing others to come and participate, you have then clearly demonstrated to the people that what you are doing or what you are about to do is the right thing. By doing so, everybody will have the freedom to express themselves, say what they want to say and give their input. If it is not relevant, the people will also be given the opportunity to clearly---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Order, Sen. Waqo! You have a balance of 15 minutes, which you can take up tomorrow.

## ADJOURNMENT

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.30 p.m., time to interrupt the Business of the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday 17<sup>th</sup> October, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.