

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 6<sup>th</sup> June, 2019

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM CHIEF MBOGORI GIRLS SECONDARY SCHOOL, THARAKA NITHI COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers Chief Mbogori Girls Secondary School in Tharaka Nithi County.

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

I thank you.

**Sen. (Dr.) Zani:** Thank you, Mr. Speaker, Sir, for allowing me to join you in welcoming the girls from Chief Mbogori Girls' Secondary School to the Senate. Some of them have not had the chance to interact with their leaders when making legislation, so this is an opportunity for them to do so. This is also an opportunity for them to also realize that they are leaders in their own right in what they do as young as they are.

I wonder if the students from Chief Mbogori Girls' Secondary School have seen a video clip of a young lady, Natasha Mwansa, who has stirred the whole world by talking so eloquently at a conference with high level leaders. Miss Mwansa expressed herself so well and highlighted the issues of concern. We need to aspire to get to a position where we can address issues of the society with the vibrancy that such issues require.

Mr. Speaker, Sir, I encourage the students to continue working hard in school and to contextualize many of the issues that they learn with the counties and counties development. The Senate plays the role of making relevant legislation to ensure that devolution works within the counties.

We are happy to have the students here this afternoon. I hope that they will learn a lot on what takes place at the Senate of the Republic of Kenya.

I thank you.

**Sen. Poghiso:** Mr. Speaker, Sir, I join you and my colleagues in welcoming the girls from Chief Mbogori Girls' Secondary School in Tharaka Nithi County. I congratulate their school administration for bringing them here because it is not every day that a school gets a chance to come to the Senate.

I encourage many other girls' schools within the region to come here. We encourage our girls to see their place in leadership. Girls should not expect tokens from any one. They can work hard and be where we are. They can also learn to share and communicate well with others so that they can survive the journey ahead of them.

I hope now that Chief Mbogori Girls' Secondary School has come to the Senate, the students will present a good image and avoid vices such as cheating in examinations and other shortcuts. Chief Mbogori Girls' Secondary School is recognized all over the country as a school with discipline. Keep up the good work because we wish you all the best.

I thank you.

**Sen. Ochillo–Ayacko:** Mr. Speaker, Sir, I join you and my fellow Senators in welcoming our beautiful girls from Chief Mbogori Girls' Secondary School in Tharaka Nithi County to this respectable House. They have come to the right place. Their coming here should be a constant reminder to them that leadership and the direction leadership takes, is important to the progress of a country.

We know that they are leaders in their own right. They may not be in positions of leadership but they are in the process of developing themselves into leaders who will take this nation to greater heights.

I urge the students to pick from the Senate how diverse opinions and issues are processed through dialogue, conversation and persuasion. I encourage the students to leave this place knowing that negotiation, comprise, dialogue and discussions build consensus and help the country to move forward. I pray that when they go back to their county, they will stay focused and guarantee a stable future for this country as the next line and generation of leaders.

I thank you.

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, I thank you for giving me the opportunity to join you in welcoming the students from Tharaka Nithi County to this House. It is great for schools to have programmes where students come to listen to the debates in the Senate and also interact with national issues. As they listen to their Senators debating national issues, it becomes real to them that leadership is about being selfless and dedicating your life for the sake of others. I commend the girls for coming here. I encourage the students to work very hard.

I am happy that the students have come to the Senate where they can see Senators who are female like them debating national issues. This should be a reminder to the students that they are being educated as ladies so that they can be empowered. We want girls to take up leadership roles in this country.

As we talk about issues of empowerment, they have to have a vision. I hope that 10 years from now, some of them can end up as Senators or leaders in various institutions. I commend them for coming here today. I encourage them to be keen and listen to the debates. I am sure that by the time they leave this House, they will be confident that it is possible for a woman to be a leader. We are banking on them to take their education seriously so as to help in building the economy of this country.

I thank you.

**Sen. Zawadi:** Shukrani Bw. Spika kwa kunipa nafasi hii kuwakaribisha wasichana kutoka Kaunti ya Tharaka Nithi. Naamini kwamba watajifunza mengi hapa. Naamini kwamba kuna viongozi watakaotoka miongoni mwao. Nawasihi wawe mfano mzuri tukizingatia mara nyingi shule nyingi huchomwa wakati wa mitihani. Nawahimiza wanafunzi hawa wawe na nidhamu. Wasiwe watovu wa nidhamu kwani wakikosa nidhamu, wanawapa wazazi wasiwasi, hasa mama, kwa sababu ndiye mwenye kuhangaika zaidi kuhakikisha watoto wake wamesoma.

Naomba wanafunzi watakapotoka hapa wajue kwamba kuna viongozi waume na wanawake. Viongozi wanawake sana sana hufanya kazi nyingi kwa wakati mmoja. Mbali na kuwa Maseneta, kuna kazi mbali mbali ambazo sisi hufanya. Ukihesabu Maseneta waliopo katika jumba hili hivi sasa, utakuta kwamba, wanawake ndio wengi kuliko wanaume. Hivyo ni kumaanisha kwamba wanawake wanajitahidi zaidi. Wanawake huangalia kazi zao kwa uangalifu na kwa wakati. Mbali na kazi nyingi walizo nazo, wanawake huhakikisha kila kazi imefanywa kwa wakati wake.

Naamini wanafunzi hawa wakitoka hapa, watakuwa wamejifunza mengi kutoka kwetu. Muwe watoto wazuri tutakuja kuwatembelea siku moja.

Asante Sana.

**Sen. Mwaura:** Asante Sana, Bw. Spika. Nachukua fursa hii kuwakaribisha wasichana kutoka shule ya upili ya Wasichana ya Chifu Mbogori. Bunge ni jumba la malumbano. Hili ni jumba ambalo watu huleta miswada tofauti mradi kuwasaidia Wakenya katika tabaka mbalimbali.

Kuna changamoto kubwa katika nchi hii kwa viongozi akina mama kuchaguliwa katika kaunti na maeneo bunge. Ningependa kuwahimiza wanafunzi hawa wasife moyo. Wawe na ari na motisha ya kwamba, pia wao wanaweza kuwa viongozi. Akina mama ni viongozi manyumbani kwetu. Hao kama wazazi wa siku zijazo, walee vijana watakaotilia maanani haki za akina mama. Hilo lisipotiliwa maanani, kizazi kijapo, hakitakuwa na ushawishi wa kuhakikisha kwamba akina mama wanawakilishwa katika Bunge la Taifa, Seneti na bunge za kaunti. Uwakilishi wa akina mama bado haujagonga ndipo.

Wakati watakapopata uongozi, wasiwe tu na ari ya kujilimbikizia mali, sifa na umaarufu, bali wawe na ajenda ya kuhakikisha kwamba wataleta mabadiliko katika jamii.

Asante sana.

**The Speaker** (Hon. Lusaka): Shukrani. Let us move on to the next Order.

## PETITION

### ABSENCE OF DEPUTY GOVERNOR IN WEST POKOT COUNTY

**The Speaker** (Hon. Lusaka): Sen. Cherargei and Sen. Poghisio, please approach the Chair.

*(Sen. Cherargei and Sen. Poghisio  
approached the Chair)*

**The Speaker** (Hon. Lusaka): Hon. Senators, this Petition is deferred.

*(Petition deferred)*

CLEARANCES REQUIRED BY PUBLIC BODIES  
ON APPLICATION FOR JOBS IN KENYA

**Sen. Mwaura:** On a point of order, Mr. Speaker, Sir. I brought a Petition to this august House many months ago concerning the various charges, such as the Higher Education Loans Board (HELB), the Credit Reference Bureau (CRB) and others including the Kenya Revenue Authority (KRA), by Government agencies to the youth who look for employment but I have not had any response since that time. In my informal interactions with other Senators, I have discovered that people complain about how petitions are canvassed in this House.

Mr. Speaker, Sir, I seek your guidance about that particular Petition. Maybe you should also guide on how Petitions should be prosecuted after they are presented before this House.

**The Speaker** (Hon. Lusaka): I have noted and I will give a response to that.

Let us go to the next Order.

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. I am sorry I came a little bit late. I know that we are not yet at Statements but there is something I would like to bring to your attention. I did not get the opportunity to see you before the required time according to the Standing Orders but there is an urgent matter which is of great concern to us. This is about the vicious attack on Sen. Loitiptip, the Senator for Lamu County.

The reason I feel that issue is urgent is because I have reports, which I have no reason to doubt, that the suspects who have been arrested have been released on a bail of Kshs20,000. In this country, for the past six months, suspects are held for over one or two weeks for proper investigations to be done. Even the amount of money required for bail has been high. So, I hope you will give me an opportunity during the Statements Hour to raise the issue.

I was among the first Senators to go and see him in hospital. Sen. Loitiptip is severely injured and the intention was to kill him. It is emerging that the attack may not only have been politically motivated. The fact that it is alleged that he was with a daughter of the Governor of Nairobi City County, could have made things worse. Such are the challenges we go through.

Could there have been collusion with people in the security sector with criminals-

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**The Speaker** (Hon. Lusaka): Order Senator! You are supposed to present a paper but you are now asking for a statement. Statements time is yet to come and when it comes, we will give you an opportunity.

Senate Majority Leader, do what you are supposed to do.

**PAPER LAID**REPORT ON FINANCIAL STATEMENT OF KIAMBU  
COUNTY YOUTH, WOMEN AND PWDs FUND

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay on the Table of the Senate today, Thursday, 6<sup>th</sup> June, 2019, the following report:-

Report of the Auditor-General on the Financial Statements of Kiambu County Youth, Women and People with Disability Fund for the year ended 30<sup>th</sup> June, 2018.

I thank you.

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

**The Speaker** (Hon. Lusaka): I want to respond to Sen. Mwaura's inquiry. Your Petition is before the Committee on Labour and Social Welfare. The Vice Chairperson is here and I am reliably informed that you are also a Member of the Committee.

*(Sen. Mwaura spoke off record)*

Then you must be aware of where it is.

**Sen. Mwaura:** Mr. Speaker, Sir, I am glad to know that I am a Member of the Committee dealing with it. However, to my knowledge, it has not been canvassed.

**The Speaker** (Hon. Lusaka): Vice Chairperson of the Committee on Labour and Social Welfare, Sen. (Dr.) Milgo, do you know the status? You do not seem to be aware of what we are talking about.

There is a Petition before your committee and Sen. Mwaura who is a Member says it has not been canvassed. Do you know the position so that you report to us?

NON-RECRUITMENT OF LOCALS BY FLOWER FARMS, INSTITUTIONS  
AND COMPANIES IN KAPUTIEI-NORTH WARD, KAJIADO COUNTY

**Sen. Seneta:** On a point of order, Mr. Speaker, Sir. I am not sure whether I should have stood on a point of order but there is also another Petition about Kajiado County before the Committee on Labour and Social Welfare. They discussed it and I have been asking the Chairperson of the Committee to give me a report so that I take it to the petitioners from Kajiado County. However, to date, I have not gotten a response from them.

As the Vice Chairperson speaks about the Petition that was brought by Sen. Mwaura, she should also say something about the Petition that I brought.

**Sen. (Dr.) Milgo:** Mr. Speaker, Sir, I will first respond to the one about Kajiado County. We had organised to visit the area but we went on recess. We are hoping to meet this month. Sen. Mwaura is a Member of the Committee---

*(Sen. Omanga entered into the Chamber)*

**Sen. Wambua:** On a point of order, Mr. Speaker, Sir. I stand under Standing Orders 106(2). There was a Senator who was standing between you and the Senator on the Floor but she has since moved. You should order that Senators should not obstruct your view.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Milgo, you may proceed.

**Sen. (Dr.) Milgo:** Mr. Speaker, Sir, regarding the Petition about Kajiado County, we have summoned the Cabinet Secretary (CS) for Water and Sanitation and invited Sen. Mutula Kilonzo Jnr., as a friend of the Committee. We asked the CS to bring a report which we are still waiting for. Upon receiving it, we will go to the ground to ascertain the matter.

The other Petition was brought by Sen. Mwaura who is a Member of our committee. He knows that we postponed a meeting to discuss the matter. I am sure we will look at it next week.

I thank you.

**The Speaker** (Hon. Lusaka): What is it, Sen. Mwaura?

**Sen. Mwaura:** Mr. Speaker, Sir, it is not in order for my Vice Chairperson to hide under the fact that I am a Member of the Committee. That should not be the reason as to why my Petition should not be dispensed with. I do not prosecute petitions by virtue of being a Member of a Senate Committee. I am not aware of that meeting, though I do not want to engage in conjecture.

Petitions are important in this country. I brought a Petition about having currencies that can be used by visually impaired persons and that has been implemented. When you do not take petitions seriously, you are not helping this country move forward. We should give suggestions that will transform this country.

Mr. Speaker, Sir, you should give a timeline to my Committee on when they should submit a report to this House on the Petition that I raised regarding the youths who are being taxed for being unemployed.

**The Speaker** (Hon. Lusaka): That Committee needs to organise itself. The Committee is not serving this House any good by appearing to be disorganised on the Floor of the House. The timelines for Petitions are known. You should have finalised that Petition and written back to the Petitioners within 60 days. The Committee on Labour and Social Welfare should put its House in order.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I have two issues: The first one concerns the Petition by Sen. Mwaura on the fight against corruption. We are almost done with the amendments and as the Chairperson of the Committee on Justice, Legal Affairs and Human Rights, I want to assure him that we are doing all that we can to dispense with the Petition.

On the Petition on Karebe Gold Mine in Chemelil-Chemase---

**The Speaker** (Hon. Lusaka): Senator, we are past the Petitions.

**Sen. Cherargei:** Mr. Speaker, Sir, I ask for your indulgence.

**The Speaker** (Hon. Lusaka): Is it a point of order?

**Sen. Cherargei:** Yes, Mr. Speaker, Sir. It is a point of order. I need clarification on the Petition on the Karebe Gold Mine. It was taken to the Committee on Labour and Social Welfare but when I talked to the Chairperson of the Committee on Labour and Social Welfare, Sen. Sakaja, he told me that he had referred that Petition to other Committees; the Committee on Lands, Environment and Natural Resources and the

Committee on Legal Affairs and Human Rights. I need your guidance on that Petition because we need to put that matter to rest.

**The Speaker** (Hon. Lusaka): Okay. We will find out from the Committee that was given the Petition.

Next Order.

## NOTICE OF MOTION

### SITTINGS OF THE SENATE OUTSIDE PARLIAMENT BUILDINGS, NAIROBI

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to give notice of the following Motion-

AWARE that the Senate of Kenya as established in the Constitution plays a critical role in the linkage of the devolved governments and the national government by representing and serving the interests of the counties and their governments;

FURTHER AWARE that on 21<sup>st</sup> June, 2018, the Senate resolved to hold Plenary and Committee sittings in Uasin Gishu County from 24<sup>th</sup> to 28<sup>th</sup> September, 2018, and further resolved that similar sittings be held in all regions of the country during the term of the current Parliament;

NOTING that the Senate held its first Plenary and Committee sittings away from Nairobi in Uasin Gishu County from 24<sup>th</sup> to 28<sup>th</sup> September, 2018, providing an opportunity for several sectors of society to directly engage with the legislative arm of Government through public participation on various issues, as well as participate in oversight through inspection of various projects and programmes of national and county governments;

COGNIZANT that holding the Plenary and Committee sittings of the Senate away from the traditional premises at the Parliament Buildings in Nairobi has great potential to, among others –

- (i) enhance the interaction between the Senate and county governments;
- (ii) bring the Senate closer to the counties and the general public;
- (iii) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- (iv) promote the role and work of the Senate;
- (v) highlight existing opportunities for people to get involved in the work of the Senate;
- (vi) develop and strengthen capacity and partnerships at the county level; and
- (vii) enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126(1) of the Constitution and Standing Order No. 31(1) of the Senate, the Senate

resolves that its Plenary and Committee sittings be held in Kitui County from 16<sup>th</sup> to 20<sup>th</sup> September, 2019.

**The Speaker** (Hon. Lusaka): Next Order.

## STATEMENTS

### PLANNED CHANGE OF EDUCATION CURRICULUM

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir, for this opportunity.

I rise pursuant to Standing Order No. 47 to make a Statement on an issue of national concern; the planned change of education curriculum.

Article 47(1)(f) of the Constitution of Kenya 2010 provides that every person has a right to education. Kenya is also a signatory to various international conventions, treaties and sessional papers that promote education. Arguably, education is one of the fundamental and basic services governments offers to their citizens.

The Fourth Schedule of the 2010 Constitution provides that the functions of developing education policy, standards, curricula, examinations and the granting of university charters is a national Government function. Thus, the issue of change of education curriculum is in the purview of national Government. However, the sensitivity and importance of education concerns all of us as citizens.

Education is the cornerstone of society. Through education, one learns skills necessary for productivity in the society. It is important in poverty reduction as it increases an individual's jobs prospects. The recent happening in the education sector in our country paints an awful picture. While it might not be possible to enumerate all the issues facing the education sector, we must have a structured national conversation on this curriculum change, lest we regret in the near future.

Currently, there is a heated antagonistic debate on the roll out of the new curriculum. This is both unfortunate and sad. As I said in this House last week, we can afford to play with anything else but we cannot play with education of our innocent children. The education system and delivery is so crucial to society that utmost care should be taken in these discussions.

There are various stakeholders who are missing out in this discussion. Where are the academic scholars, parents, experts and even students? The legislators have also been kept at the periphery. The debate or the push and pull has been hijacked by the Cabinet Secretary of education and the teachers' union; Kenya National Union of Teachers (KNUT). This must be corrected.

We should avoid the pitfall we find ourselves in currently on matters education. The recent fiasco on the qualification of students who join the teachers training college in 2018 only to be discontinued one year into their training could have been avoided. While the intention for lowering the grades might have been sensible and noble, the process was flawed, unilateral and illegal. This has caused suffering to so many families in terms of resources and time.

It should be remembered that during its first term in office, the Jubilee Government promised laptops to all students joining Class One in public schools. The programme was hurriedly implemented with neither a framework nor an implementation



strategy. It was just a public relations exercise. Almost six years down the line, it is a disaster that has consumed billions of shillings with no value to Kenyans.

One wonders what the driving force behind some of these projects and undertakings is. Why all the confusion in education? The urgency of providing adequate school infrastructure and facilities should be the main priority of the Ministry of Education right now.

Mr. Speaker, Sir, after more than 50 years of Independence, Kenyan students still study under trees without the most basic amenities such as classrooms and toilets in some cases. Media reports of schools without basic amenities abound. Last month, images of students sitting on stones in a flooded mud-walled classroom were trending on social media. My colleagues will attest that each of us has a long list of requests for harambees to support school infrastructure development and purchase of educational material.

The pupil-teacher ratio in public schools is at one teacher per every 100 students (1:100) which is over and above the universally recommended and accepted one teacher to 40 students. It is a valid question to ponder; has the new curriculum factored in these realities?

Mr. Speaker, Sir, I appreciate the Government's initiative of waiving national examination fees and 100 per cent transition from primary to secondary schools. However, going around the country, one is faced with schools that are overstretched in terms of providing quality education to students. It is more of *bora elimu* as opposed to *elimu bora* which should always be the case.

Public secondary schools across the country are forced to admit students far beyond their capacity. Majority of Kenyans feel alienated from this whole process which should be inclusive and collaborative. Education is so important and crucial in human life that it should never be about shouting matches, name-calling and bulldozing.

Article 1, of the Kenya Constitution 2010, stipulates that all sovereign power belongs to the people and not the Cabinet Secretary (CS). As leaders in the Government, we exercise it on their behalf. We should be able to provide these answers to Kenyans and make them included in all Government endeavours.

In conclusion, the Competency Based Curriculum (CBC) might be the best option for Kenya today but the roll-out appears wrong. We need to have consensus as a Republic. As elected leaders, it should be explained to us. Parents need to hold meetings in schools where their concerns will be addressed. The Ministry of Education in conjunction with the Kenya Institute of Curriculum Development (KICD) needs to take the advice of all stakeholders and address concerns, if any, amicably. Only then will the Government be able to successfully roll out a proper education curriculum for posterity.

Thank you.

**Sen. Poghiso:** Thank you, Mr. Speaker, Sir. I would like to support the Statement that has come from my colleague, Hon. Khaniri. It is very important that we deal with it in the way that we have raised before about the education system in this country.

If you look at the situation right now, it is as though there are two people fighting, one being the CS for Education and the other being the Kenya National Union of Teachers (KNUT) Secretary-General. It is now dividing Kenyans into who will support who, which is the wrong way to go about education in this country.

I will give an example in my county where teachers are lacking and basic facilities are not yet everywhere. To support what the Statement says, we must think about this as citizens as well as legislators.

Mr. Speaker, Sir, as the East African Community (EAC), we should also be thinking about the education system that kind of works for the community rather than each of us trying to look in different directions. I hope the direction where we are moving will bring the EAC together in matters, education. We should enjoy the fact that Kenyans can go to school within East Africa and get the same education and the others can come and learn from us.

I want to join my colleagues in saying that this Statement proceeds and gets the support it deserves because our children and grandchildren will benefit or may have a wrong approach to education.

I support.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, this is an extremely important Statement. I thank Sen. Khaniri for coming up with it. I must first declare my interest. I have a personal interest in this matter because the children we are talking about include my children. It is not experimental or something we guess. The intention of having this education system might be good but I do not even understand it myself. Every time I go back home it appears as if I am the one who is supposed to do the homework. A lot of it involves cutting this paper, printing some picture, going to search for some material from the internet and sticking it to some assignment that a child is doing.

Mr. Speaker, Sir, I ask myself: If this curriculum had been applied when I was in some small school in Embobut called Chawis Primary School with my parents who never had the privilege of having the education that I have, who would have done the homework for me, like I do every evening for my children? What happens to parents that have no opportunity to meet their children in the evening to do homework? Will they have to hire another teacher to sit with the children?

Mr. Speaker, Sir, we need to be given a proper explanation that this form of education will be applied in varying degrees depending on where you come from. If you see those children in Tiaty Constituency studying under a tree, when will they be able to do this kind of assignment that requires searching the internet, printing papers and sticking them? They are told in school that today you will learn about metal work and they have never seen a metal.

I really think that it is unfair to continue implementing this education system that we never even had an opportunity as leaders to go through, leave alone the rest of the citizens of the Republic. I am just saying that even Senators, Members of the National Assembly and MCAs have never been taken through what this education programme is all about. This is despite the fact that a quarter of the Senators here could be having children that are going through that school programme.

I am saying this because I think Sen. Cherargei has not even started to prepare for this curriculum. Sen. (Prof.) Ongeru can only worry about his grandchildren.

*(Laughter)*

All of us in this House, despite our age, represent citizens who require proper representation and understanding of this education system. Sen. (Prof.) Ongeru here was the Minister of Education, Science and Technology.

The problem with policies that are pushed to citizens is that people forget Article 10 that talks about public participation as an integral part of policy making. You could have the best policy ever heard on earth but as long as you are not carrying along the people, they feel alienated from that policy.

Respectfully, my friend and former Vice Chancellor Prof. Magoha - who I have no doubt, ran the University of Nairobi very well despite, despite facing challenges here and there - I was a student leader during his time. I want to request him to start a proper process of public consultation so that everybody is carried along.

I can see the point that Hon. Sossion and KNUT have. However, because of our previous politics of KNUT versus the Ministry and the Executive, we do not want to listen to that point. I think each one of us now needs to come to the table of conversation and have a genuine discussion about how this process will be implemented. The new curriculum has separated my children. My first born is in Class Five and is going on with the 8-4-4 system. The one who follows is in Class Three and the rest - I do not want to enumerate all of them here - will be victims of this education system.

Mr. Speaker, Sir, as a nation, we must sit down and have an honest conversation about this education system. The immediate former Cabinet Secretary (CS) for the Ministry of Education; Amb. Amina Mohamed, had started that conversation. The current CS should carry on with it.

In conclusion, there is nothing wrong when you are a public officer, if you exercise the level of humility that even if you know something, you can take yourself down. Like the Bible says, you count yourself like nothing so that you can accommodate others because there might be wisdom in the person.

In law, we say that you must listen even when a mad person speaks because they could be having their lucid moments and making a very important point at that time.

This is extremely important. I am happy that, as the Senate, we are willing to confront this issue. I request our colleagues in the National Assembly that we team up together and confront this issue. It must start with the leadership itself. If we have the choice of taking our children to the British and other education systems, some of us who have chosen that our children will go through the education system that everybody goes through in this country, should have the courage to confront the challenges that come with this change of education system because we want every citizen to benefit from a proper working education system.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker, Sir. This matter was here last week, and we have discussed it severally. Sen. Pareno, Sen. Khaniri and I have raised it. The Chairperson of the Committee on Education was supposed to make an interim Statement about this issue. Perhaps you should have guided us.

What bothers me is that we, the leaders, appear to have abandoned both the students and teachers. The problem of the handshake is that you have no opposition and nobody is asking any questions.

*(Applause)*

**An hon. Senator:** You are right!

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, you are forced to take a National Integrated Identity Management System (NIIMS) number and if you do not, your phone is taken away. You are forced to do this and there is nobody to complain. We look as if we are all the same in one Government; Government of national something. This is such a confusion.

All over Africa, Kenya has been distinguished because of its education. The xenophobia you see in South Africa is because they refused to go to school because the expatriates for various organisations are from Kenya. What do we do with them if they did not go to school and the people who can work there are Kenyans? Most of us are products of the 8-4-4 System and we still look fine. Do I not?

Mr. Speaker, Sir, if we are going to correct something, it is better if we do it properly. For some reason, we fear Prof. Magoha. I do not know why. Let us tell him. However, Parliament including us, have abandoned the teachers of this country. That is why they can go to Kajiado County and suspend and interdict 58 teachers. After a court order is issued, the Teachers Service Commission (TSC) does nothing. Even after the court order has been issued in Kajiado County, they have gone ahead and appointed other headteachers.

Senate Majority Leader, let me tell you how serious this is. I met a very senior lady in Nairobi City County. She asked a question during the training of Competency Based Curriculum (CBC) and she was transferred to a department from the Ministry of Education. How did we get to a system where you cannot ask a question? They are supposed to dictate the air you breathe. This is not the sort of thing we were looking at. In fact, the National Super Alliance (NASA) should have taken over the Government because I do not think we would have done this sort of thing. It is terrible!

*(Laughter)*

It is terrible because ---

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. Sen. Mutula Kilonzo Jnr., started off very well by acknowledging the problems we have is the absence of a working Opposition. I congratulate him for that. His statement is a direct admission that the opposition is in bed with the Government.

Is he in order, then, to contradict himself by now blaming the Jubilee Government yet the problems we have at the moment are because the Opposition decided to go to bed with the Government and the product of that sleeping together is the confusion that we have in this country?

**Sen. Cherargei:** On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Mutula Kilonzo Jnr., to allege that the confusion is the handshake and yet the Chairperson of the Orange Democratic Movement (ODM), Hon. Mbadi, stated – this is in the public domain – that the Opposition is now the chief advisor of the Government?

**Sen. Shiyonga:** On a point of order, Mr. Speaker, Sir. Is the Senate Majority Leader in order to use those heavy words of our leaders sleeping in bed? Sleeping in bed with who? A physical bed or what?

*(Laughter)*

**The Speaker** (Hon. Lusaka): Order, Senator! The Senate Majority Leader used the word figuratively and not literally sleeping in bed.

*(Laughter)*

Sen. Mutula Kilonzo Jnr., proceed.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, Sen. Murkomen should have responded.

Mr. Speaker, Sir, the biggest problem is not NASA but Jubilee which has got Opposition in itself. That is where the problem is. I am talking about the real Opposition and not the one that is already in Jubilee. The fact that the Government has Opposition in itself is where you have CSs behaving as if they are on one side answering to one side of Government *et cetera*. We must call it as it is.

There is a problem in this education sector. Hon. Sossion sits in the Committee on Education of the National Assembly and policies are supposed to come to the Government. Hon. Sossion complains there on behalf of teachers but we do not do anything. We have not been felt as Parliament.

The Senate Majority Leader who is here and Sen. Cherargei get a lot of airtime out there when they criticize the Opposition when talking about some team that they belong to like the one Sen. Cherargei is famous for. However, we have not been seen as Parliament defending or speaking about these issues. Are we telling the President: "You cannot allow your CSs to introduce dictatorship because they are holding brief for you?" We criticize Prof. Magoha but he is an appointee of President Uhuru Kenyatta.

Sen. Murkomen is seated here and since the Presidency is shared, we have to blame the Deputy President also. We have not heard him speak about this. This is the problem and if all of us are a product of the 8-4-4 System and we agree to amend or correct it, first, give it time.

Secondly, allow everybody to understand it. If teachers are complaining---. I have asked this question; if you interdict teachers, will you bring mechanics to teach the new curriculum?

Mr. Speaker, Sir, Sen. Murkomen has talked about doing homework, cutting newspapers and so on and he is a person who can download and print. What about Mama Mutheu and Mama Mwikali in Kathonziwani and Kikumbulyu in Makueni Constituency? What are they supposed to do?

**An Hon. Senator:** That is true.

**The Speaker** (Hon. Lusaka): Which are those places you are naming? I thought you were introducing a new language in the House.

*(Laughter)*

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir. There is a place called Kikumbulyu, a far-flung place in Makueni County where you possibly do not have E or G network but no network at all. I have said this before; the people who will suffer, if not you – maybe because your children have gone through another system or have passed through – are the children of your children. We can have as much corruption in this country but there is

one thing that we cannot mess with. That one thing that distinguishes Kenyans when they go to the United States of America (USA), Middle East and everywhere in the world, is nothing else other than our education, except when we do the good marathons where we outrun everybody.

**The Speaker** (Hon. Lusaka): I see a lot of interest. Therefore, I will give three minutes to those that I will allow to talk.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir, for giving me the opportunity. I rise as the vice Chairperson of the Committee on Education, Communication and Technology to allay fears that we do not fear Cabinet Secretary (CS), Prof. Magoha. We expect him on 19<sup>th</sup> and there are a number of issues that we will deal with. If this House would like him to address the whole House, we will, in fact, invite him to come here so that the whole House can raise those issues.

Mr. Speaker, Sir, I also agree with Sen. Khaniri's Statement that there are a lot of grey areas in this system. I assure this House that our voice was heard during the time of CS Amb. Amina. We had a session with her and we told her that we do not need to rush issues. We know very well that 8-4-4 was not rushed. It took two years after the curriculum was ready for every sector to discuss it.

I remember this because I had just joined the university in 1996. We discussed how students will exit and join the university. We had our curriculum that had to be tested and examined across the board so that the Committee of vice chancellors was able to discuss.

What we do not know is who the stakeholders that have looked at this curriculum are. We have a few questions that we raised as a Committee to the then CS who agreed with us at the time that there is need for delay. I am sure that if Sen. (Prof.) Ongeru will get a chance, he will touch on that.

Mr. Speaker, Sir, to change a curriculum, we must ask ourselves how the current curriculum is doing and what it is we want to change. When it comes to this curriculum that is called Competence Based Curriculum (CBC), we are changing the teaching methodology. This is something that the Kenya National Academy of Sciences (KNAS) talked about in the 1990s. We need to change the way of teaching but not the structure and the content. Therefore, we need to look at that.

The biggest problem that we have now with the discussions that are going on is that we are creating a doubt about our curriculum, not just for us, but also for the external world. Our products do not have to be Kenyan. We know very well that the Kenyan education system has been embraced internationally. So, whatever we do, we must ensure that the curriculum that comes out will be acceptable to everybody within and outside Kenya.

Mr. Speaker, Sir, there is also the transition of students from primary school. We have enjoyed a good relationship in the region. The East African Community (EAC) has embraced this curriculum although we have the 8.4.4 system and they have a different programme because of the quality of the Kenyan product. So, we cannot afford to show doubt as far as the curriculum is concerned. However, we must satisfy ourselves that this curriculum is useful and it will produce.

I give an assurance that as a Committee, we are there and we will---

**Sen. (Prof.) Ongeru:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to weigh in on this matter. I am a Member of the Committee on Education, Information

and Communication Technology. Prof. Magoha was my student at the medical school and I know that there is a CBC which has been rolled out.

First, one of the major pitfalls in the rolling out of CBC is that it must be based on a policy. However, as far as I know, it is now that they are rolling out that policy. It is through the policy that one is able to cut out deliberate measures that are required to actualize the curriculum. That is one of the pitfalls where the former CS, Amb. Amina had agreed with the Committee that it was rushed.

Mr. Speaker, Sir, the second element that we need to be aware of is that when we roll out the CBC, it must be based on the collective views and inputs by all stakeholders. What I am seeing today is that the teachers are speaking their language, Teachers Service Commission (TSC) is speaking its language and the Ministry is speaking its language. You wonder when they ever met to put these facts together so that they can move together.

Third, people must be very well versed with the curriculum. The teachers, who are supposed to be the ones delivering the curriculum, are in limbo. They do not know the A, B, C, D of it.

I like the admission of the Senate Majority Leader that the bulk of that exercise has been put to the parents. Now, you can imagine the types of parents we have in various schools and what their competencies are, to actualize this curriculum.

I wish I had more minutes. I would have shed more light on this topic. One, the teachers have not been prepared for this exercise. Two, the materials, for example, books to be used for this exercise have not been adequately rolled out. The first attempt to roll out some, was full of mistakes. Once children who are growing up capture a mistake in their minds, it becomes difficult to erase it from their mind. It becomes part of their DNA. Therefore, we are, in fact, exposing our children to dangerous trends.

I wish I had one or two minutes to prosecute this. I indulge you.

**The Speaker** (Hon. Lusaka): Okay. Since you were a Minister for Education, Science and Technology, I will add you two minutes.

**Sen. (Prof.) Ongeru:** Thank you, Mr. Speaker, Sir. Therefore, it is important that as we roll out this curriculum, everybody is seized of it. The teachers, parents, community and everybody must know about it.

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

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

Madam Temporary Speaker, the facilities in our schools are wanting, leave alone the new policy of 100 per cent transition. This means that 100 per cent transition from Early Childhood Development Education (ECDE) levels to primary one and two. Where will they be? We have 100 per cent transition of standard ones and twos but inadequate number of teachers. However, they hope to recruit them and have given a measure of up to many years when they intend to bridge the gap. We are dangerously walking on a dangerous path on our education.

By the way, Senate Majority Leader, education has no boundaries. Whether a person is in opposition or in Government, we all swim together. We are all counted to work together for the prosperity of this nation. After all, as a former Minister for

Education both, as a Minister for Technical and Vocational Education Training (TVET) from 1988 to 1991, we intended to change the curriculum and it went through the series that we must adopt before it can be adopted. Therefore, I have serious doubts on CBC.

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to this Statement. I thank Sen. Khaniri for coming up with it.

Education is supposed to produce an all rounded person. However, it is unfortunate that as things are unfolding in this country, we will not have students who will be all round.

I have been heard at one point saying that I really thank God that I got a disability after I had acquired education. This is because, if I was among the children with disabilities who are in school, I would not have reached where I am. This is because the education system is not providing an environment where children with disabilities can grow.

The curriculum has been rolled out but children with disabilities have been left out. When you go to the classrooms and see what is happening on the ground, it is a pity. They do not have resources.

I have raised the issue with the Committee on Education, Information and Communication Technology, that it is unfortunate that the Government, Kenya Institute of Curriculum Development (KICD) and the Ministry of Education is giving a deaf ear to the plight of deaf children in this country. The Ministry of Education does not bring experts on board to give them expert information. Instead, they make sure that they exclude the experts.

A person like Prof. Ndurumo is someone we cannot do away with in the area of special needs education. He has brought a lot of value addition to this county. However, he is never brought on board. In any case, when they are discussing issues of special education, they make sure that Prof. Ndurumo is not brought on board.

Madam Temporary Speaker, there is need for the Government to be candid on the issues of disability to ensure that the children with disabilities are not left behind. I can candidly say that in the current system of education, the special needs students are being wasted in the classrooms. I visited Kapsoya School for the Deaf where I noted that special needs students are being wasted and the situation is getting worse. The special needs schools do not have resource document. The KICD do not want to approve quality resource documents. It is a pity that we as a country cannot do anything about children who have special needs. It is unfortunate that even as this debate is going on, nobody seems to care about the children with special needs. There is need for us as a country to do something about it.

Madam Temporary Speaker, I hope that the issue of special needs students will be interrogated. The Cabinet Secretary in charge of Education, Prof. Magoha should appear before a Committee of the Whole and not just the Committee of Education. Prof. Magoha should come here so that Senators can interrogate him. Public participation on education matters should not be lopsided. It should involve all Kenyans. They normally do public participation amongst themselves---

**The Temporary Speaker** (Sen. (Prof.) Kamar): Your time is up Sen. (Dr.) Musuruve.

Kindly proceed, Sen. Madzayo.



**Sen. Madzayo:** Asante sana Bi. Spika wa Muda kwa kunipa nafasi kuchangia katika taarifa hii kuhusu mfumo wa elimu iliyoletwa na ndugu yetu Sen. Khaniri. Wahenga walisema; ndovu wawili wakipigana, nyasi ndio huumia. Kwa ukosefu wa Prof. Magoha kukaa na ndugu hon. Sosion, kujadiliana na kupata msimamo wa kuwa elimu katika nchi hii ni muhimu zaidi kwa watoto wetu katika shule za msingi, ni jambo la kusikitisha.

Prof. Magoha anaelewa kwamba katiba ya Kenya inasema kwamba ikiwa kuna mjadala wa aina yeyote, ni lazima watu wakae, waelezane, waelewane ili wapate njia ya kuenda mbele. Wazungu wanaita *consultation*. Jambo la kusikitisha ni kwamba, walimu wana chama chao cha Kenya National Union of Teachers (KNUT) na wana haki ya kusikizwa na Waziri wa Elimu. Imekuaje hivi sasa Waziri anaonyesha madharau kwa chama cha walimu ambacho kina haki ya kujadili na kuuliza jambo wanapoliona halifai. Prof. Magoha anawakosea sana Wakenya kwa kupuuza chama cha walimu.

Bi. Spika, jambo la kusikitisha zaidi ni kwamba, Prof. Magoha angekuwa anatueleza anatandaza nini kusaidia elimu ya Kenya. Kuna shule ambazo hazina madawati, karo za shule ziko juu na kuna watoto walemavu ambao hawawezi kuenda shuleni. Kuna aina nyingi sana za shida ambazo zinakumba watoto wadogo. Watoto wetu siku hizi wanalazimika kubeba mikoba kama mzigo za gunia kwa migongo.

Bi. Spika, hata wewe ni profesa na ulienda shule lakini haukuwa unabeba vitabu vingi kama wanafunzi wa sasa. Wakati wetu, tulikuwa tunabeba vitabu kama sita au saba. Mwanafunzi alikuwa anafanya mtihani wa kitaifa katika masomo saba kisha anajiunga na shule ya pili kabla ajiunge na chuo kikuu.

Bi. Spika, hivi sasa, watoto wetu wamepatwa na mzigo mkubwa. Wanalazimika kubeba magunia migongoni wakienda shuleni. Ni jukumu la Prof. Magoha kuona kwamba mzigo wa watoto wanaoenda shule umepunguzwa na sio kupigana na chama cha walimu.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Your time is up Sen. Madzayo.

Hon. Senators, I still have six requests, yet we have less than 10 minutes. I direct that the rest of the speakers take two minutes or less to make their contribution. We still have three important statements before we finish our statement hour.

Kindly proceed, Sen. Shiyonga. You have two minutes.

**Sen. Shiyonga:** Madam Temporary Speaker, I thank you for giving me an opportunity to support this Statement. The implementation of this type of education curriculum is good because it was well thought out. However, as much as change is good, the change that we want to implement on the curriculum needs to be thought out.

Change can only be implemented when the stakeholders are well versed. Change is good when the recipient does not take it as a burden. However, the proposed curriculum looks like a show off to the teachers and students. The Teachers Service Commission (TSC) has become toothless. It has made the war over KNUT as if it is child-play. Education needs to be a bridge that enhances one's livelihood. Kenya seems to be in a rush over everything. We are rushing to implement the proposed new curriculums, demolish structures and implement the new curriculum.

Madam Temporary Speaker, it is high time that the Competency-Based Curriculum (CBC) that is being implemented in Kenya be looked at. I hope that I will be invited as a friend to the Committee on Education, Information, Communication Technology to contribute more on this issue.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Your time is up Sen. Shiyonga. Kindly proceed, Sen. Pareno. You have two minutes.

**Sen. Pareno:** Madam Temporary Speaker, I rise to support this Statement. I would like to inform this House that the Committee on Education had a session with the Chief Executive Officer of the TSC, Ms. Nancy Macharia. What has been reported here is not what is on the ground. What Ms. Macharia reported to the Committee is also not what is on the ground. We have been discussing the issue of interdicted teachers in Mashuru for the last two weeks and we do not seem to be getting headway.

The CEO of TSC informed the Committee on Education, Information and Communication Technology, that they have already sent 52 teachers to replace the ones that had been interdicted. However, that is not the situation on the ground. I personally made phone calls to Mashuru and the schools are reporting that the teachers have not reported.

Our children are not being taught. Worse still, they have given direction to the county directors of education to go around to the schools where the interdicted teachers have gone back to teaching pursuant to directions by their bosses that they go back to their stations. They are physically evicting the teachers out of the schools.

Madam Temporary Speaker, the drama that our children are facing in schools is one that they do not deserve. I am happy to hear that Prof. Magoha himself will appear before the relevant Committee to ensure that these issues are answered. I feel that this new curriculum has problems. We need to understand it for us to move forward as a country.

I thank you.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Kindly proceed Sen. Cheruiyot. You have two minutes.

**Sen. Cheruiyot:** Madam Temporary Speaker, the Chairperson of the Committee on Education is finally here. I was worried when we were making our contribution and I could not spot him in the House. However, now that he is here, I will make my comments very brief. As leaders, we must never lose the thought of what it feels like to be an ordinary citizen. It is unfortunate that somebody cursed us in Africa. The people that are supposed to be solving problems create private solutions to public problems. If there is traffic jam on the roads, the people who are supposed to find solutions to the traffic jams write memos to say that the highways should be cleared for them. We have problems like the one we are facing in the education sector now because many a times, these decisions are made by people who no longer have school going children.

I was embarrassed yesterday when some people brought to my attention the fact that, nowadays if you want to get the new generation passport, you have to be at Nyayo House by 3 a.m. What sort of a country are we living in?

When many of these Senators want passports, they will be quickly ushered to the 9<sup>th</sup> floor of Nyayo House and accorded VIP services. That is why we have lost reality of the challenges that ordinary Kenyans continue to face. I am looking forward to a proper response.

When the Chairperson of Committee on Education, Information, Communication and Technology stands up to speak, it will be important for us to know how they are addressing these issues; what decisions are being made. Eventually, if Prof. Magoha

refuses to move, what shall we do as a House? We have lamented enough and it is time for actions.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Cherargei. You may have the Floor.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. I want to add my voice that the issue of replacing the 8-4-4 system of education with Competency Based Curriculum (CBC) is good intention. However, the application has been very poor. One of its aims is digital literacy. If digital literacy is to be implemented yet the laptop programme has flopped, how will we be able to succeed? These are some of the key issues.

Article 10 of the Constitution is on the issues of national values and principles of good governance. It calls for proper consultation. This programme was implemented in a huff. There were no proper consultations with the stakeholders. It has been reduced to a fight between the Cabinet Secretary (CS) of Education and the Kenya National Union of Teachers (KNUT), Secretary-General, Hon. Sossion. We, as a country, need to have an honest conversation with all stakeholders on CBC.

Finally, let us stop using force to implement CBC. It is sad that these people are fighting teachers who are supposed to implement CBC. Any CS in this country is imagining or thinking that when he uses force or display machismo in public, makes a lot of noise and does not have the reverse gear, then he or she will be the most popular and the most celebrated CS in this country.

We want to call upon the CS, Prof. Magoha that this is not about the loose nut, but it is about the future of this country and our children. As young parents, we are very careful because we want a better country. Let him have a reverse gear and ensure the quality of education is maintained in this country. That is the only way we can move forward with CBC.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. Sen. Omogeni. You may have the Floor.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker. I also rise to support the Statement that had been raised by our colleague, Sen. Khaniri. There is something that is very disturbing. There is something we used to call perpetual succession in Government.

When we were in the Education, Information, Communication and Technology Committee and my Chairperson is here, the CS then, Madam Amina assured that the Government required at least two years before the new curriculum could be rolled out. This man called Prof. Magoha, came in and rubbished what she had promised us and took like 15 days to roll it.

Madam Temporary Speaker, I think this is something we should not allow. As legislators, we should re-think about this idea of picking people out there, giving them positions of CS and yet they do not care about the views of the people's representatives. They come here, promise us things and then go back to their offices to implement it without consultations. They lack any form of accountability when they come to inform the Senate on very serious policy issues.

We, as the Committee, will take this issue seriously. We do not want to take the lives of the children of this country for granted the way the CS wants it to look like. We cannot have a Government which is at war with itself. This should be brought to an end.

We want to promise the House that we are up to the task. We will have Prof. Magoha appear here and report to the House

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. Finally, the Chairperson of the Education, Information, Communication and Technology, Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker for giving me this chance to make my input. First, I would like to assure the House that before the CBC programme was started, my Committee invited CS Amina to tell us about the preparedness of the country and the Ministry, in particular, to launch this CBC.

She had stated clearly that the preparedness in terms of the teachers was ongoing, but it was still very slow. She also told us the structures required were not sufficient. She also informed us that by that particular time, the policy processes in terms of formulation of curriculum were not complete and they required two years to roll out this curriculum.

She also told us that finance was a great challenge to the implementation of CBC. She said it required Kshs350 billion to effectively roll it out and they did not have it. Surprisingly, when the new CS came in, he said that the CBC train had left the station and it did not have a reverse gear.

Madam Temporary Speaker, we heard the complaints from the KNUT and other few stakeholders, after which, we decided to invite him to the Committee of the Whole, but he requested to appear before my Committee on 19<sup>th</sup> so that he could answer some pertinent questions that are facing the CBC.

I would like to invite all the interested Hon. Members to our Committee which will take place on Wednesday 19<sup>th</sup>. We shall inform of you the venue. We need to listen to him. After our engagement with him, we will decide if it will be good enough for him to come to the Committee of the Whole.

I would also like to inform the House that the other petitions which were touching Teachers Service Commission (TSC) were resolved yesterday. I am happy to report that this morning, TSC has taken an initiative to ensure that the schools which the teachers were interdicted are replaced.

**Sen. Cheruiyot:** On a point of information, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): What is your point of information?

**Sen. Cheruiyot:** Madam Temporary Speaker, I would like to inform the Chairperson that earlier on before he came in, Sen. Pareno did report that in follow up to that Petition, what the Chief Executive Officer (CEO) of TSC promised the Committee is not accurate information. She has made the phone calls and has confirmed that it is completely untrue. She actually misled your Committee. Sen. Pareno is back to her position maybe she would better inform the Chairperson.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. Sen. Pareno, do you wish to inform the Chairperson about the confirmation of whether the teachers have been posted to the schools or not?

**Sen. Pareno:** Thank you, Madam Temporary Speaker. After the meeting we had with the CEO of TSC, she informed the Committee that 52 teachers had been sent to Mashuru Sub-County to replace those that had been interdicted. I made phone calls to the head teachers affected. For example, I called the headteacher of Oserip Primary School and I was told that they have not seen those teachers.

If there is anything happening, it is the County Directors of Education who have been chasing away the interdicted teachers who reported back to the schools. That is the position which I got from the ground. I also had asked the CEO to give a list of those who had been posted and to which schools.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. He is well informed.

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker. I want to say that we even informed the CEO of TSC that my Committee will make a follow up. We shall visit those particular stations to make sure that the teachers who had been posted have reported and if they have not reported, what action the TSC has taken.

We are working hard as a Committee and mine was to invite all the Senators interested on matters to do with CBC to come as friends of the Committee of Education, Information and Communication Technology on 19<sup>th</sup> to listen to the CS.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. The next Statement is from the Senate Majority Leader.

VICIOUS ATTACK ON SEN. LOITIPTIP, SENATOR  
FOR LAMU COUNTY

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, pursuant to Standing Order No.47(1), I beg to make a Statement of national concern, namely, the vicious attack of the Senator for Lamu County, Sen. Loiptip, that occurred on Saturday, 1<sup>st</sup> June, 2019, in Nairobi. This is a straightforward Statement.

It was reported that our colleague, Sen. Loiptip, was watching the Champions League final match in a popular joint somewhere along Thika Road. As soon as the match ended something occurred. Some people went where he was and attacked him and his fiancée. The attack was vicious because they used machetes and he sustained serious cuts on his head and legs.

I had an opportunity to visit him in hospital and a number of Senators have done the same. Although he is out of danger, we do not know how long it might take for him to recover. Only God and maybe his doctors know how long it will take for him to recover fully. Even though he is due for discharge, he still has problems with his head and brain because he might have had an internal bleeding.

It is in public domain that Sen. Loiptip was in the company of his fiancée, who is a daughter of a prominent governor in Kenya. He is a former Senator and the Governor of Nairobi City County. Nobody knows the motive of the attack and whether he was attacked as Sen. Loiptip or because of his association or relationship with the good lady, otherwise known as Saumu, who is the daughter of Gov. Sonko.

We all know that Governor Sonko has been in the public limelight. He has been attacked on several occasions by people who hold high positions in the country. Sen. Loiptip has alleged that the attack had something to do with his relationship with the good lady and was there to protect his woman, like an African man should do. If that is the case, then you wonder why he was attacked.

I have reports that need to be confirmed by the Committee on Security, Defence and Foreign Relations. It is alleged that suspects who were arrested in relation to the attack were released today on a paltry Kshs20,000 bond. That was done quickly. There is a Member of County Assembly (MCA) of Kiambu who has been arrested for having

graffiti that bears the image of a public officer on his car and has been in a cell for almost one week. That, perhaps, could have angered a public officer.

Despite that, a person who wanted to kill the Senator for Lamu, who is the Vice Chairperson of the Committee on Tourism, Trade and Industrialization and also a midfielder playing for Bunge Football Club, has been released barely a day after being arrested on a bond of Kshs20,000. Could there be more than meets the eye? What exactly is being done? By the time I went to see Sen. Loitytip, the Inspector-General (IG) of Police and the Directorate of Criminal Investigations (DCI) had confirmed that they will do thorough investigations and bring the culprits to book.

I know many people may ask why a Senator was in a particular joint at that particular time, but he was not alone. Sen. Loitytip is a citizen of this Republic and it is his right to enjoy himself wherever he wants and do whatever he wants to do in any part of this nation. We should not come to the conclusion that there are places for commoners that Senators are not supposed to go to. In this country, every citizen should have an opportunity to enjoy the freedom of expression and association anywhere and in any part of this country.

I say this with a lot of pain because there are many crimes happening in the country. As I speak, in my county, at a place called Liter, three young men were killed by bandits from West Pokot and Baringo counties. Barely two weeks ago, we were with the Cabinet Secretary for Interior and Coordination of National Government and the IG of Police, who told us that National Police Reservists (NPR) were withdrawn because the Government takes security of citizens of this country seriously and no one else will die. Three people have died.

Madam Temporary Speaker, we must take our security seriously. Sen. Loitytip was not attacked as a Senator, but as a citizen of this Republic. This is the same way my people in Liter in Elgeyo-Marakwet County were attacked. It was not because of the offices they hold. What is the issue with the wanton crime, violence, murder, maiming, killings and attacks on the people of Kenya?

I urge Members of the Committee on Security, Defence and Foreign Relations to take this matter seriously. They should investigate circumstances under which those persons were released and bring a report to this House. We need to know what Government institutions responsible for carrying out investigations, particularly the IG of Police's Office, where the DCI is domiciled, are doing to ensure that justice is served. I wish our colleague, Sen. Loitytip, quick recovery. We thank God that he did not lose his life in the circumstance.

There was a similar attack in Rongai, where another professional who comes from my county was attacked and killed by people near a popular club. He was a popular man who worked as a senior accountant. So, it is not just Sen. Loitytip; there are acts of violence in this country that must be addressed. Since Sen. Loitytip is a Member of this Senate, we would like a Statement to be brought to this House.

I wish him well and hope that he will be back to continue playing football, as he continues to serve the people of Lamu County and Kenya at large.

Thank you, Madam Temporary Speaker.

**Sen. Cheruiyot:** Madam Temporary Speaker, I would like to contribute to this grave issue. What happened to our colleague, Sen. Loitytip, is sad. That Saturday was a

good night for football lovers because we watched the game. The Senate Majority Leader has stated what happened to him on his way home.

I request our colleagues, Members of the Committee on Security, Defence and Foreign Relations, to take the lives of our colleagues seriously. Sen. Loitiptip was assaulted. Before that, the security of Sen. Kihika, who is the Senate Majority Whip, was withdrawn. These are colleagues they sit with in a Committee that oversees the operations of the national Government. The national Government misbehaved by taking away the security of one of us, but they did not do anything about it as a Committee. Now, another Member of the Committee was assaulted. We do not know what will happen to another Member.

This issue should not be treated casually. Since this is a matter of urgency, the Chairperson of the Committee should ensure that they summon the IG of Police to give a status of things that are being reported here.

I have been told that the suspects have been released for only Kshs20,000. What investigations have they conducted so quickly to a point of determining that that person is innocent? It is extremely unfortunate and should not be taken lightly.

Madam Temporary Speaker, when the Senate Majority Leader was speaking, I was just wondering. Supposing Sen. Anuar, was amongst the well-known Members of Parliament or even well-known public figures - and I do not wish anyone bad - would this case have been given the kind of blackout and treated with non-concern that it---

*(Sen. Cheruiyot's microphone went off)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sorry, Senator. We are still on the rule of two minutes per Senator.

Sen. Kinyua.

**Sen. Kinyua:** Asante Sana, Bi. Spika wa Muda. Ni jambo la kuvunja moyo sana jinsi Seneta mwenzetu alishambuliwa kiwango hicho, ilhali wale ambao walikamatwa kwa kuhusika na mashambulizi hayo waliachiliwa huru. Inaonekana kwamba Serikali haitilii mkazo mambo ya usalama; sio usalama wa Sen. Anuar pekee yake bali ni usalama wa Wakenya kwa jumla.

Najua kwamba Sen. Anuar ni mwanachama wa Kamati ya Usalama ya Seneti. Kwa hivyo, ningependa kuiambia Kamati ya Usalama ichunguze hicho kisa ili waweze kujua kiini cha kitendo hiki ni nini.

Ni kana kwamba Serikali haiangalii usalama wa mtu yeyote. Hi ni kwa sababu sio Sen. Anuar peke yake aliyeshambuliwa. Ukienda sehemu nyingi hata Laikipia, watu wamekuwa wakishambuliwa kiholela usiku na mchana. Watu wanauwawa na inaonekana ni kama Serikali imeshindwa kutekeleza jukumu lake la kuhakikisha usalama. Kazi ya Serikali yoyote duniani ni kuhakikisha kuwa kuna usalama wa wananchi na mali yao.

Lakini sisi tunaishi kwa uoga. Huku Nairobi viongozi wanashambuliwa na ukienda mashinani pia watu wanashambuliwa. Sasa tunajiuliza Serikali inafanya kazi gani wakati jukumu lake kuu ni kuleta usalama. Tungependa Kamati ambayo itapewa hii shughuli ya usalama, iangalie kwa upana na marefu swala la usalama wa viongozi na kila mtu kwa sababu mtu yeyote akishambuliwa ni jukumu la serikali kujibu maswali.

Asante sana, Bi. Spika wa Muda.

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for giving me the opportunity to comment on this Statement by the Senate Majority Leader. I want to thank

him for coming up with this Statement because the issue of security in this country is core, and there is need to ensure that citizens are protected.

If legislators are at risk, what about the common *mwananchi*? I know these two people independently. I know Sen. Anuar as someone who is committed to his work, and I also know Saumu very well. She was my student when I was teaching at Jomo Kenyatta University of Agriculture and Technology (JKUAT). She was very committed to her work. I remember she was a class representative in one of the units that I was teaching. So, I really feel for her and sympathize with the entire situation. I sympathize with the Senator and Saumu for what happened.

There is need for the culprits to be brought to book and make sure that justice prevails. If the suspects have been released, what hope is there for ensuring justice for the common man? A Senator has been assaulted and so far there is no serious investigation.

I want to encourage Sen. Anuar that if he has a very serious relationship with Saumu, when he recovers, they should just wed to ensure that the chapter is closed. If there is someone who is pursuing Saumu, that person will now know that she belongs to somebody else legally.

Thank you, Madam Temporary Speaker, for the opportunity to add my voice to this Statement.

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker, for giving me the chance to add my voice on this very sad security issue. First, I would like to wish the Senator for Lamu a quick recovery.

I want to state clearly that insecurity in our country is becoming a very big problem. In fact, for the last one month, about 20 vehicles belonging to the citizens of Bomet were stolen, and there is no sign of recovery. I thought that Cabinet Secretary (CS), Dr. Matiang'i was given this particular docket of Internal Security to bring the wisdom that he had when he was the CS for Education. He cleared the mess that was affecting examinations in this country.

The CS for Interior and Co-ordination of National Government should actually strengthen the Police Service to make sure that incidents of insecurity, for example, where a Senator is beaten and the suspects are released within a few hours, become a thing of the past.

If possible, we would like the Senate Committee on National Security, Defence and Foreign Relations to invite him to appear before them. He should clarify why a Member of Parliament was beaten up by criminals, and in a few hours, the suspects were released on a very cheap bond of Kshs20,000.

I support this particular Statement.

**Sen. Mutula Kilonzo Jnr:** Thank you, Madam Temporary Speaker. First, I wish our colleague quick recovery. From the Statement given to the police by Saumu - because I saw it - it is obvious that the attack on Sen. Anuar was an attempted murder. They beat him with blunt objects on his head, and yet he did not provoke anybody. I believe our colleague was set up for this sort of beating.

Madam Temporary Speaker, unlike the Senate Majority Leader, I believe that the Senate should have taken this matter seriously. When the police landed outside this building, one time when we had a Special Sitting, it took the Speaker of the Senate to order the police to leave Parliament Buildings. The Speaker of the Senate should speak for us, as an institution; it should not just be left to the Committee to deal with this. The



Senate should have addressed this issue because according to the statement written at the police station, this is not just an assault, but an attempted murder.

All of us who know this gentleman, know that he is absolutely harmless. I criticize *The Standard* Newspaper because they posted a picture of the lady in some fancy clothes with the intention of belittling the crime visited on Sen. Anuar. Can we treat some of these issues seriously and not make it look like an incident involving a “slay queen” and a “slay man?”

It is a very sad incident.

**Sen. Olekina:** Madam Temporary Speaker, I rise to support this Statement and pray for my colleague, Sen. Anuar Loitiptip. I hope that he recovers. This raises a very serious concern, and this House ought to think about the security of its Members. I am aware that some of our Members have had their security detail withdrawn. Are we serious when we withdraw the security of Members who are out there working for Kenyans?

I join my colleague, Sen. Mutula Kilonzo Jnr, in urging the Speaker of this House to speak on the security of Members. It is about time that the security docket seriously considers arming Members of this House who are not armed, so that they can defend themselves.

I pray for my dear brother and hope to visit him today at the hospital. If these goons can attack a Member of Parliament, what will happen to ordinary Kenyans out there? As Members, we have to ask ourselves serious questions. Where are we going and at what time should we go there? Should we be at some places at the wee hours of the night? It behoves us to take personal responsibility. We must protect ourselves even as the security force in this country protects us.

Thank you, Madam Temporary Speaker.

**The Senate Minority Leader** (Sen. Orenge): Madam Temporary Speaker, I also want to join my colleagues in expressing solidarity with the distinguished Senator for Lamu County. The experience that he underwent was unfortunate and tragic, and we wish him quick recovery.

I also wish to associate myself with what the Senators have said about the security of the Members of Parliament. This is not just about our security out there, but also about our security within Parliament buildings. Previously, only key members of parliamentary staff would be allowed within the Chambers. Anybody else found within those areas would be reprimanded. This matter should not be treated casually.

During the days of the nationalist party, the Prime Minister of South Africa was knifed to death in the Chambers when Parliament sessions were ongoing. Members of Parliament attract violence outside and inside Parliament. The provision for security for Members of Parliament became a national necessity because of the attack and death of many Members.

I hope that what has happened to Sen. Loitiptip will serve as a wakeup call. People should not take the call for security by Members of Parliament an idle affair. Members of Parliament are more vulnerable than the people in the Executive, who have a lot of security around them. Those people are safe and there is nothing that can happen to them.

I hope that the police will show the same kind of concern that they display when a Member of Parliament is accused of something. They are always quick to drag Members

of Parliament to a police station and throw warrants around, but fail to act with the same urgency when the life of a Member of Parliament is in danger.

The Members of Parliament are not safe anywhere and that includes the Chamber. I hope that investigations will be carried out, and the relevant Committee should come up with a report by next week.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. We will finally hear from the Senator of West Pokot, Sen. Poghisio.

**Sen. Poghisio**: Thank you, Madam Temporary Speaker. I want to join you and the rest in condemning the brutal attack on our colleague. The security of a Senator is of paramount importance. It is important for Kenyans to know that we are here to serve them. They should rescue Members of Parliament if they notice that they are in danger rather than joining the attackers.

The Senate Majority Leader and I come from a region prone to cattle rustling, and we see people who have been killed. We are not only asking about our security, but the security of our people as well. Yesterday, I attended a funeral service of a young man and the entire leadership of Elgeyo-Marakwet was in West Pokot. We discussed peace, just for us to hear that there was conflict after that and people have died. Each of us deserves to be protected.

A young person like Sen. Loitiptip, who might have a young family, should be given sufficient protection because he has so many commitments. I pray that he gets well.

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

The next Statement is pursuant to Standing Order No. 48(1).

#### ALLEGED ASSAULT OF SECONDARY SCHOOL STUDENT BY POLICE

**Sen. (Dr.) Musuruve**: Thank you, Madam Temporary Speaker, for giving me the opportunity to request for a Statement on the assault of a Form Three student at Hafumbure Secondary School by a police officer in Busia.

Pursuant to Standing Order No. 48(1), I rise to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning cases of police brutality against civilians.

In the Statement, the Committee should-

- (1) Explain what the police service is doing to curb cases of police brutality perpetrated against civilians during arrest and detention.
- (2) Explain measures put in place to ensure victims of police brutality are able to report such cases and get justice.
- (3) Explain measures undertaken to rehabilitate the victims of police brutality to ensure they resume their normal lives.

There is a case of a boy in Busia who was sent to the shop by his mother and was accosted by police officers, who tampered with his private parts. That boy is now infertile and psychologically affected. The concerned Committee should ensure that the boy gets justice. The parents are also psychologically affected. There should also be compensation for that heinous act.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. (Dr.) Musuruve. Pursuant to the Standing Orders, that Statement stands committed to the Committee on National Security, Defence and Foreign Relations.

The next Statement is from Sen. Pareno.

HUMAN-WILDLIFE CONFLICT AFFECTING COMMUNITIES  
BORDERING GAME PARKS AND GAME RESERVES

**Sen. Pareno:** Thank you, Madam Temporary Speaker. Pursuant to Standing Order 48 (1), I rise to seek a Statement from the Standing Committee on Tourism, Trade and Industrialization on the human-wildlife conflict affecting communities living in counties bordering Game Parks and Game Reserves, particularly communities around Amboseli, Maasai Mara, Tsavo and Chyulu Game Reserves.

In the Statement the Committee should -

(1) Explain why the Government has taken too long to resolve the human-wildlife conflict, specifically the deaths and destruction of property caused by elephants and lions in Kajiado, Narok, Taita-Taveta and Makueni counties.

(2) State whether there is any form of compensation to the following individuals and/or communities who have been directly affected by the conflict and when the compensation will be given:-

With regard to destruction of property, crops and animals by elephants, there is Oloikarra and Esarunoto Community water pipes, the fences of Ilaimirror Primary and Entaretoi Secondary Schools; Oloikara Community greenhouses and Harrison Tapo's crops and trees. There is also a Mrs. Sameri's crops at Entaneta and Edward Ndilai's farm. Lieutenant-General Paria's cattle and Rapario Mokoi's sheep were also mauled by the lions. Water tank and pit latrines at Enkonerei Primary School have been destroyed. Likewise boreholes, pump and pipes at Noonkobon and Oluosinya Communities have been destroyed. There is also the case of Samuel Ntaoti's 47 goats and Akapa Muka's two cows.

Madam Temporary Speaker, just to add on the destructions around Sultan Hamud area, which borders both Makueni and Kajiado counties, property worth over Kshs5 million has been destroyed by elephants. The property belongs to Dominic Tajari, Daniel Kataa, Moses Leiyan, George Boroswa, Timothy Solitei, Agathus Solitei, Douglas Kanjai, Jeremiah Koromoh, Tait Kanjai, Saitoti Musendu, Joseph Ndilu, Sila, Elijah Kanoko, Shadrack Kanoko and Fred Sorora.

Madam Temporary Speaker, many deaths and injuries have occurred within the last two weeks caused by both the elephants and lions. With regard to death and injury to human beings, we have the following cases:-

Silas Ntonanak, who was killed by elephants in 2014, has never been compensated to date. John Ntoipo Nchayi, a four-year old, was killed by an elephant while leaving Sunday School. Sonke Marona was killed by elephants at his home on 24th May, 2019 and Tatio Parkisali Kimiti was killed by an elephant on 30th May, 2019. Soine Matura, Nkoondo Kilukei and Lentura Siaka were injured by elephants, whereas Nenkalah Sopoon Olootu, Lemako Mayon, Salaito Markau, Loshe Tirike, Amos Ntika, Murkuku Lemu and Keenka Sapon were all injured by lions, and have never been compensated.

Madam Temporary Speaker, lastly, there is a death that occurred this week of one Peloo Muteryan, who was killed by elephants and only his head was recovered at the border of Makueni and Kajiado. The lions had already eaten the other parts of his body, and he is yet to be buried.

Just a comment before this Committee goes to look at this issue of human-wildlife conflict. There are over 30 elephants roaming freely killing, maiming and destroying property. In fact, children are not going to school for fear of their lives. They only go to school and go back home when escorted by their parents. Human lives and properties are in danger, and to this moment, nothing has been done.

I want to make a passionate comment. When one elephant is killed, the entire Kenya Wildlife Service (KWS) comes in with helicopters. However, when three people are killed and others maimed and property worth billions of shillings destroyed, nothing happens. The lives of our people matter more than those animals. If they do not take action, we will be left at our own mercies and forced to defend ourselves.

Madam Temporary Speaker, as we sit here, all counties that border game reserves, namely, Makueni, Taita-Taveta, Kajiado and Narok are suffering alike. This is a national issue that needs to be addressed conclusively. The lives of our people matter. We cannot have helicopters going to save one elephant or the rest after one has been killed, but the same does not happen to secure the lives of our people. This is my Statement. If it is possible, the Committee should urgently handle the situation.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. I can see a number of Members who would like to contribute to this. I will give each of you one minute because we are way over our time. Before that, I have a Communication to make.

*(Interruption of Statements)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM SAWAGONGO  
HIGH SCHOOL, SIAYA COUNTY

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Sawagongo Boys High School, Siaya County.

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

I thank you.

*(Applause)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Shiyonga.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I would like to join you in welcoming students and teachers from Sawagongo Boys High School, Siaya County. Let them feel welcome. This is the right place where they can learn about how we make legislation.

(Resumption of Statements)

Madam Temporary Speaker, I would like to contribute on the Statement that Sen. (Dr.) Musuruve presented to the House earlier, on justice for the Form Three student who was assaulted by a police officer in Busia County.

It is very devastating when teachers take laws---

**Sen. Pareno:** On a point of order, Madam Temporary Speaker. In as much as we would really have contributed to the Statement by Sen. (Dr.) Musuruve, you have already made a ruling on it. I think it is not in order for Sen. Shiyonga to now seek to comment on it when you have already ruled and dealt with it.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, unfortunately, I did not see the signal by Sen. Shiyonga at the time. That is why I did not give her the chance. We have gone beyond that Statement, as pointed out by Sen. Pareno. We are now on the Statement by Sen. Pareno. I am giving only one minute each because I can see many Members who want to contribute. Would you like to continue and change the topic?

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker. I will contribute on the Statement of Sen. Pareno.

It hurts to see the Government that is tasked with taking care of her citizens being negligent. Even though wildlife is important, when one life of a person is lost, it cannot be recovered. It is demoralizing to see the Government concentrating on wildlife, yet human beings are losing their lives. If you look the cases where people have been killed, injured or maimed by wild animals, as mentioned by Sen. Pareno, *vis-a-vis* the compensation and attention that they are being given, one wonders whether the Government considers wildlife to be more important than human beings. Both are important but for wildlife to exist, the life of human beings must be protected.

I support Sen. Pareno. Let the Government support and protect our people as much as they protect wildlife.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Mutula Kilonzo Jnr., you have one minute.

**Sen. Mutula Kilonzo Jnr.:** Madam Temporary Speaker, I will ask for extra time. The question raised by Sen. Pareno is so serious that as we contemplate going to Kitui for Senate *Mashinani* sittings, we must have a public *baraza* in Kajiado, Makueni and Taita-Taveta to speak about this issue. This is because these animals are increasing our poverty. It is not raining and when it rains, they eat our food.

What is worse is that last month a young man strayed into the park in Makueni County and was shot two times. He sent his father a text message to go and rescue him. When his father told KWS officers that his son was in the middle of the park with two bullet wounds, they went into the park and 'finished their job' by killing him.

This is a place where a certain elephant we have nicknamed *mwanzia* comes into the neighbourhood every evening, and nobody has dared to touch it. Since the year 2014 people who have been killed in Makueni have never been paid.

Madam Temporary Speaker, Sen. Pareno is right. When our women stray into the park to collect firewood they are raped. When they are caught, they are charged in court and fined Kshs200,000. When the KWS officers kill one person, it is business as usual. I have a case where KWS officers were supposed to be charged in 2014. To date, they have

never been charged for committing murder. There was a documentary recently about Isiolo on the murders and atrocities visited on the people for collecting firewood.

I was embarrassed that the CS wrote to me and said that Kenya is collecting 10 per cent of our Gross Domestic Product (GDP) from the parks. These animals have become more important than the people living next to the parks. I would like this to be an agenda for Senate *Mashinani*. Let us go to these parks. We will find more atrocities than we can imagine. People are contemplating killing these animals. Will we be made poor by wildlife from which only the national Government is benefitting?

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. Let us have the Senator for Narok County, Sen. Olekina.

**Sen. Olekina:** Thank you very much, Madam Temporary Speaker. Narok County gets about Kshs2.1 billion every year from tourism. If you think about an ordinary Kenyan, he probably makes a maximum of Kshs84,000. It begs the big question: What is it that we are now doing in terms of caring about the ordinary Kenyan? When an ordinary Kenyan is killed by an animal, there is compensation by a county government that collect Kshs2.1 billion. Taita-Taveta County collects about Kshs6 billion from tourism. Why can we not set up an emergency fund to ensure that we compensate our people when they are attacked or killed by wildlife?

Madam Temporary Speaker, what has happened in this country is that human beings and animals are competing for food and space. We, as human beings, are also to be blamed for encroaching into their natural habitats. If you go to Narok, you will see houses erected in those habitats. We, as Kenyans, are to blame for what is happening.

I wish the Senate was tasked with the duty of preparing the budget. The first thing we need to do with the national budget, which Sen. Mutula Kilonzo Jnr. has said benefits the national Government, is to ensure that there is a fund that is set out clearly to compensate human beings. This is because we care so much about the wild animals and not the people.

It seems this Government cares a lot about the dollars brought to this country by tourists than our people who are attacked or killed by these animals. If this situation continues, Kenyans may decide to kill all these animals. In fact, some Maasais have killed the lions in Kitengela. It is sad to see their boreholes destroyed by animals.

I stood on the Floor of this House and raised issues. Even my father has a claim with the Attorney General since 1980. His crops were destroyed and animals killed, but to date, he has never been compensated. For how long will we continue singing this song of compensation?

I wish we, in the Mediation Committee, could force the Members of the National Assembly to ensure that they set aside some amount of money to create a fund for compensating people who are killed and their crops destroyed by these animals.

Madam Temporary Speaker, recently the President said that all pending bills must be paid. Those are also part of the pending bills. Compensate those who have been killed by wild animals and we will know that you are not preaching wine and drinking water.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me a chance to also add my voice to this very important Statement raised by my colleague from Kajiado County.

Madam Temporary Speaker, one week ago, we buried two young men who were bringing up their children. We are yet to bury another one this weekend. I wish to condole with the families who lost their loved ones.

As I speak, we have not seen Government officials visiting them. If it was an elephant that was killed---

*(Sen. Seneta's microphone went off)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): You have 20 seconds, please.

**Sen. Seneta:** Madam Temporary Speaker, if it were two elephants that were poisoned, we could have seen KWS flying there with all types of aircraft. Are wild animals more important than human beings? I call upon the Committee and Ministry concerned to visit Masimba area of Kajiado to see what is happening on the ground.

*(Sen. Seneta microphone went off)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Proceed, Sen. Halake for one minute.

**Sen. Halake:** Thank you, Madam Temporary Speaker. I wish I could get more minutes. However, I support this Statement and condole with the families. I also acknowledge that this conflict over resources is becoming unbearable. I do not believe that compensation, fines and such kind of things are the solution to this problem.

I know that the KWS model where they police and look after animals, but exclude the communities around the parks definitely is not working. We have provided in this House an alternative model of community conservation, where the community takes charge of everything and gets support from Government in terms of compensation.

We have locked animal corridors. Even we, as communities, have a lot of responsibility to these animals.

*(Sen. Halake's microphone went off)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Your point is taken. Finally, we have Sen. (Rev.) Waqo, for one minute.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker. I support this Statement simply because of the problems that many Kenyans are facing. I come from a place that has suffered because of the same problem. The problem that people face is that there is no proper compensation.

We, as a House, demand for proper investigations to be done and the House be furnished with a report with all the information about the people who have died and the status of their families. This is because most of the time the people who have died have left behind very young families and school-going children. Many families face a lot of challenges when the bread winner loses their life through this.

As I condole with the families, proper protection should be provided by the Ministry concerned. In fact, if we were given time, we would have all explained what we are going through.

*(Sen. (Rev.) Waqo's microphone went off)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Since the Committee will deal with it, you will have an opportunity to debate on it. This Statement, pursuant to Standing Order No. 48, stands committed to the Standing Committee on Tourism, Trade and Industrialization. You can join them as a friend of the Committee to deal with that.

**Sen. Pareno:** On a Point of Order, Madam Temporary Speaker. In view of the urgency of the matter - we have elephants roaming around every other home, killing people and destroying property - I ask that you give this Committee a timeframe. Otherwise, we will continue having more deaths and it will cause human-wildlife conflict. At the moment, I can clearly report that I have seen some communication in a *WhatsApp* group to the effect that people are ready to defend themselves if the wildlife officers will not come to their rescue.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. I will give them a standard timeline of 14 days. We expect the Committee to move with speed from now.

The last Statement is pursuant to Standing Order No.52(1), which is supposed to be done by the Senate Majority Leader. Sen. (Dr.) Langat, a Member of the Senate Business Committee (SBC) and Chairperson of the Committee on Education has been asked to give this Statement.

Proceed, Sen. (Dr.) Langat.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 11<sup>TH</sup> JUNE, 2019

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker, for giving me this opportunity to make this Statement on behalf of the Senate Majority Leader.

Madam Temporary Speaker, pursuant to Standing Order No. 52(1), I hereby present to the Senate the business of the House for the week commencing Tuesday 11<sup>th</sup> June, 2019. On Tuesday, 11<sup>th</sup> June, 2019, the Senate Business Committee will meet to schedule the business of the Senate for the coming week.

Subject to further directions by the SBC, the Senate will consider Bills due for Second Reading and Committees of the Whole on Tuesday, 11<sup>th</sup> June, 2019. The Senate will also continue with consideration of the business that will not be concluded in today's Order Paper. On Wednesday 12<sup>th</sup> and Thursday 13<sup>th</sup> June, 2019, the Senate will consider business that will not have been concluded on Tuesday, and any other business scheduled by the SBC.

Madam Temporary Speaker, there are 37 Bills pending consideration by the Senate. There are 21 Bills pending at the Committee of the Whole and 16 Bills pending at the Second Reading stage. I continue urging all Senators to be present in the House, so that we can expeditiously conclude the above mentioned business.

I also take this opportunity to remind the party Whips to ensure that the House has the requisite numbers to undertake Division on the Bills and Motions affecting counties.

Madam Temporary Speaker, I continue to appeal to the standing committees to expedite consideration of Bills referred to them and table reports in the House. This will



enrich debate at the Second Reading stage and facilitate the House to navigate the Committee of the Whole.

Madam Temporary Speaker, Standing Order No.51 (1) (b) provides for the quarterly reports to the House by Committees relating to their activities, including Bills, Statements and Petitions considered and inquiries undertaken. I take this opportunity to inform all the Committee chairpersons to prepare a detailed report of the Committee activities, which will be tabled in the Senate after the short recess at the end of June, 2019.

I hereby lay the Statement on the Table of the Senate.

*(Sen. (Dr.) Langat laid the document on the Table)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.  
Next Order.

### COMMITTEE OF THE WHOLE

*(Order for Committee read)*

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

IN THE COMMITTEE

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

THE STATUTORY INSTRUMENTS (AMENDMENT)  
BILL (SENATE BILLS NO.24 OF 2018)

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we are now in the Committee of the Whole to consider The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018).

*Clause 2*

*(Question, that Clause 2 be part of the Bill proposed)*

*Clause 3*

**Sen. Cherargei:** Madam Temporary Speaker, I beg to move:

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new clause -

(a) deleting subsection (1) and substituting therefor the following new section-

(1) The Committee shall make a report to the relevant House containing a resolution either that the statutory instrument that stands referred to the Committee be approved or that the statutory instrument be annulled.

(b) deleting subsection (3) and substituting therefor the following new subsection-

(3) Notwithstanding subsection (2) the House may, by resolution, extend the time within which the Committee shall consider a statutory instrument under subsection (2) for a period not exceeding twenty-eight days.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): The Division will be at the end.

*New Clause 4*

**Sen. Cherargei:** Madam Temporary Speaker, I beg to move-

THAT, the Bill be amended by inserting the following new clause immediately after Clause 3 –

Insertion of new  
Section 15A in  
No.23 of 2013

**4.** The principal Act is amended by inserting the following new section immediately after section 15-

Concurrence on  
Statutory instrument

**15A.** (1) The Clerk of the House to which a statutory instrument is referred shall, upon-  
(a) the resolution of the relevant House under section 15(1) for the approval or annulment of a statutory instrument; or

(b) expiry of the period specified under section 15(2),

cause the resolution of the House to be transmitted to the Clerk of the other House within two days of the resolution.

(2) A resolution under subsection (1) shall stand referred to the relevant Committee of that House which

shall consider the resolution together with the statutory instrument and report to the House within fourteen days of the referral.

(3) The House to which resolution is referred to under subsection(1) may extend the time within which the Committee shall consider the resolution for a period not exceeding seven days.

(3) If both Houses resolve to-

- (a) approve the statutory instrument; or
- (b) annul the statutory instrument;

the Clerk of the House to which the statutory instrument was transmitted under section 11(1) shall, within seven days of the decision, notify the regulation-making authority.

(4) Where the House resolves to revoke a statutory instrument and the other House does not, the statutory instrument shall be referred to a joint committee for mediation in accordance with Article 113 of the Constitution which shall be applied with the necessary modification.

*(Question of the New Clause 4 proposed)*

*(New Clause 4 read the First Time)*

*(Question, that the New Clause 4 be read a Second Time, proposed)*

*(Question that the New Clause 4 be part of the Bill proposed)*

*(The Temporary Chairperson (Sen. Pareno) consulted the Clerks-at-the-Table)*

**The Temporary Chairperson** (Sen. Pareno): The Division will be at the end.

*New Clause 5*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move:  
THAT the Bill be amended by inserting the following new clause-

Amendment of Section 18 of  
No.23 of 2013.

5. The principal Act is amended by deleting section 18 and substituting therefore the following new section-

Annulment. 18. (1) When Parliament passes a resolution to annul a statutory instrument the statutory instrument shall be deemed to be annulled.

(2) The regulation making authority shall publish the annulment of the statutory instrument within fourteen days of the annulment.

*Question of the New Clause 5 proposed)*

*(New Clause 5 read the First Time)*

*(Question, that the New Clause 5 be read a Second Time, proposed)*

*(Question that the New Clause 5 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Pareno): The Division will be at the end.

*The Title and Clause 1*

*(Question that The Title and Clause 1 be part of the Bill proposed)*

THE IMPEACHMENT PROCEDURE BILL  
(SENATE BILLS NO. 15 OF 2018)

*Clauses 2 and 3*

*(Question that Clauses 2 and 3 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 4*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-

THAT, Clause 4 of the Bill be amended—

(a) by deleting sub clause (1) and substituting therefor the following new sub clause—

(1) A member of the National Assembly who intends to move a motion for the removal of the President by impeachment shall submit a copy of the proposed motion to the Clerk of the National Assembly together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new sub clause immediately after the new sub clause (1)—

(1A) The list of members under sub clause (1) shall be in the form prescribed in the Schedule.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 5 to 8*

*(Question, that Clauses 5 to 8 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 9*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move—  
THAT, Clause 9 of the Bill be amended—

(a) by deleting subclause (2) and substituting therefor the following new subclause—

(1) A member of the National Assembly who proposes a motion for the removal of a Cabinet Secretary under subsection (1) shall submit to the Clerk of the National Assembly a copy of the proposed motion for the removal of the Cabinet Secretary together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new subclause immediately after the new subclause (2)—

(2A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 10*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move:-

THAT, Clause 10 of the Bill be amended in subclause (1) by deleting the word “afford” appearing at the beginning of paragraph (b)(i) and substituting therefore the word “accord”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 11*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 11 of the Bill be amended in paragraph (a) by deleting the word “Promptly” appearing immediately after the words “the speaker shall” and substituting therefor the words “within three days”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 12 and 13*

*(Question, that Clauses 12 and 13 be part of the Bill, proposed)*

*Clause 14*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 14 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of a county assembly who intends to move a motion under Section 13 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

(a) specifies the grounds and particulars upon which the proposed motion is made;

(b) is signed by the member; and

(c) is signed in support by at least a third of all the members of the County assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the Speaker advising the Speaker of the determination made under subclause (1B).

(c) in subclause (2) by inserting the words “in writing” immediately after the words “for the refusal” appearing in paragraph (b); and

(d) in subclause (6) by deleting the word “five” appearing immediately after the words “the governor within” in paragraph (b) and substituting therefore the word “seven.”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 15 and 16*

*(Question, that Clauses 15 and 16 be part of the Bill, proposed)*

*Clause 17*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move—

THAT, Clause 17 of the Bill be amended in subclause (2) by deleting the words “appointment of a special committee” appearing immediately after the words “days of the” and substituting therefor the words “determination of the special committee under section 16 (2) that section 14 was complied with”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 18 to 27*

*(Question, that Clauses 18 to 27 be part of the Bill, proposed)*

*Clause 28*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move:

THAT, Clause 28 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefore the following new subclause—

(1) A member of a county assembly who intends to move a motion under Section 27 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) the list of members under subclause (1) shall be in the form prescribed in the Schedule

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

(a) specifies the grounds and particulars upon which the proposed motion is made;

(b) is signed by the member; and

(c) is signed in support by at least a third of all the members of the County Assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the

Speaker advising the Speaker of the determination made under subclause (1B).

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 29 to 32*

*(Question, that Clauses 29 to 32 be part of the Bill, proposed)*

*Clause 33*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move- THAT the Bill be amended by deleting clause 33.

*(Question, that Clause 33 be deleted, proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 34*

*(Question, that Clause 34 be part of the Bill, proposed)*

*The Schedule*

*(Question, that The Schedule be part of the Bill, proposed)*

*The Title*

*(Question, that the Title be part of the Bill, proposed)*

*Clause 1*

*(Question, that Clause 1 be part of the Bill, proposed)*

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT  
OF ECONOMIC AND SOCIAL RIGHTS BILL  
(SENATE BILLS NO. 27 OF 2018)

*Clauses 3 and 4*

*(Question that Clauses 3 and 4 be part of  
the Bill, proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.



*Clause 5*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-

THAT, the Bill be amended by deleting Clause 5.

*(Question, that Clause 5 be deleted, proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 6*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 6 of the Bill be amended-

(a) in subclause (1) by inserting the words “Articles 43(1) and 53(1)(c) of” immediately after the words “set out under”;

(b) in subclause (2) by deleting the words “in such infrastructure” appearing immediately after the words “promote investment in” in paragraph (h);

(c) in subclause (3) by inserting the words National government and immediately after the words “minimum standards that”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 7*

*(Question, that Clause 7 be part of the Bill Proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 8*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-

THAT Clause 8 of the Bill be amended-

(a) in subclause (1) by deleting the word “periodically” appearing at the beginning of paragraph (f) and substituting therefor the word “annually”;

(b) in subclause (3) by deleting the word “First” appearing immediately after the words “out under the”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 9*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-

THAT Clause 9 of the Bill be amended –

(a) by deleting subclause (2);

(b) in subclause (4) by deleting the words “Part VII” appearing immediately after the words “in accordance with” and substituting therefor the words “section 21 of this Act and section 115 of the County Governments Act”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 10 to 12.*

*(Question, that Clauses 10 to 12 be part of  
the Bill Proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 13*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-

THAT Clause 13 of the Bill be amended in–

(a) subclause (1) by deleting the words “The county executive committee member responsible for planning within the county” appearing at the beginning of the subclause and substituting therefor the words “The respective county governor”;

(b) subclause (2) by deleting the words “The county executive committee member shall” appearing at the beginning of the subclause and substituting therefor the words “The county governor”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 14*

*(Question, that Clause 14 be part of the Bill Proposed)*

*Clause 15*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-

THAT Clause 15 of the Bill be amended in subclause (2) by deleting the words “act on the recommendation” appearing immediately

after the words “the Senate shall” and substituting therefor the words “take into account the recommendation in the implementation of economic and social rights in the subsequent year”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 16 to 18*

*(Question, that Clauses 16 to 18 be part of the Bill Proposed)*

*Clause 19*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-  
THAT Clause 19 of the Bill be amended in subclause (1) by inserting the words “county executive committee members responsible for finance” immediately after the words “responsible for finance”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clauses 20 to 24*

*(Question that Clauses 20 to 24 be  
part of the Bill Proposed)*

*New Clause 25*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move:-  
THAT the Bill be amended by inserting the following new clause immediately after Clause 24-

Amendment  
to No. 17  
of 2012

- 25.** (1) The County Governments Act is amended –
- (a) in section 107(1) by inserting the following new paragraph immediately after paragraph (d) –
  - (e) county strategic plans for the realization of economic and social rights under Part IV of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Act.
- (2) In the performance of its functions under this Act the

Commission shall be guided by the national values and principles set out under the Constitution.

*(Question of the New Clause 25 proposed)*

*(New Clause 25 read the First Time)*

*(Question, that New Clause 25 be now  
read a Second Time proposed)*

*(Question, that New Clause 25 be part of  
the Bill proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Schedule*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by deleting the Schedule and  
substituting therefor the following new Schedule –  
SCHEDULE

CRITERIA FOR THE REALISATION OF  
SOCIAL AND ECONOMIC RIGHTS

The indicators for the assessment, by the Commission, of the effort of a county government in the implementation of Article 43 of the Constitution shall include—

- (a) whether or not it has allocated tasks and responsibilities to the different levels of government;
- (b) whether or not it has ensured that sufficient human and financial resources are made available for its implementation;
- (c) whether or not it is capable of facilitating the realisation of the rights in question;
- (d) whether or not its plan or programme is reasonable in its conception and implementation;
- (e) whether or not its plan or programme is balanced and flexible enough to among other things, respond to unforeseeable circumstances;
- (f) whether or not it is inclusive or excludes a significant segment of the populace, leading to unfair discrimination;
- (g) whether or not it balances short, medium, and long-term needs;
- (h) whether or not it has sufficient safety nets such as cash transfers to vulnerable groups and other social assistance; and
- (i) whether or not its plan or programme responds to the needs of the vulnerable and those in crisis situations.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 2*

**Sen. Cherargei:** Madam Temporary Chairperson, I beg to move-

THAT Clause 2 of the Bill be amended –

(a) by inserting the following new definition immediately after the definition of the word “county strategic plan” –

“economic and social rights” means the rights accruing to every person specified under Articles 43(1) and 53(1)(c) of the Constitution including the right to –

(a) the highest attainable standards of health which includes the right

to health care services including reproductive health care services and emergency treatment;

(b) accessible and adequate housing;

(c) reasonable standards of sanitation;

(d) be free from hunger and to have adequate food of acceptable quality;

(e) basic nutrition for children;

(f) clean and safe water in adequate quantities;

(g) social security and social assistance; and

(h) education.

(b) in the definition of the word “subsidy programme” by inserting the words “the National government or” immediately after the words “programme established by”;

(c) in the definition of the word “vulnerable persons” by deleting the words

“people with disabilities, sick persons with chronic diseases such as HIV/AIDS” and substituting therefor the words “persons with disability, such persons which chronic illness”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*The Title and Clause 1*

*(Question that the Title and Clause 1 be part of the Bill proposed)*

Hon. Senators, we now move to the next Bill.

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

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we are now in the Committee of the Whole to consider the Prevention of Terrorism (Amendment) Bill, (Senate Bills No. 20 of 2018).

Let us proceed.

*Clause 3*

**Sen. Kihika:** Madam Temporary Chairperson, I beg to move-

THAT Clause 3 of the Bill be amended –

(a) in the introductory clause by deleting the number “12D” appearing

immediately after the words “after section” and substituting therefor the number “40C”;

(b) in the proposed new section 12E by-

(i) renumbering it as section “40D”;

(ii) deleting the marginal note and substituting therefor the following new marginal note –

Responsibility of the institution regulator.

(iii) deleting the introductory clause and substituting therefor the

following new clause–

(1) The institution regulator shall-

(iv) deleting paragraph (b) and substituting therefor the following new

paragraph –

(b) ensure that a standardized awareness module on counter radicalization approved by the Centre is taught in all educational institutions;

(v) deleting the words “publicly owned venues” appearing immediately after words “ensure that” in paragraph (e) and substituting therefor the words “educational institutions”; and

(vi) deleting paragraph (f) and substituting therefor the following new

paragraph –

(f) in collaboration with the Cabinet secretary, the Centre, the National Police Service and other relevant stakeholder, design appropriate rehabilitation and reintegration programmes to cater for students who have undertaken successful disengagement from radicalization.

(c) in the proposed new section 12F by –

(i) renumbering it as section “40E”;

(ii) deleting paragraph (a) and substituting therefor the following new paragraph –

- (a) implement measures approved by the Centre to detect, prevent or report radicalization of students;
- (iii) deleting paragraph (c) and substituting therefor the following new paragraph –
  - (c) in collaboration with persons accredited by the Centre, ensure that all staff in the institution are well trained to recognize and respond appropriately to vulnerable students likely to be drawn into radicalization;
- (iv) deleting the words “inappropriate studies and curriculum related to radicalization” appearing immediately after the words “dissemination of” in paragraph (e) and substitute therefor the words “extremist literature”.
  - (d) in the proposed new section 12G by –
    - (i) renumbering it as section “40F”;
    - (ii) by deleting paragraph (a) and substituting therefor the following new paragraph –
      - (a) provide parental care, protection and guidance at all times;
      - (iii) deleting paragraph (b) and substituting therefor the following new paragraph –
        - (b) immediately report to the Centre, the institution regulator and the institution administrator a case of a missing student where there is reason to believe that such a student is likely to be involved in terrorism acts or to have been radicalized;
      - (e) in the proposed new section 12H –
        - (i) renumbering it as section “40G”;
        - (ii) in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph –
          - (b) notify the institution regulator and the nearest police station of the missing child within twenty four hours;
        - (iii) in sub-clause (2) by –
          - (a) deleting paragraph (b) and substituting therefor the following new paragraph –
            - (b) immediately notify the institution regulator and the nearest police station of the missing student;
          - (b) deleting the words “Inspector General of Police” appearing immediately after the words “the parent, the” in paragraph (c) and substituting therefor the words “National Police Service and the Centre”; and
          - (iv) in sub-clause (3) by deleting the words “County Education Board and the Inspector General of Police” appearing immediately after the words “in collaboration with the” in the introductory clause and substituting therefor the words “institution regulator or the institution and the Centre”

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*New Clause 2A*

**Sen. Kihika:** Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by inserting the following new clause immediately after Clause 2-

2A. Section 40B of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (e)-(f) in collaboration with the county governments, develop and implement county action plans to prevent violent extremism and radicalization.

*(Question of the New Clause 2A proposed)*

*(New Clause 2A read the First Time)*

*(Question, that New Clause 2A be now read a Second Time proposed)*

*(Question, that New Clause 2A be part of the Bill proposed)*

*Clause 2*

**Sen. Kihika:** Madam Temporary Chairperson, I beg to move-

THAT Clause 2 of the Bill be amended by-

- (a) deleting the definition of the word “County Education Board”; and
- (b) inserting the following new definitions in their proper alphabetical sequence-

“educational institution” means a public or private institution established under law to provide education and it includes a school, college, university or training centre; and

“institution regulator” means an entity whose function is to regulate basic education, university education, or technical and vocational education training or any other entity mandated to regulate training or learning in the country;

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*The Title and Clause 1*

*(Question, that the Title and Clause 1 be part of the Bill proposed)*



**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

Hon. Senators, we are through with the Committee of the Whole, we shall then proceed to report progress.

Hon. Senators, I had earlier indicated that we will report progress on the Tea Bill (Senate Bills No.27 of 2018), but we are now ready to proceed with the amendments.

THE TEA BILL (SENATE BILLS  
NO. 36 OF 2018)

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we are now in the Committee of the Whole to consider The Tea Bill (Senate Bills No. 36 of 2018).

Let us proceed.

*PART II*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move-  
THAT the Bill be amended by deleting Part II and substituting therefore the following new Part-

**PART II – THE TEA BOARD OF KENYA**

*(Question of the amendment proposed)*

*Clause 3*

THAT, Clause 3 of the Bill be deleted and substituted with the following new Clause-

Establishment  
of Board

**3.** (1) There is established a Board, to be known as the Tea Board of Kenya.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division at the end.

*Clause 4*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—

THAT Clause 4 of the Bill be deleted and substituted with the following new clause—

Headquarters.

4. (1) The headquarters of the Board shall be in Nairobi City County.

(2) The Board may establish such branches in Kenya as it may consider necessary for the efficient performance of its functions.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Regarding the further amendment on Clause 4 by Sen. Irungu Kang'ata we shall report progress and recommit Clause 4 for that purpose.

*Clause 5*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—

THAT Clause 5 of the Bill be deleted and substituted with the following new clause—

Powers of the Board

5. (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

(a) enter into contracts;

(b) manage, control and administer the assets of the Board;

(c) receive gifts, grants, donations or endowments made to the Board and make disbursement there from in accordance with the provisions of this Act;

(d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Board's funds not immediately required for the purposes of this Act, as it may determine; and

(e) operate a bank account into which all monies received by the Board shall be paid in the first instance and out of which all payments made by the Board shall be made.

(2) The Board may, if it considers it necessary, create or take part in the creation of, become a member of, or associated with a body or corporation designed to assist or promote the tea industry.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division at the end.

*Clause 6*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move-

THAT clause 6 of the Bill be deleted and substituted with the following new clause—

Powers of the Board

**6.** (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to-

(a) enter into contracts;

(b) manage, control and administer the assets of the Board;

(c) receive gifts, grants, donations or endowments made to the Board and make disbursement there from in accordance with the provisions of this Act;

(d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the Board's funds not immediately required for the purposes of this Act, as

it may determine; and

(e) operate a bank account into which all monies received by the Board shall be paid in the first instance and out of which all payments made by the Board shall be made.

(2) The Board may, if it considers it necessary, create or take part in the creation of, become a member of, or associated with a body or corporation designed to assist or promote the tea industry.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will come at the end.

*Clause 7*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move-

THAT Clause 7 of the Bill be deleted and substituted with the following new clause—

Membership of Board.

**7.** (1) The management of the Board shall vest in a Board Directors consisting of-

(a) a chairperson appointed by the President by notice in the *Gazette*;

(b) the Principal Secretary responsible for agriculture or a representative

nominated by the Principal Secretary in writing;

(c) the Principal Secretary for the time being responsible for trade or a representative nominated by the Principal Secretary in writing;

(d) two persons of either gender, nominated by the Council of County Governors;

(e) four persons, two of the opposite gender, representing small-holder tea growers tea from the east and west of the tea growing areas;

(f) one person representing plantation tea growers;

(g) one person representing tea traders;

(h) a chief executive officer appointed in accordance with section 13 who shall be an *ex-officio* member of the Board.

(2) The Cabinet Secretary shall appoint the members under subsection (1) (e), (f) and (g) by notice in the *Gazette*.

(3) A person shall not be appointed to be a chairperson of the Board of Directors unless that person holds at least a degree or its equivalent in any discipline from an institution recognized in Kenya and has relevant experience in the tea sector.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be at the end.

*Clause 8*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move-

THAT Clause 8 of the Bill be deleted and substituted with the following new clause—

Term of appointment.

**8.** The persons appointed under section 7 (1) (a), (d), (e), (f), and (g) shall serve for a term of three years renewable for one further term.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division at the end.

*Clause 9*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move:-

THAT clause 9 of the Bill be deleted and substituted with the following new clause—

Vacation of office.

**9.** A person shall cease to be a member of the Board of Directors if such person-

(a) is absent from three consecutive meetings of the Board without the permission of the chairperson;

- (b) becomes an officer, agent or member of staff of the Board;
- (c) resigns in writing, addressed, in the case of the chairperson to the President and in the case of any other member, to the Cabinet Secretary;
- (d) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (e) is declared bankrupt;
- (f) is unable to perform the functions of his office by reason of mental or physical infirmity; or
- (g) dies.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will come at the end.

*Clause 10*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move-

THAT Clause 10 of the Bill be deleted and substituted with the following new clause—

Functions of the Board.

**10.** (1) The Board shall –

- (a) regulate and promote the development of the tea industry;
- (b) co-ordinate the activities of individuals and organizations within the tea industry; and
- (c) facilitate equitable access to the resources, facilities and benefits of the tea industry by all interested parties.

(2) Without prejudice to the generality of subsection (1), the Board shall-

- (a) make recommendations to the Cabinet Secretary for the formulation of policies, plans and strategies for the regulation of the tea sector;
- (b) in consultation with the relevant county governments-
  - (i) register and regulate the operations of tea growers and processors;
  - (ii) register commercial tea nurseries and green leaf transporters;
  - (iii) license tea dealers and processors;
  - (iv) license managing factories and their agents; and
  - (v) license tea brokers.
- (c) provide advisory services on tea production and quality enhancement;
- (d) collect and analyze statistics related to, and maintain a database for the tea industry; and
- (e) co-ordinate the prioritization of-
  - (i) research; and

(ii) ensure the efficient utilization of available funds.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be done at the end.

*Clause 11*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT Clause 11 of the of the Bill be deleted and substituted with the following new clause—

Committees of the Board.

**11.** (1) The Board of Directors may establish such committees as it may consider necessary for the efficient performance of its functions and the exercise of its powers under this Act.

(2) The Board of Directors may co-opt to sit in the committees established under subsection (1), such other persons whose knowledge and skills are necessary for the performance of the functions of the Board.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be done at the end.

*Clause 12*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT clause 12 of the Bill be deleted and substituted with the following new clause—

Delegation by the Board.

**12.** The Board of Directors may, by resolution, delegate to any committee of the Board or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions of the Board under this Act or under any other written law.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be done at the end.

*Clause 13*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT clause 13 of the Bill be deleted and substituted with the following new clause—

Remuneration of members  
of the board.

13. The Board of Directors shall be paid such remuneration or allowance as the Cabinet Secretary shall, in consultation with the Salaries and Remuneration Commission determine.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be done at the end.

*Clause 14*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT clause 14 of the Bill be deleted and substituted with the following new clause—

Chief executive  
officer.

14. (1) The chief executive officer shall be competitively recruited and appointed by the Board on such terms and conditions as the Board shall determine.

(2) The chief executive officer shall be responsible for the day to day management of the affairs of the Board.

(3) A person is not qualified for appointment under subsection (1) unless the person—

(a) holds a relevant degree from a university recognized in Kenya;  
and

(b) has at least five years experience in a position of management.

(4) The chief executive officer shall serve for a term of three years and is eligible for appointment for a further one term of three years upon satisfactory performance.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be done at the end.

*Clause 15*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT clause 15 of the Bill be deleted and substituted with the following new clause—

Vacancy

15. The chief executive officer shall cease to hold office if the person—

(a) resigns in writing, addressed to the Board of Directors;

(b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;

- (c) is found liable for gross misconduct or abuse of office in contravention of the Public Officers Ethics Act or any other relevant law;
- (d) is declared bankrupt;
- (e) is unable to perform the functions of his office by reason of mental or physical infirmity; or
- (f) dies.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be done at the end.

*Clause 16*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT Clause 16 of the Bill be deleted and substituted with the following new clause—

Corporation Secretary

**16.** (1) There shall be a Corporation Secretary who shall be competitively recruited and appointed by the Board of Directors.

(2) The terms and conditions of service of the corporation secretary shall be determined by the Board in the instrument of appointment upon the advice of the Salaries and Remuneration Commission.

(3) A person is qualified for appointment under subsection (1) if that person—

- (a) holds a degree from a recognized university;
- (b) is registered under the Certified Public Secretaries of Kenya Act;
- (c) is a member of good standing of the Institute of Certified Public Secretaries of Kenya;
- (d) has at least seven years' experience in a similar position; and
- (e) satisfies the requirements of chapter six of the Constitution.

(4) The Corporation Secretary shall be the secretary to the Board and shall —

- (a) provide guidance to the Board of Directors on their duties and responsibilities and on matters of governance;
- (b) ensure timely preparation and circulation of Board and Committee papers and minutes;
- (c) maintain and update the register of conflicts of interest;
- (d) facilitate effective communication between the organisation and the shareholders; and
- (e) ensure that the annual returns and any other statutory documents required to be filed are promptly filed with the relevant authorities.

*(Question of the amendment proposed)*



*Clause 17*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT Clause 17 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (c) –  
(d) such other information as the Board may be prescribed.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division at the end.

*Clause 18*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT clause 18 of the Bill be amended—  
(a) in sub clause (1) by deleting the word “Authority” appearing at the end of the sub-clause and substituting therefor the word “Board”;  
(b) inserting the following new sub-clause immediately after sub-clause (1)-  
(1A) Subsection (1) shall not apply to the export, import or marketing of any tea consisting of a sample or parcel not exceeding ten kilograms or tea processed for consumption on ships, aeroplanes or any other international carrier.  
(c) in subclause (3) by deleting the word “Authority” appearing immediately after the word “the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division at the end.

*Clause 19*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by deleting clause 19 and substituting therefor the following new clause—

Form of licence.

**19.** A licence issued under this Act shall be in a form prescribed by the Board, and shall be renewable upon the expiry of three years.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will come at the end.

*Clause 20*

**Sen. (Rev) Waqo:** Madam Temporary Chairperson, I beg to move—  
THAT the Bill be amended by deleting clause 20 and substituting therefore the following new clause—

Dissemination of  
market information.

**20.** The Board shall carry out market research and analysis and disseminate information on its findings to all stakeholders.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Pareno): Division will be done at the end.

*Clause 21*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
THAT the Bill be amended by deleting Clause 21 and substituting therefor the following new clause—

Funds of  
the Board

21. The funds and assets of the Board shall consist of—
- (a) such monies or assets as may accrue to or vest in the Board in the course of the exercise of its powers or the performance of its functions under this Act.
  - (b) such monies as may be payable to the Board pursuant to this Act or any other written law;
  - (c) such gifts as may be donated to the Board; and
  - (d) monies from any other source granted, donated or lent to the Board

*(Question of the amendment proposed)*

*Clause 22*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
THAT Clause 22 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Authority” appearing immediately after the words “expenditure of the” and substituting therefor the word “Board”; and
- (b) in sub-clause (2) by deleting the word “Authority” appearing immediately after the words “expenditure of the” and substituting therefor the word “Board”;

*(Question of the amendment proposed)*

*Clause 23*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
THAT Clause 23 of the Bill be amended—

- (a) in sub-clause (1) by-
- (i) deleting the word “Authority” appearing immediately after the word “The” in the introductory clause and substituting therefor the word “Board”;
  - (ii) deleting the word “Authority” appearing immediately after the words “liabilities of the” in paragraph (a) and substituting therefor the word “Board”;
- (b) in sub-clause (2) by deleting the word “Authority” appearing immediately after the words “accounts of the” and substituting therefor the word “Board”;
- (c) by deleting sub-clause (3) and substituting therefor the following new subclause-
- (3) The Board shall submit to the Auditor-General all books and accounts of the Board, together with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the Auditor-General shall be entitled to require from any member, officer, employee or agent of the Board such information and explanation as he may consider necessary for the performance of his duties.
- (d) by deleting sub-clause (4).

*(Question of the amendment proposed)*

*Clause 24*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
THAT the Bill be amended by deleting Clause 24 and substituting therefor the following new clause—

Annual Report and  
Publication

24. (1) The Board shall, within a period of three months after the end of each financial year or within such longer period as the Cabinet may approve, submit to the Cabinet Secretary a report of the operations of the Board during such year, and the yearly balance sheet and such other statements of account as the Cabinet Secretary shall require, together with the Auditor-General’s report .

(2) The Board shall, if the Cabinet Secretary so requires, publish the report, balance sheet and statements submitted to him under subsection (1) in such manner as the Cabinet Secretary may specify.

(3) The Cabinet Secretary shall submit to Parliament the reports, balance sheet and statements submitted under subsection (1), within a period of fourteen days of the receipt of the reports and statements or, if Parliament is not sitting, within fourteen days of the commencement of its next sitting.

*(Question of the amendment proposed)*

*Clause 25*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move-  
THAT Clause 25 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “year of the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

*Clause 26*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move-  
THAT Clause 26 of the Bill be amended-

- (a) in sub-clause (1) by deleting the word “Authority” appearing immediately after the word “The” and substituting therefor the word “Board”; and
- (b) in sub-clause (2) by deleting the word “Authority” appearing immediately after the words “decision of the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

*Clause 27*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move-  
THAT Clause 27 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “attach to the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

*Clause 28*

*(Question that Clause 28 be part of the Bill proposed)*

*Clause 29*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move-  
THAT Clause 29 of the Bill be amended in sub-clause (1) by deleting the word “Authority” appearing immediately after the words “consultation with the” in the introductory clause and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

*Clause 30*

*(Question that Clause 30 be part of the Bill proposed)*

*Clause 31*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
THAT Clause 31 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “contracts of the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

*Clause 32*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
THAT Clause 32 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “or against the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

*Clause 33*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
THAT clause 33 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “reference to the” and substituting therefor the word “Board”.

*(Question of the amendment proposed)*

*Clauses 34 and 35*

*(Question, that Clauses 34 and 35 be part of  
the Bill proposed)*

*New Clauses 16A, 16B, 16C, 16D and 16 E*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move—  
The Bill is amended by inserting the following new clauses immediately after Clause 16—

Staff of the  
Board

16A. The Board may employ such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Board under this Act and upon such terms and conditions of service as the Board may determine.

Common seal  
of the Board

16B. The affixing of the common seal of the Board shall be authenticated by the signature of the chairperson and the chief executive officer or a person designated by the board.

Signing Authority

16C. All letters and instruments written or made by or on behalf of the Board of Directors, other than those required by law to be under seal, and all decisions of the Board of Directors, shall be signed under the hand of the chief executive officer or in the absence of the chief executive officer, a person authorized by the Board.

Conduct of business  
of the Board

16D. The business and affairs of the Board of Directors shall be conducted in accordance with the Schedule.

Role of national  
And county governments

- 16E. (1) Each county government shall implement the national and Government policies to the extent that the policies relate to the county and in particular shall be responsible for—
- (a) the development of tea grown within the county;
  - (b) disease control;
  - (c) markets;
  - (d) cooperative societies within the county;
  - (e) soil and water conservation.
- (2) In order to achieve the objects and purposes of this Act, the national and county governments shall provide an enabling environment for the development of the tea sector.

*(Question of the New Clauses 16A, 16B, 16C, 16D and 16E proposed)*

*(New Clauses 16A, 16B, 16C, 16D and 16E  
read the First Time)*

*(Question, that New Clauses 16A, 16B, 16C, 16D and  
16E be now read a Second Time proposed)*

*(Question, that New Clauses 16A, 16B, 16C, 16D and  
16E be part of the Bill proposed)*

*New Clause 34A*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move-  
 THAT the Bill be amended by inserting the following new clause immediately after Clause 34-

Staff. 34A. Any person who, at the commencement of this Act, is a member of staff of the Agriculture and Food Authority dealing with the tea sector shall, on the appointed day, become a member of staff of the Board on the same or improved terms and conditions of service as may be specified by the Cabinet Secretary.

*(Question of New Clause 34A proposed)*

*(New Clause 34A read the First Time)*

*(Question, that New Clause 34A be read a Second Time, proposed)*

*(Question, that New Clause 34A be Part of the Bill, proposed)*

*The Schedule*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move-  
 THAT the Bill be amended by deleting the Schedule and substituting therefor the following new Schedule

SCHEDULE s.16D  
 CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Meetings of  
 the Board

1. (1) The Board of Directors shall meet at least once in every three months to conduct the business of the Board
- (2). The Chairperson shall convene the ordinary meetings of the Board of Directors at the premises of the Board.
- (3) Despite the provisions of sub-paragraph (1), the Chairperson shall, upon a written request by at least five members of the Board, convene a special meeting of the Board of Directors at any time where he considers it expedient for the transaction of the business of the Board.
- (4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting of the Board of Directors shall be given to every member of the Board by the Secretary.

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The Chairperson shall preside at every meeting of the Board at which he is present and in his absence, the members of the Board present shall elect one person from their number to preside over the meeting of the Board of Directors and he shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board of Directors shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board of Directors shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board of Directors may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings thereof

Disclosure of  
interest

2. (1) If a member of the Board of Directors is directly or indirectly interested in any contract, proposed contract or other matter before the Board of Directors and is present at a meeting of the Board of Directors at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose his interest in the matter and shall not take part in the deliberations over, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in minutes of the meeting at which it is made.

(3) Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of Board of Directors by any person generally or specially authorized by the Board of Directors for that purpose.

*(Question of the amendment proposed)*

*Clause 2*

**Sen. (Rev.) Waqo:** Madam Temporary Speaker, I beg to move-

THAT Clause 2 of the Bill be amended by –

(a) deleting the definition of the word “Authority”;

(b) deleting the definition of the word “Board” and substituting therefore the following new definition-



“Board” means the Tea Board of Kenya established by section 3;  
(c) inserting the definitions of the following words in their proper alphabetical order-  
“broker” means a person who negotiates the purchase or sale of tea between tea growers and buyers;  
“managing factory” means a factory appointed to process green leaf into made tea;

*(Question of the amendment proposed)*

*The Title and Clause 1*

*(Question that the Title and Clause 1  
be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we will now report progress on all the Bills that have passed through the Committee of the Whole. We will start with The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018).

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL  
(SENATE BILLS NO.24 OF 2018)

**The Temporary Chairperson** (Sen. Pareno): Let us have the Mover.

**Sen. Kihika:** Madam Temporary Chairperson, pursuant to Standing Order No.148, I beg to move, that the Committee do report progress on its consideration of The Impeachment Procedure Bill (Senate Bills No.15 of 2018).

**The Temporary Chairperson** (Sen. Pareno): We are on The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018).

**Sen. Kihika:** I am sorry Madam Temporary Chairperson. I will redo that. Pursuant to Standing Order No. 148, I beg to move that the Committee do report progress on its consideration of the Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018) and seek leave to sit again tomorrow.

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

THE IMPEACHMENT PROCEDURE BILL  
(SENATE BILLS NO. 15 OF 2018)

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we are now reporting progress on the Impeachment Procedure Bill (Senate Bills No. 15 of 2018). Could we hear from the Mover?

**Sen. Kihika** Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee do report progress on its consideration of the

Impeachment Procedure Bill (Senate Bills No. 15 of 2018) and seek leave to sit again tomorrow.

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT  
OF ECONOMIC AND SOCIAL RIGHTS BILL  
(SENATE BILLS NO. 27 OF 2018)

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we are now reporting progress on the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 27 of 2018). Could we hear from the Mover?

**Sen. Kihika** Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee do report progress on its consideration of the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 27 of 2018) and seek leave to sit again tomorrow.

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

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

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we are now reporting progress on the Prevention of Terrorism (Amendment) Bill (Sen. Bills No. 20 of 2018). Could we hear from the Mover?

**Sen. Kihika** Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee do report progress on its consideration of the Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018) and seek leave to sit again tomorrow.

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

THE TEA BILL (SENATE BILLS  
NO. 36 OF 2018)

**The Temporary Chairperson** (Sen. Pareno): Hon. Senators, we will now report progress on the Tea Bill (Senate Bills No. 36 of 2018). Could we hear from the Mover?

**Sen. Kihika** Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee do report progress on its consideration of the Tea Bill (Senate Bills No. 36 of 2018) and seek leave to sit again tomorrow, subject to re-committal of Clause 4.

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

*[The House resumed]*

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): Senators, the Chairperson of the Committee of the Whole will give us a progress report of the the Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018).

### **PROGRESS REPORTED**

#### THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)

**Sen. Pareno:** Madam Temporary Speaker, I beg to report progress that the Committee of the Whole has considered the the Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018) and seeks leave to sit again tomorrow.

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

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

#### THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)

**Sen. Pareno:** Madam Temporary Speaker, I beg to report progress that the Committee of the Whole has considered the Impeachment Procedure Bill (Senate Bills No. 15 of 2018) and seeks leave to sit again tomorrow.

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

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT  
OF ECONOMIC AND SOCIAL RIGHTS BILL  
(SENATE BILLS NO. 27 OF 2018)

**Sen. Pareno:** Madam Temporary Speaker, I beg to report progress that the Committee of the Whole has considered The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.27 of 2018) and seeks leave to sit again tomorrow.

**Sen. Kihika:** Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report.

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, the next Bill is The Prevention of Terrorism (Amendment) Bill (Sen. Bills No. 20 of 2018).

Let us have the Chairperson.

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

**Sen. Pareno:** Madam Temporary Speaker, I beg to report progress that the Committee of the Whole has considered The Prevention of Terrorism (Amendment) Bill (Sen. Bills No.20 of 2018), and seeks leave to sit again tomorrow.

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

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

THE TEA BILL (SENATE BILLS NO. 36 OF 2018)

**Sen. Pareno:** Madam Temporary Speaker, I beg to report progress that the Committee of the whole has considered The Tea Bill (Senate Bills No. 36 of 2018), and seeks leave to sit again tomorrow, subject to re-committal of Clause 4.

**Sen. Kihika:** Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report.

**Sen. Kibiru** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Let us move on to the next Order.

### **MOTION**

#### **ESTABLISHMENT OF NATION-WIDE CENTRES AND SATELLITE CLINICS FOR SICKLE CELL DISEASE**

THAT, AWARE THAT Article 43(1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

NOTING THAT, Parliament enacted the Health Act (2017) whose objects encompass the need to establish a national health system at the national and county levels, as well as to facilitate, in a progressive and equitable manner, the highest attainable standards of health services;

FURTHER NOTING THAT the Health Act (2017) further has the object to protect, respect, promote and fulfill the health rights of all persons in Kenya to the progressive realization of their right to the highest attainable standard of health, including reproductive health care and the right to emergency medical treatment;

ACKNOWLEDGING THAT Sickle Cell Disease, a severe hereditary form of anaemia in which a mutated form of haemoglobin distorts the red blood cells into a crescent shape at low oxygen levels, and is prevalent amongst those of African descent, has been acknowledged by World Health Organization (WHO) as a major public health priority which has had devastating effects on populations in many parts of Kenya;

FURTHER ACKNOWLEDGING the need for comprehensive information and care programs for Sickle Cell Disease is occasioned by the poor public awareness, unavailability of routine health data and nationally recognised treatment guidelines;

CONCERNED by the lack of national screening programmes for Sickle Cell Disease despite the serious health problems it causes, and its contribution to childhood deaths in Kenya;

NOW, THEREFORE, the Senate urges the Kenya Government through County Governments to establish nation-wide screening at existing medical centres and satellite clinics, and the provision of counselling on the management of sickle cell disease, a lifelong medical condition that has no cure, at the county, sub-county and ward levels.

*(Sen. Shiyonga on 30.5.2019)*

*(Resumption of Debate interrupted on 30.5.2019)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Seneta was on the Floor. She is not here and had only a balance of two minutes. We will move to the next contributor who is the Senator of Kisii County, Sen. (Prof.) Ongeru.

**Sen. (Prof.) Ongeru:** Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to what I call a very important disease in the lives of our young people and adults.

The Motion is appropriately before this House because it speaks to the condition called Sickle Cell Anemia. In some other jurisdictions, they call it Sickle Cell Disease. It is an inheritance according to the genetic mapping of parents on both sides. When they have two doses of haemoglobin or the protein S which is predisposed to sickle cell disease and the other parent also has S, you have what we call SS, which is a double dose of the disease and therefore, called Haemoglobin (HbSS) or HbSC. This HbSS or HbSC is the one that causes the disease in children when they are born and in the young adults. It causes crises in the adults throughout their lives if they can survive all that period.

Madam Temporary Speaker, unfortunately, this is a peculiar disease to Africans. In Kenya, it is predominantly in the Western region particularly our Luo and Luhya communities and also in the Coastal belt.

I want to give the background of the diseases before I come to the prescription of what must happen. What happens particularly to children at the young age? When we look at the patho-physiology of the disease, you and I have the red blood cells in our bodies. These carry the red pigment called haemoglobin in the blood. It is the haemoglobin that has a carrying capacity for oxygen to all tissues of the body. When we talk of oxygen saturation percentages, we are talking about the ability and capacity of the haemoglobin to carry oxygen for oxygenation to all peripheral cells of the body. It, therefore, plays an important role in oxygenation to every tissue and area of our body throughout the circulation.

When one has normal haemoglobin or protein, it is able to carry the oxygen throughout the body. When this becomes defective, then one has a problem. In other words, the cells become oval or sickle-shaped like a sickle of a knife. That being the case, its ability to carry oxygen throughout the whole system is impaired.

Secondly, navigating through the narrow arteries and veins becomes a major problem. The affected person, therefore, undergoes various crises particularly when he has a fever. A simple fever or infection will precipitate a crisis. A simple change of hydration or fluids in the body will make the blood thicker and, therefore, precipitate a crisis. These children have a difficult time.

When I was a doctor, I used to see most of them. The ones who had the recessive type of the disease particularly would have one crisis after the other. What are the crises? It is the ability for these cells to clot in the narrowest level of the blood vessels. Therefore, they may be deposited in the brain or lungs causing a brain cardiovascular accident. They may be deposited in the lungs causing accidents such as difficulties in breathing. They may be deposited in the heart itself causing heart failure or heart attack. They may be deposited in the spleen because it is the one that collects all the garbage in the process of moping it up. So, one of the symptoms that is shown is that it gets enlarged

which is called splenomegaly. With time, it enlarges. You can do a splenectomy or remove the spleen, but it does not cure the problem.

This means that unless we put in place elements that will make these children survive, they will succumb to death at a very early age. One of the things that is done even at that early age when they have this abnormal haemoglobin – the Sickle Cell Disease – the ability to carry oxygen is heavily impaired and compromised. In various clinics, doctors know that there is simple basic medication. One of the simplest drugs that will be used to ensure they live as near normal life as possible is hydroxyurea. In other words, it is urea, but the hydroxyl has extra hydroxyl carbons.

This drug is capable of creating foetal haemoglobin. In other words, when a child is born, the type of haemoglobin before it changes to adult haemoglobin is the one of a young child. The foetal haemoglobin has the capacity to carry oxygen to all parts of the body. This drug is able to create new foetal haemoglobin that helps particularly the young children below the age of nine months and above. It helps them to go through that early age of life. This is simple medication that can be given at the hospital, health centre and dispensary. Many of these children die unnoticed.

Madam Temporary Speaker, the Mover is trying to seek that we now provide centres, particularly when we look at the prevalence rates of this disease. It is prevalent in Western Kenya and the Coastal Region. If you were in the United States of America (USA), it is present in the African Americans. If you are in South America, it is in the Hispanics; in Europe, it is Southern of Europe and in India, it is in some parts of India. Therefore, at that early age when people find it difficult to diagnose, a young child can easily die because of lack of knowledge and expertise on what to do when you are confronted with this kind of disease.

The burden being placed on these centres is early screening and detecting that you have abnormal hemoglobin in the body which cannot competently carry oxygen to all tissues and parts of the body. The method which is used is simple. You just take blood and run it through an electrophoresis strip which gives you bands showing whether the hemoglobin is normal or abnormal. In fact, when you look in the microscope, you will detect the red blood cell which is oval. If you see many crescents, that is enough for you to make a diagnosis of Sickle Cell Disease.

This screening is important.

Once you have done early screening and detected it, you can save the life of that child who will then live a normal life for as long as they attend those clinics for life. That is the essence of this Motion; that we can save lives. Therefore, the infant mortality that we are talking about and is attributed to Sickle Cell Disease as a result of sickle cell crisis, can be minimized to the lowest level possible and they can live normal lives.

Madam Temporary Speaker, second is to make the parents aware that even simple hydration when a child has fever or something else can prevent a crisis from occurring. This is because when a crisis occurs, you get all these little awkward haemoglobin which is sickle shaped going round the circulation, getting deposited and causing occlusion or preventing blood from flowing gently and nicely through the arteries and veins. It then causes microthrombi which is small thromboses which are being circulated and thrown out either to the brain, lungs, heart, spleen or any organ, including the kidney. Therefore, it is important that in order to preserve these organs, they do not become victims of these microthrombi or small chips of those abnormal cells being in circulation causing

problems for them. Simple hydrating is very important to prevent those deposits causing these crises.

Any infection must first of all be determined. Needless to say, if I was teaching medical students, I would say there are five types of these haemoglobin difficulties. There is the haemoglobin SS, SE, D, SB Thalassemia and SD Thalassemia. Those are technical terms I need not bother you with those terminologies. Suffice to say, the most common one is the SS. That is the one that we are concerned with and which is prevalent in Kenya in Kisumu, South Nyanza, Kakamega and those areas. Parents used to bring me children from these areas.

It is important that when such a situation occurs and you are able to know the genetic make-up of a parent, you can actually give counseling before they marry. That way, you will not get an SS marrying another SS because you are technically saying that the outcome of it would be a recessive type. In other words, they die faster than the previous ones. Marriage counselling has a benefit for doing screening first and it is important.

The Motion says now that we know that what contributes to infant mortality and the ones that prevent them from going to school and other places is when they have these multiple crises and infection like malaria will precipitate thrombosis in various places. Just a simple fever or ear infection will cause those problems. These children need to be screened to be able to know when they are likely to run into a crisis and then use simple measure to be able to obviate any crisis that may occur.

I support this Motion. Yes, it is possible to have these basic services offered at the dispensary level. That way, children will not have to travel all the way from Kisii, Mandera and other places coming to Nairobi City County to specialized centres.

This is not a kidney dialysis centre. If we are able to have dialysis centres in our regional hospitals, why can we not give a simple remedy that saves lives in small health centres and dispensaries? We do not need an expert to know what type of hemoglobin a person has in the blood. We just need a simple clinician and technician who can do electrophoresis; know the type of hemoglobin and prescribe the treatment for that child. The rest of it remains monitoring.

Madam Temporary Speaker, therefore, in supporting this Motion, I wish I had more time, I would have said more. However, it suffices to say that the essence of this Motion is to let the county governments know that health is a devolved function and hemoglobin SS exists and it has various varieties. The one which causes more disease is hemoglobin SS which is abnormal and has a poor capacity to carry oxygen. Therefore, these are the children who are in danger of succumbing to simple infections or any malarial attacks. Therefore, they should be screened to know their status, deal with it and support them at the right time.

Therefore, I call upon the county governments who are charged with devolution that access to these drugs is easy. One of the treatments of simple infections is Penicillin V which is an old age drug which treats all common elements so long as they are not resistant to penicillin. If they are, then the doctor should be in a position to find out. Therefore, there must be availability of these drugs at the dispensary and hospital level. Our clinicians, clinical officers, nurses and doctors must have the capacity to carry out this primary element in theater and ensure that these children are vaccinated against all other diseases because they succumb easily to other diseases like measles. This is not



supposed to be the case because we eliminated it sometime back when I did the mass vaccination for measles until we extended the age to about 13 or 14.

It is only the other day I heard a resurgence of measles. That needs not to crowd our hospitals which have a burden of diseases. Therefore, it is important that we know these fundamentals and basics to help these children survive beyond the age they are expected to live.

By the way, this is a lifelong disease. It can be maintained like diabetes, a known metabolic disease, by preventing these episodes.

Long term cure could be a bone marrow transplant what they call stem cell transplant. However, that is a sophisticated thing. We can do these small remedies and save lives in a simple way.

Madam Temporary Speaker, with those few words, I support.

**Sen. Kwamboka:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this important and unique Motion. I thank Sen. Shiyonga for coming up with it. People talk about Tuberculosis (TB), HIV/AIDs but they forget about Sickle Cell Disease.

Madam Temporary Speaker, I had a patient who was admitted in Kenyatta National Hospital (KNH) but she succumbed. This disease is unique because it drains the blood completely. People who do not understand this disease might think that it is something like witchcraft. This is a major contributor of poverty.

Madam Temporary Speaker, we did all the fundraisers to help this girl. The family ended up selling their land. However, unfortunately, God knows why He took her. Depending on the history of parents, children should be tested at birth. It is good to prevent this disease and visit health centres which should be in the ward level where everyone can access them.

This disease is very expensive to manage. Its services are found in private hospitals and not in the public ones. People spend a lot of money. Some of them cannot afford transport to come to the KNH. Imagine somebody coming from Kisii just like Sen. (Prof.) Ongeru has said. It is expensive and it affects everyone.

Madam Temporary Speaker, this disease also leads to depression. For example, families undergo a lot of depression. It also contributes to broken families. Some men run away from the family just because the wife has a child who suffers from this disease. They suffer in silence. Unlike women, men cannot share their problems. Ladies can talk to someone and the problem will be half solved.

Madam Temporary Speaker, lack of personnel and facilities to handle Sickle Cell Disease is a problem. As we speak right now, our hospitals do not have facilities. For example, if you go to Pumwani Maternity Hospital, we do not have enough nurses. The same applies to the KNH. Therefore, something has to be done.

Madam Temporary Speaker, there is also lack of awareness. While creating these health centres, counties will do some civic education to the public so that they can understand this disease which is hereditary. Nobody wishes to be born with it.

Madam Temporary Speaker, I support the Mover of the Motion by saying that the Government of Kenya, through the county governments, need to establish nationwide centres and satellite clinics for Sickle Cell Disease and other blood disorders at county, sub-county and ward levels. They could even go further to the polling stations. This is a unique disease and something has to be done about it.

Madam Temporary Speaker, I support.

**Sen. Pareno:** Thank you, Madam Temporary Speaker, for allowing me to make a contribution. I applaud my sister Sen. Shiyonga for coming out strongly on issues of health and for this Motion on Sickle Cell Disease.

Madam Temporary Speaker, we know well that child mortality in this country is not at a good rate. We lose many children because of wrong diagnosis or lack of early detection.

Madam Temporary Speaker, I heard our senior colleague, who is also an expert in terms of medical issues say that this is a disease that, if detected early can be prevented and controlled. Therefore, if this is the situation, why would we lose our children or population because of something that we can prevent?

Madam Temporary Speaker, I support that this is something that needs urgent attention because it will improve our mortality and our health.

My only worry, which I will ask my sister Sen. Shiyonga to consider, is if we establish county, ward, and constituency units, it might not be visible as such because of the kind of resources that we have. We would have had all the resources to do all these things. However, knowing this country and what we do, we lack resources to do a lot of things. Therefore, we can probably reconsider and indicate that we have units in the already existing facilities, for example, the referral, district and Level 5 hospitals. Let us have a starting point at the national level then we come down to the referral hospitals that exist in our counties. That way, we will have a good start than saying that we establish centres in all counties and in the ward level knowing the limited resources that we have.

My sister should consider an amendment so that we have units at referral hospitals to treat people with the peculiar disease. Thereafter, we can roll out the programme to all levels of health facilities in this country.

I support this Motion because this is a good idea. This is a unique disease that needs special attention. Many times, because of wrong diagnosis, it is not possible for people to know that they have the disease because we do not have the facilities. This is a good Motion that needs to be taken to another level.

I support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, there is no other Member wishing to contribute. Therefore, I call upon the Mover to reply.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker, for giving me this opportunity to reply to the Motion. I would like to thank you and Members who have contributed to this Motion. Members who contributed to the Motion include Sen. (Dr.) Zani who seconded it, Sen. (Dr.) Milgo, Sen. Seneta, Sen. (Prof.) Ongeru who has talked in detail, Sen. Pareno and Sen. Kwamboka.

Despite the alarming gaps and challenges that we have identified, there are things that can be done to solve the problems caused by Sickle Cell Disease and other blood disorders. They include establishment of nationwide centres and satellite clinics for Sickle Cell Disease and other blood disorders in the county, sub-county and ward levels as stated in the Motion. This will minimise effects of Sickle Cell Disease and other blood disorders on affected persons so that they lead normal and healthy lives.

We encourage screening of Sickle Cell Disease and other blood disorders for newborns by all mothers identified as carriers of sickle cell traits or suffering from the

disease. We should have genetic testing and counseling especially for parents who carry the SS Syndrome.

We should have Sickle Cell Disease and other blood disorders registers in all our surveillance programmes; improve access to quality care and treatment as well as management; raise awareness about the disease and other disorders in our local, county and national level; do more on education of the parents of the victims and minimise the stigma that comes with the disease.

We should have early and rapid testing kits at all levels of health facilities. This must be complemented by long-term follow up on the management and treatment of Sickle Cell Disease and other blood disorders by paying attention to age transition from childhood to adulthood. In addition to this, we should also have resource mobilisation of health resources and staff among other needs to establish countrywide excellence centres.

Despite the picture that has been painted in support of this Motion, I wish to acknowledge the positive efforts that have gone towards responding to Sickle Cell Disease and other blood disorders in Kenya. For example, in Kisumu County, under the leadership of Governor (Prof.) Anyang'-Nyong'o, remarkable progress has been realised by deploying simple sickle cell rapid and early testing kits to various health centres in the county. This initiative ought to be replicated countrywide because Sickle Cell Disease is most prevalent at the Coast and the Lake Region.

With these few remarks, I wish to applaud the Senators who supported this Motion; Establishment of Nation-Wide Centres and Satellite Clinics for Sickle Cell Disease at County, Sub-County and Ward Levels. The Motion had the view of providing quality screening and diagnosis services and providing comprehensive care management and rehabilitation services for affected patients.

Thank you and God bless Kenya.

*(Question put and agreed to)*

### 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 Tuesday 11<sup>th</sup> June, 2019 at 2:30 p.m.

The Senate rose at 6:30 p.m.