

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 19<sup>th</sup> March, 2019

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

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

### PRAYER

### MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE, WITH AMENDMENTS, OF THE COUNTY GOVERNMENTS  
(AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)

**The Speaker** (Hon. Lusaka): Hon Senators, I have a message on the passage of the County Governments (Amendment) Bill (Senate Bills No.11 of 2017).

I wish to report to the Senate that pursuant to Standing Order 41(3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage of the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017).

Pursuant to Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

Whereas the County Governments (Amendment) Bill (Senate Bills No.11 of 2017) was passed by the Senate on Thursday, 29<sup>th</sup> March, 2018, with amendments and referred to the National Assembly for consideration;

Whereas the National Assembly also passed the said Bill on Wednesday, 6<sup>th</sup> March, 2019, with further amendments to clauses 8,11 and 15 and attached herewith;

Now therefore in accordance with the provisions of Article 110 of the Constitution and Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, Article 112(1)(b) of the Constitution provides that if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.

Hon. Senators, in this regard, I direct the Standing Committee on Devolution and Intergovernmental Relations to deliberate on the National Assembly amendments and report to the Senate.

Further, pursuant to Senate Standing Order 159(1), I direct that the National Assembly amendments to the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017) be circulated to all Senators and be listed in the Order Paper for consideration on Tuesday, 26<sup>th</sup> March 2019.

I thank you.

*(The Clerk of the Senate consulted the Speaker)*

Sen. Cheruiyot, kindly, approach the Chair.

*(Sen. Cheruiyot approached the Chair)*

### PAPERS LAID

#### REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY ASSEMBLIES

**Sen. Cheruiyot:** Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate today, Wednesday, 19<sup>th</sup> March, 2019-

- (1) Report of the Auditor-General on the Financial Statements of West Pokot County Executive for the year ended 30<sup>th</sup> June, 2018;
- (2) Report of the Auditor-General on the Financial Statements of the County Assembly of Busia for the year ended 30<sup>th</sup> June, 2018;
- (3) Report of the Auditor-General on the Financial Statements of the County Assembly of Tana River for the year ended 30<sup>th</sup> June, 2018;
- (4) Report of the Auditor-General on the Financial Statements of the County Assembly of Bungoma for the year ended 30<sup>th</sup> June, 2018;
- (5) Report of the Auditor-General on the Financial Statements of the County Assembly of Bomet for the year ended 30<sup>th</sup> June, 2018;
- (6) Report of the Auditor-General on the Financial Statements of the County Assembly of Kisumu for the year ended 30<sup>th</sup> June, 2018;
- (7) Report of the Auditor-General on the Financial Statements of the County Assembly of Mombasa for the year ended 30<sup>th</sup> June, 2018;
- (8) Report of the Auditor-General on the Financial Statements of the County Assembly of Meru for the year ended 30<sup>th</sup> June, 2018;
- (9) Report of the Auditor-General on the Financial Statements of the County Assembly of Embu for the year ended 30<sup>th</sup> June, 2018;
- (10) Report of the Auditor-General on the Financial Statements of the County Assembly of Tharaka-Nithi for the year ended 30<sup>th</sup> June, 2018;
- (11) Report of the Auditor-General on the Financial Statements of the County Assembly of Kwale for the year ended 30<sup>th</sup> June, 2018;
- (12) Report of the Auditor-General on the Financial Statements of the County Assembly of Marsabit for the year ended 30<sup>th</sup> June, 2018;

- (13) Report of the Auditor-General on the Financial Statements of the County Assembly of Kirinyaga for the year ended 30<sup>th</sup> June, 2018;
- (14) Report of the Auditor-General on the Financial Statements of County Assembly of Kakamega for the year ended 30<sup>th</sup> June, 2018;
- (15) Report of the Auditor-General on the Financial Statements of County Assembly of Taita Taveta for the year ended 30<sup>th</sup> June, 2018;
- (16) Report of the Auditor-General on the Financial Statements County Assembly of Kilifi for the year ended 30<sup>th</sup> June, 2018;
- (17) Report of the Auditor-General on the Financial Statements of County Assembly of Kericho for the year ended 30<sup>th</sup> June, 2018;
- (18) Report of the Auditor-General on the Financial Statements of County Assembly of Nyandarua for the year ended 30<sup>th</sup> June, 2018;
- (19) Report of the Auditor-General on the Financial Statements of the County Assembly of Baringo for the year ended 30<sup>th</sup> June, 2018;
- (20) Report of the Auditor-General on the Financial Statements of the County Assembly of Nyeri for the year ended 30<sup>th</sup> June, 2018;
- (21) Report of the Auditor-General on the Financial Statements of the County Assembly of Nakuru for the year ended 30<sup>th</sup> June, 2018; and
- (22) Report of the Auditor-General on the Financial Statements of the County Assembly of Isiolo for the year ended 30<sup>th</sup> June, 2018.

*(Sen. Cheruiyot laid the documents on the Table)*

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Wetangula?

**Sen. Wetangula**: Mr. Speaker, Sir, I would like to give a Notice of Motion.

**The Speaker** (Hon. Lusaka): Proceed.

#### **NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 34**

##### THE STATE OF DROUGHT, STARVATION AND FOOD SECURITY IN THE COUNTRY

**Sen. Wetangula**: Mr. Speaker, Sir, I beg to give Notice of Motion for Adjournment. I beg Members that when I finish moving, those who support to stand up.

Pursuant to Standing Order 34, the Senate do now adjourn to discuss a matter of definite urgent national importance; namely the state of drought, starvation and food security in the country, specifically in Turkana, Baringo, 14 other counties and other parts of the northern Kenya.

I thank you

*(Several Senators stood up in their places)*

**The Speaker** (Hon. Lusaka): Hon. Members, we have the requisite number. We will do that at 5:00 p.m.

**COMMUNICATION FROM THE CHAIR**VISITING DELEGATION FROM ST. BENEDICT WAMUTITU  
SECONDARY SCHOOL, NYERI COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, before we proceed, I have a brief Communication. I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from St. Benedict Wamutitu Secondary School, Nyeri 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 on my own behalf, I wish them a fruitful visit.

I thank you.

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, I wish to welcome these students from my area and assure them that we have democracy in this country. They should work hard as they have been doing. Nyeri County is known for excellence in education and I believe that they will continue to keep that record. I will continue to support them. I wish to have a word with them before they leave.

I can only say that they should be encouraged to come to this House one day or anywhere else in this country in their own capacity. I want to assure them that anything is possible. They should trust in God, work hard, avoid other distractions that are there in today's life and all will be well with them.

Mr. Speaker, Sir, when you see these children here, they are always surrounded by predators, the drug peddlers in this country, who want to destroy them. These children have a bright future, and we need to think of this country, as lawmakers. We need to enact laws that will provide punitive penalties to these predators, because our laws are extremely lenient to them. We look upon people like the Senior Counsel, my friend Sen. Orengo, to come up with laws that will deter these predators from destroying our future.

These drug peddlers and lords can be hanged or beheaded. We cannot allow them to destroy children. I will not mention the other things that you are aware of. I wish to tell these children that I will always support them all the time. They should believe in themselves for them to achieve their dreams and aspirations.

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Orengo?

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I did not want to interrupt the distinguished Senator, who is my good friend. However, did you hear him say that he does not want to refer me to "other things" that I am aware of?

*(Laughter)*

Those other things are associated with drug trafficking and many of those things. He is a lawmaker; if he can bring the appropriate legislation, we can help. However, can he be clear so that I am not associated with "those other things" that he is not telling us?

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, as you heard Senior Counsel Orengo say, he is not only my friend, but he was my classmate in Alliance High School and the

University of Nairobi, where he was our student leader. Therefore, the character you see in him is not borrowed; it is inborn.

I have listened to him speaking before, and he has mentioned many more ills in this country. For example, rampant stealing that can drive the country into total poverty, which should be included in those kinds of laws I am talking about.

*(Applause)*

**Sen. (Dr.) Langat:** Thank you, Mr. Speaker, Sir, for also giving me this opportunity to welcome these students from Nyeri. They are our children and we love them so much. When we see them here, they bring our homes closer to us.

Mr. Speaker, Sir, the Senator for Nyeri has told us that he was a classmate of the Senator for Siaya County in Alliance High School. These students might think that this is a House for only those students who went to Alliance High. I was a day-scholar somewhere, and I am here. I, therefore, want to encourage them that they can make it to this House, irrespective of their secondary schools so long as they work hard and believe in themselves.

I also want to support what Sen. (Eng.) Maina said about us protecting our children from drug peddlers, sex pests and all manner of evils bedeviling this country. The Senate Committee on Education is following seriously on the culprits who impregnated school girls last year. We have engaged the Ministry of Interior and National Coordination to make sure that they are brought to book and punished accordingly.

I welcome the students to this House and also encourage them that it is possible for them to be on the Floor of this House. You can see that there are several female Senators in this House. We were also young boys like them; and they are lucky because they have been accorded an opportunity to come here and see how business is conducted. Some of us did not get the opportunity to come and see what is happening around. I, therefore, urge them to work hard, be disciplined in school and everything will take its course.

**Sen. Olekina:** Mr. Speaker, Sir, on behalf of the people of Narok County, I would like to welcome the students from Nyeri County to this House. We have been reading a lot from the media about many young people falling into the trap of drugs and some of them are being admitted into hospitals with mental illness. We have been discussing some of these cases in this House. I believe these children might find people who they can discuss some issues with.

Being a student in Kenya today is tough, especially with the rampant corruption. Sometimes you might ask yourselves what you did wrong. Even us, as leaders here, we went through difficult times during our time. However, they are lucky because they can look upon distinguished Senators from their counties and be advised. Today, you are seated here, but in 2022, you may vote for the leaders of your choice. So, it is wise that they expand their knowledge to understand what the Houses of Parliament – that is the Senate and National Assembly – do in terms of legislation.

I wish them well.

**Sen. (Rev.) Waqo:** Thank you, Mr. Speaker, Sir. I want to join my colleagues in welcoming the students who are here with us. Their future is in their hands and they need to work hard because their parents are investing a lot in them. On their behalf, I want to

tell them that they need to work hard so that they can be somebody in future. Kenya depends on you because you, young people, will take this country far. We are talking of corruption; if we want a nation without corruption, it is them engage in that.

Once again, I want to tell them that we have a few things that affect our young people such as the drugs issue, which has been mentioned. Early pregnancy is another thing that affects our young girls. As a mother, I want to tell them that they need to resist so that they can finish their education and excel in their academic performance. This is because when they get pregnant, their education will be interfered with, their dreams will be shattered and they will not continue with their education. My advice to the young people is this; as young men or young boys approach you to mislead you, resist that temptation. Even for the older men who keep on using our young girls as second-hand class, I want to tell you that sugar-daddies will not take you anywhere.

*(Applause)*

If you work hard and become very important persons in future, you will take care of yourself, your parents and our society. We, therefore, want our girls to stand up; instead of carrying pregnancies now and stopping your education, stand up and take care of the future.

*(Applause)*

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir. I join you and the distinguished Senator for Nyeri County in welcoming the students who are visiting us. I understand that it is a mixed school. If it is, I then want to advise both male and female students – I am not just singling out females – that they all have a duty of taking care of themselves and learning as hard as they can.

This is the “upper” House of Parliament, where wisdom reigns like rain water. Members of this House, including your distinguished Senator, are respected and acknowledged for the balanced views they give to assist in holding this country together. Nyeri is a distinguished county that produced the best President this country has ever had since our independence. Therefore, we encourage you to maintain that form of discipline, decorum and hard work so that you can replace us when our time to exit from this House comes.

**Sen. Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir. Just like my fellow Senators, I take this opportunity to appreciate our students from Nyeri County and I welcome them to this wonderful House. Contrary to the news they have read out there, that we do not like one another, they can see the civility with which we debate issues in this House. I encourage them to be civil to one another when they are out there, interacting as potential intellectuals. If they do so, this nation will have a bright future in the times to come.

I encourage those who are inclined to join politics to be keen and ensure that when they do so, they try and be ethical and patriotic to the country. This is because the country looks forward to them being good leaders and patriotic citizens so that they can build it. It is said that you should not ask what your country should do for you; you should be the one doing it for your country.

Mr. Speaker, Sir, I beg to welcome them to this House.

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

Sen. Khaniri, kindly approach the Chair.

*(Sen. Khaniri approached the Chair)*

### NOTICE OF MOTION

#### CREATION OF SUPPORT SERVICES FOR THE DISCIPLINED FORCES AND THEIR FAMILIES

**Sen. Khaniri:** Mr. Speaker, Sir, my apologies. I beg to give notice of the following Motion:-

THAT APPRECIATING the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

AWARE of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

NOTING that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

RECOGNIZING that there is no structured national comprehensive program for post-traumatic stress counseling either for active or returning soldiers and their families;

NOW THEREFORE the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

**Sen. Wetangula:** Mr. Speaker, Sir, I support this Statement and state as follows--

**The Speaker** (Hon. Lusaka): Order, Sen. Wetangula. It is not a Statement; it is a notice of Motion.

**Sen. Wetangula:** Mr. Speaker, Sir, he told me that he was making a Statement.

**The Speaker** (Hon. Lusaka): It will come later.

**Sen. Wetangula:** I am sorry, Mr. Speaker, Sir. I was at the back. I retract.

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

### STATEMENT

#### STATUS ON THE ISSUANCE OF BIRTH CERTIFICATES IN THE COUNTRY, SPECIFICALLY IN VIHIGA COUNTY

**Sen. Khaniri:** Mr. Speaker, Sir, the Senator for Bungoma jumped the gun. We had a discussion with him about this Statement; so, he is anxious to go.

Mr. Speaker, Sir, pursuant to Standing Order 47(1), I rise to make a Statement on an issue of national concern on the issuance of birth certificates in the country, most specifically in Vihiga County.

Mr. Speaker, Sir, a birth certificate is one of the most crucial documents in Kenya, and is a basic requirement for application of other official documents such as the national identification card (ID) and passport. Recently, the Government made it mandatory for children joining pre-school, primary and secondary schools to have birth certificates. Additionally, all candidates for primary and secondary schools national examinations are also required to use their birth certificates during registration of these examinations.

Sadly enough, Mr. Speaker, Sir, acquiring a birth certificate has become a nightmare, most particularly for residents in Vihiga County. Figures from the County Civil Registrar paint a very depressing picture, where there are more than 18,720 pending applications dating back to February, 2018. As if this is not enough, parents and guardians are forced to travel several times from all corners of the county to Mbale Town to apply and check on the status of their applications.

Mr. Speaker, Sir, it defeats logic for the Government to require its citizens to have this legal document, which it is not providing, yet it is the sole provider. It is frustrating for Kenyans because the issuing of citizens – be it birth certificates, IDs and passports – have become a total nightmare for Kenyans yet these registration documents are inalienable human rights for citizens.

Further to this, Mr. Speaker, Sir, the Government of Kenya charges parents of newborns Kshs150 to acquire this document. This weekend, I was informed that people pay up to Kshs500 to be issued with birth certificates. We strongly urge the Government to consider scrapping this fee in totality, because when a person attains the age of 18 years, he or she is issued with an ID card for free. Thus, the Government should issue birth certificates on the same basis. A birth certificate is a basic right for all children who are born here. Therefore, no one should be made to pay for this very vital document.

Mr. Speaker, Sir, it is difficult to understand why it has become so hard to get a birth certificate, which is basically one's personal details printed on an A5 piece of paper, signed and embossed. Some of the reasons enumerated by the Civil Registrar of Persons Office in Vihiga include inadequate staff in the department and delay in dispatch of the birth certificates from the Government Printer. The most absurd reasons of all is that the Government Printer has no paper to print this document.

While the Government is planning to give its citizens a *Huduma* Number at a cost of Kshs7 billion, the same Government cannot afford to procure printing paper for birth certificates. I believe that most people would like to understand the rationale used by the Ministry of Interior and Coordination of the National Government, in conjunction with the Ministry of Information Communication and Technology (ICT) to roll out another layer of registration when they are unable to offer the most basic of registration, which is a birth certificate.

Mr. Speaker, Sir, in this time and age, and with all the technological advancement, the processing and issuance of birth certificates should be automatic. This is especially considering that today, most expectant mothers deliver in hospitals, where the details of the newborns are captured. Furthermore, the few that may deliver at home always have their details recorded by the local administration.



In view of the foregoing, the Government is in a position to identify, register and issue birth certificates. They may directly mail them to parents or use the local administration in their distribution. This is an issue that has been raised before, but no action has been taken.

Mr. Speaker, Sir, in the developed world, such a document is mailed to the recipients. However here, for those who do not have postal addresses, we expect the county administration to ensure that birth certificates are delivered to parents in their homes instead of them making numerous trips to the county headquarters to check on the processing of this vital document.

Mr. Speaker, Sir, I believe that this matter is not only limited to Vihiga County, but all the 47 counties. Indeed, after consulting my colleagues from other counties, they tell me that they experience the same problem in their respective counties. The residents of Vihiga county and Kenyans in general are going through numerous hurdles in their quest to obtain birth certificates. I, therefore, wish to draw the attention of the Senate on this matter and appeal to the national Government to provide timelines on when it will achieve 100 per cent registration and issuance of birth certificates.

Further, Mr. Speaker, Sir, I also appeal to the national Government to address the inefficiency and corruption in the State Department of Immigration and Registration of Persons. They should bring sanity and order there so that Kenyan children can be issued with their birth certificates as soon as possible.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Wetangula.

**Sen. Wetangula:** Mr. Speaker, Sir, forgive my anxiety in jumping onto a different matter. Over the weekend, I was in a public function with the distinguished Senator for Vihiga and when he mentioned this matter, almost half of the crowd present – and they were in their thousands – stood up to acclaim that they aware having great difficulties in accessing and acquiring birth certificates for their children.

The Government has already indicated – in fact, it is enforcing a policy – that a child without a birth certificate cannot go to Grade One or sit for the Kenya Certificate of Primary Education (KCPE). In fact, without a birth certificate, one cannot acquire an ID or passport. If this is happening in what are erroneously described as high potential counties such as Vihiga, you can imagine what people are going through in Marsabit, Mandera, Wajir, Turkana, Samburu, Baringo and all those other neglected counties.

Mr. Speaker, Sir, I urge that in dealing with this Statement, the Committee responsible – I believe it is the Committee on Labour and Social Welfare or whichever committee it is – should interview and talk to the concerned Cabinet Secretary (CS) to ensure that the issuance of birth certificates is completely devolved to county governments. The CSs should take responsibility with attendant resources following this function. This will ensure that birth certificates are issued as a right to every child. This is because without it, a child will end up stateless; because without an ID in this country, you cannot prove that are a citizen. I, therefore, support Sen. Khaniri and wish that he had moved a Motion for Adjournment for Members to air their views even more.

Mr. Speaker, Sir, what is even more disturbing – and I see the distinguished Senator for Nairobi present – is that there is a flawed process going on in Nairobi. This is where some children from certain communities go to apply for birth certificates or IDs, and they are told to go back to their counties, where their names are identifiable as

coming from there. This is happening, yet the Constitution says that a Kenyan can live, work and own property anywhere in this Republic.

What is this nonsense, where Wafula has to go back to Western Kenya; Njoroge has to go back to wherever he came from and Haji has to go back to Mandera? This is dividing Kenyans for no reason at all, and we must condemn it as a House. We want birth certificates to be given to every child at birth. What is so difficult about giving a birth certificate? Even the village elders can be entrusted with those documents to give to children who are born in the villages without going to hospitals.

Mr. Speaker, Sir, I beg to support the Statement.

**Sen. Halake:** Thank you, Mr. Speaker, Sir, for giving me the opportunity. Congratulations to Sen. Khaniri for this very important child protection and human rights issue. Article 53 of our Constitution says that every child has a right to a name and nationality from birth. That nationality is represented by the documentation and the requirement is such that we need to have an identification document.

Mr. Speaker, Sir, I come from Isiolo County, and without a birth certificate from wherever I was born, I was not able to get an ID card. In fact, my ID card reads 'Nairobi,' because I had to come to Nairobi; and I kept going back and forth to get any identification document. I can, therefore, relate to this issue.

Mr. Speaker, Sir, people in northern and other parts of Kenya are even worst hit. In Isiolo, for instance, we have a huge backlog based on verification. I do not know what is being verified, but a child whose parents have ID cards and birth certificates still has to go through a very lengthy process of verification. As per our Constitution, every child has a right to a nationality, name and all the documentation that will enable them to access education and other services.

We just came from a meeting with the CS for Information, Communication and Technology, where The National Integrated Identity Management Systems (NIIMS) is being touted as the one-stop shop for everything. However, the other databases are not being taken care of. If the NIIMS database and registration is being accelerated in the manner it is being done, I wonder why the basics of birth certificates for our children are not prioritized. The State is, therefore, engaging in an illegality and must ensure that our children are given the right documentation so that they have access to all the services they are entitled to by birth and by right.

I hope that the Committee that will look into this issue will make sure it goes beyond Vihiga County to establish the truth of our children's protection, registration and identity throughout the country. This is because it is even worse in other parts of the country.

Mr. Speaker, Sir, I beg to support.

**Sen. Farhiya:** Mr. Speaker, Sir, I also rise to support this Statement, and I thank the Senator for Vihiga County for bringing it to the House.

For people who come from where I come from in Wajir County, those are the people who know the importance of birth certificates even much more. I, therefore, thank you, Sen. Khaniri, for that. First of all, some of us are first Somali before we are considered Kenyans; and because of that, it took the Kenya Police to have a Police Commissioner from my community for people to know that there are some Somalis who are Kenyans. That is how bad it is for my community.

In Wajir County, for example, people apply for birth certificates and are given receipts, waiting for more than a year, but they still do not get them. Every time they go to ask for them, they are asked to go back another time because they are not ready. When you ask them why they are not getting the certificates, some of them will tell you that those people will not give you a certificate until you pay.

Mr. Speaker, Sir, this is an issue that speaks to the hearts of most of us simply because if you need a passport or to register for the school system or an ID, all that depends on whether you have a birth certificate or not. Like Sen. Wetangula has said, everybody was either born in a hospital, where people know; or in a village, where the chief is aware of the birth of that child. Why, therefore, can this birth certificate not be issued immediately after the child is born? Why wait until somebody has to apply for it? Should it not just be a right? The hospital or the chief should issue the birth certificates depending on where a child is born.

In Wajir County, where I come from and the whole of the north eastern part of Kenya, people are sometimes not even born in the village. They are born in the bush, because with the pastoral life, we move from one place to another. They are, therefore, born in temporary homesteads because this month they are here, and next week they are in another place; and they keep on moving. Therefore, there has to be a mechanism to ensure that Kenyans who are born in Kenya get the documents they need.

Mr. Speaker, Sir, some parents have the National Hospital Insurance Fund (NHIF) cards, but because their children do not have birth certificates, they cannot access NHIF benefits because there is nothing to show that these children are theirs. This is a real problem. You need to be in possession of a birth certificate everywhere you go, yet its issuance is an issue. How is a normal citizen of this country expected to survive?

Mr. Speaker, Sir, I beg to support and thank you for giving me this opportunity.

**Sen. M. Kajwang'**: Thank you, Mr. Speaker, Sir. I thank the "Duke of Vihiga County," Sen. Khaniri, for bringing this important Statement to the House.

I was just consulting the Senator for Migori County; and even though our sisters from northern Kenya would consider themselves to be the ones with the greatest amount of problems, it is a problem shared by counties that are at the border. Homa Bay County is at the border with Uganda while Migori is at the border with Uganda and Tanzania. We similarly suffer when it comes to this issue of registration.

In the past, it has been a ploy to disenfranchise people of certain parts of this country, because without a birth certificate, you cannot be registered as a citizen of this country. In this framework of handshakes and cooperation, I appeal to the national Government that it is no longer criminal to register the people of Nyanza or northern Kenya. This is because we have agreed that we are now all brothers and sisters, capable of eating from the same table.

Mr. Speaker, Sir, in the past, we were frustrated on birth certificates, national IDs and voters' cards. This is because that would then shore up the numbers, which would lead to transformation at the national level.

Finally, Mr. Speaker, Sir, I encourage that as we process this Statement in accordance with your orders – I hope that you commit it to the relevant Committee – we will mark the process of becoming---

**Sen. Halake**: On a point of order, Mr. Speaker, Sir. Is the Senator for Homa Bay County in order to tell us that it is because of the handshake that we now deserve birth

certificates? It has always been our right, and it is never because of the handshake. We, therefore, deserve it whether or not we shake hands.

**Sen. M. Kajwang'**: Mr. Speaker, Sir, I agree with Sen. Halake. I have said that it was a process of disenfranchisement, which is a denial of rights. It has been a fact that if you go to certain areas associated with leaders like Sen. Wetangula, there was a feeling that the numbers would be suppressed deliberately. That suppression starts from the issuance of birth certificates.

You are also aware that to sit for a national examination in this country, to register for the KCPE or the Kenya Certificate of Secondary Education (KCSE), you need a birth certificate. Therefore, when you deny people birth certificates, you are not only denying them a right to citizenship, but also a right to education.

Finally, I was with Sen. Halake in the morning when we were querying certain initiatives that the national Government has undertaken with regard to citizen registration. I do not want to preempt debate, because the CS for the Ministry of Interior and Coordination of National Government will be coming before this House on different date. However, we must start holding the Ministry for Information, Communication and Technology responsible for certain acts of omission or commission by the national Government.

Mr. Speaker, Sir, this is because in Kenya today, you cannot make a decision on remuneration and compensation without involving the Salaries and Remuneration Commission (SRC). You cannot make a decision on division of revenue and allocation of revenue without involving the Commission on Revenue Allocation (CRA). Likewise, Government departments should not also be allowed to come with all sorts of ICT projects that are aimed at drawing commissions and kickbacks without the involvement and the professional input of the Ministry for Information, Communication and Technology.

Even though we are going into the NIIMS, where we are capturing biometric data and images of citizens, the births, deaths and marriage registers are still in shambles. You should not be surprised that if you go into the marriage register or data base and find that you are still classified as single, simply because they have not been able to capture your details. I have all the faith and believe that your status is contrary to single.

Mr. Speaker, Sir, regarding these databases and containers that hold citizen data, we must allow the Ministry of Information, Communication and Technology to have the last word on such projects, because ICT is a shared service. We are seeing line Ministries coming up with big multi-billion-shilling projects where the intention is to earn commissions. Consequently, when they come before the Senate or Parliament, they say that those are matters before court or secret.

I beg to support this Statement and hope that we will interact with it when it comes to the relevant Committee.

**Sen. Cherargei**: Thank you, Mr. Speaker, Sir. I commend my neighbour, Sen. Khaniri for bringing this Statement. In July, 2018, or thereabouts, I asked a similar Statement on the issue of birth certificates in the country and also in Nandi County. Consequently, the Chairperson of the Committee on National Security, Defence and Foreign Relations, my good friend, and the Senator of the great people of Nairobi City County, Sen. Sakaja, famously known as "Super Senator," brought back a Statement that still shocks me to date. The answer that was given by the Committee was wishy-washy

and it did not address the same serious issue. The people of Vihiga and Kenyans are facing up to Wote and everywhere are still facing the same problem to date.

Mr. Speaker, Sir, we were presiding over the Education Day of Chesumei Sub County, and one of the major things that every parent and unionist spoke about is the lack of birth certificates. In Nandi, more than 17,000 children face being locked out on the registration for KCSE and KCPE examinations, yet the Ministry of Education has given--

**The Speaker** (Hon. Lusaka): Sen. Sakaja, what is your intervention?

**Sen. Sakaja:** On a point of order, Mr. Speaker, Sir. I had to interrupt my good friend, because he has made a statement that cannot go unchallenged. Is it in order for the hon. Member to allege that the response to his Statement on this important issue was wishy-washy – whatever that means – yet when the response came more than a year ago, the Senator who asked the question did not express any reservation or disappointment?

Mr. Speaker, Sir, my Committee, which has distinguished Senators like Sen. Wetangula, Sen. Dullo and many others here, works very hard and would have continued with the process of getting the answers that would be satisfactory to the Senator. Is it in order for him to come a year later to say that that response was not satisfactory, yet the matter as dealt with and done away with?

**Sen. Cherargei:** Mr. Speaker, Sir, I agree that as the Chairperson of the Committee on Security, Defence and Foreign Relations, he faces a lot of challenges, because security is key in the running of the national Government.

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Wetangula?

**Sen. Wetangula:** Mr. Speaker, Sir, is it in order for the Senator for Nandi to erroneously refer to the Senator for Nairobi City County as the Chairperson of the Committee on Security, Defence and Foreign Relations when, in fact, he is not? Equally, is it in order for the Senator for Nairobi City County to continue smiling when he is being erroneously referred to as the Chairperson of a committee when he is not? The Chairman of the Committee on Security, Defence and Foreign Relations is one Sen. Yusuf Haji, the distinguished Senator for Garissa.

**Sen. Sakaja:** Mr. Speaker, Sir, it is in order for me to smile on any matter, because that is my natural disposition. I would like to inform my uncle, the Senator for Bungoma, that the Chairperson of the Committee on Security, Defence and Foreign Relations, Sen. Haji, sought leave of absence for a period, because of other duties. Therefore, for the time being, I am the acting Chair of the Committee on Security, Defence and Foreign Relations. Even without that, in his absence, as the Vice Chairperson who was elected unanimously, including by Sen. Wetangula, I act on his behalf as the Chairperson.

**Sen. M. Kajwang':** Mr. Speaker, Sir, in my culture, when your father goes on a long journey, he might allow you to look after the homestead. However, when he comes back, you have to hand over the instruments of power. Is it proper and in order for Sen. Sakaja to continue making those kind of assertions, when just five minutes ago, Sen. Haji was sitting on the seat just next to him? Is it the case where the father has come back and he refuses to handover the key to the bedroom? Could he hand over with immediate effect?

**The Speaker** (Hon. Lusaka): I think Sen. Sakaja is the one who knows how long they agreed he will be acting; whether Sen. Haji is here physically or not.

**Sen. Cherargei:** Mr. Speaker, Sir, the Acting Chair of the Committee on Security, Defence and Foreign Relations, Sen. Sakaja, has been discharging the duties of the Committee with distinction. Maybe that is a sign of good things to come in the near future; but we are not looking into the future without the Chair of the Committee, who is Sen. Haji.

Mr. Speaker, Sir, when Sen. Sakaja brought the Statement, I was out on parliamentary duties. There were allegations of corruption in Kapsabet and Nandi Hills registries, and the answer by Sen. Sakaja was that it was not true, yet they did not even find time to investigate further.

Mr. Speaker, Sir, the issue raised by Sen. Khaniri about birth certificates is a challenge that faces every Kenyan from Mombasa, Busia, northern Kenya and everywhere, including in Nandi. There are more than 17,000 children in Nandi who might miss to register for national examinations because of lack of birth certificates.

Mr. Speaker, Sir yesterday, in the Cabinet meeting led by Dr. Fred Matiang'i, he said that the National Education Management Information System (NEMIS) will sort out the problem of birth certificates, and that the *Huduma* Number will be a one stop shop. Many Kenyans have a challenge when it comes to acquiring birth certificates.

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

**Sen. Cherargei:** Mr. Speaker, Sir, I do not know why Sen. Madzayo is agitated. I am just putting to the public domain what the CS for Interior and Coordination of National Government said yesterday.

Sen. Sakaja is here. I request the Committee to assist by providing a framework to ensure that every Kenyan can access birth certificates as a right, and not as a privilege.

Mr. Speaker, Sir, we have a problem with issuance of birth certificate in the Kapsabet and Nandi Hills registries. However, when you pay Kshs1,000 or Kshs2,000, your birth certificate miraculously appears. One of the proposals that we are looking forward to is that village elders and assistant chiefs should be given powers to ensure that birth certificates are provided everywhere in this country. I thank Sen. Khaniri for this Statement and I hope Kenyans will be assisted.

The CS told us about NEMIS and *Huduma* Numbers, where there could still be problems. When Sen. Sakaja summoned the CS, Dr. Fred Matiang'i, he did not turn up to tell us whether the NEMIS will assist in the issuance of birth certificates, but that is what he has been saying. I hope Sen. Sakaja and Members of his Committee will ensure that the issue is put to rest so that Kenyans have birth certificates as a right, and not as a privilege.

Thank you, Mr. Speaker, Sir.

**Sen. Madzayo:** Bw. Spika, kwanza nataka kumshukuru ndugu yangu, Seneta Khaniri, kwa *Statement* aliyoleta. Katika maeneo ninayotoka ya Kilifi na pwani kwa ujumla, kuna watu wa tabaka mbalimbali. Kwa hivyo, cheti cha kuzaliwa ni cha umuhimu sana.

Jambo la kwanza ambalo ningependa kusema ni kwamba Serikali inafaa kuondoa ada ya vyeti vya kuzaliwa. Kupata cheti cha kuzaliwa inafaa kuwa ni haki ya kila Mkenya. Wakati mtu anapozaliwa, hakuna haja ya kuandika barua ya kuomba cheti cha kuzaliwa.

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

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

Utoaji wa vyeti vya kuzaliwa umekuwa chombo cha kutafuta pesa miongoni mwa wafanyakazi wa afisi zinazotoa huduma hiyo. Mara nyingi, utapata mtu anaitishwa “kitu kidogo” ili fomu yake ipitishwe. Hii ni tabia inayoendelezwa na maafisa wanaofanya kazi katika ofisi za kutoa vyeti vya kuzaliwa, kwa sababu ufidadi umekithiri na hiyo imekuwa biashara kubwa.

Hali hiyo inaathiri jamaa zetu ambao, kama nilivyosema hapo awali, ni ndugu zetu wa dini ya Kiislamu. Wengi wa wale ninaowakilisha ni Waislamu. Hii ni kumaanisha kwamba si rahisi mtoto wa Kiislamu kupata cheti cha kuzaliwa ikilinganishwa na mtoto wa Kikristo.

Ni aibu kumtaka mtoto ambaye wazazi wake ni Wakenya alete cheti cha kuzaliwa cha babu yake. Kwa nini mtu atake cheti cha kuzaliwa cha nyanya yangu? Ni sawa ukitaka nikuletee cheti cha kuzaliwa cha mamangu na babangu, lakini sio vizuri kuanza kuulizwa aliyemzaa babu yako ni nani na anatoka wapi. Sisi sote sio wenyeji wa nchi ya Kenya. Historia inatuonyesha kwamba watu wengi walikuja wakakutana hapa, na sote sasa ni watu tunaishi katika nchi ya Kenya.

Kwa hivyo, ni makosa kwa serikali yetu kufanya biashara kwa kutumia cheti cha kuzaliwa. Ukienda kutafuta cheti, utaambiwa ulipe Kshs100 au Kshs200 na usipokuwa na cheti cha kuzaliwa cha mama yako au cha babu yako, utaambiwa kadri ya pesa unazohitaji kulipa. Mimi nilienda katika hizo ofisi na niliambiwa kwamba; ‘kama unataka huyu mtu wako apate cheti, basi tupatie Kshs30,000,’ Niliwaambia, ‘Huyu ni Mkenya na tumeishi naye pamoja. Najua alipozaliwa na kila kitu chake kinajulikana. Kwa nini alipe Kshs30,000, ilhali mtoto mwingine ambaye ni mkristo asilipe?’ Mwishowe, alipata cheti hicho, lakini ilikuwa shida sana kukipata.

Inafaa watu walioko katika maofisi ya kutengeneza vyeti vya kuzaliwa waache mambo ya ufidadi. Sisi sote hatuna wazazi wanaoweza kulipa pesa ndiposa tuzaliwe hospitalini. Kwa mfano, mimi sikuzaliwa hospitalini; nilizaliwa kule vijijini ninakotoka.

*(A Senator spoke off record)*

Ndugu yangu anasema ya kwamba kunaitwa kichochoroni, lakini sio kichochoroni; ni kule mashambani. Itakuwa matusi kama mimi nitapewa cheti, na mtu mwingine ambaye amezaliwa huko hawezi kupewa kwa sababu ya dini yake. Itakuwa makosa kwa sababu Katiba yetu inasema ya kwamba usimbague mtu kwa sababu ya dini, rangi au mahali anapozaliwa. Ikiwa mtu huyo anayetewa na Katiba, sioni sababu ya wafanyakazi katika ofisi zile kuleta shida.

Tulipokuwa na shambulizi katika *DusitD2*, Wakenya waliwatetea wale ambao walikuwa pale. Hatukubaguana kwa msingi wa ukristo ama uislamu; na hatukusema ya kwamba, “Huyu hana dini ama ni Muhindi.” Wakenya walijitokeza na kuhakikisha ya kwamba kila mtu yuko sawa, ama amepolekwa hospitali ya karibu. Watu walitoa magari yao bila kuuliza, “Wewe ni wa dini gani; ama wewe ulizaliwa wapi?” Ilisemwa ya kwamba kila mkenya ambaye alikuwa ameumia apelekwe hospitali. Kwa hivyo, tusifanye biashara na vyeti vya kuzaliwa.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Please conclude, Sen. Madzayo. You have one more minute.

*(Sen. Cheruiyot consulted the Deputy Speaker)*

**Sen. Madzayo:** Ahsante sana, Bw Naibu Spika. Naona huyo ambaye yuko na wewe anakunung'unizia. Kama hajui Kiswahili ama anakielewa lakini hawezi kutafakari vile inavyotakikana, asije hapo akakuambia ya kwamba, "Wakati wake huyu umekwisha."

**The Deputy Speaker** (Sen. Kindiki): Order, Sen. Madzayo!

**Sen. Madzayo:** Bw Naibu Spika, nashukuru kwa muda ulionipa. Ndugu yangu Sen. Cheruiyot ni mdogo wangu, na ninampenda. Yeye ni Seneta wa Kericho, na pia anaangalia masilahi yetu hapa ndani ya Bunge kama kamishna.

**The Deputy Speaker** (Sen. Kindiki): Order, Senators. We are not doing very well time wise. I will only allow two Senators, and they will each have two minutes.

**Sen. Seneta:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to add my voice on this important Statement. From the outset, I want to congratulate the Senator from Vihiga County, for having thought of this very important issue of birth certificates.

I would also wish that he gets a response on the reason why the Ministry of Interior and Coordination of National Government has neglected the Department of Registration of Births and Deaths. Little attention is paid to this department by the Ministry of Interior and Coordination of National Government. They have paid a lot of attention on matters of security, but little attention is paid on the issue of registration births and deaths. If you go to our counties, the offices that deal with the registration of births and deaths are small rooms, which are very congested, compared to the number of people they need to register every day.

The Committee should also look at the budget allocation for this department. The Government Printer should be given enough money to print booklets for birth certificates. In Kajiado, we have a backlog of 15,000 cases which are waiting for registration. The births and deaths registration department has also got the smallest number of personnel.

Therefore, Mr. Deputy Speaker, Sir, I beg to support and ask the Committee to take this matter as urgent, because the issue of birth certificates is affecting all Kenyans. It is not just a religious issue, as my---

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

I can see that Sen. Mutula Kilonzo Jnr. is not here.

Proceed, Sen. Onger; you have two minutes.

**Sen. Onger:** Thank you, Mr. Deputy Speaker, Sir. Article 53 of our Constitution is candid and clear regarding the rights of our children. One such fundamental rights is the certificate of birth, nationality and citizenship of that child. Can the Ministry concerned take a requisite step to ensure that there is no undue delay in the registration of children born in this country?

Mr. Deputy Speaker, Sir, I have had a very nasty experience. Recently, one of my grandsons was denied form one entry because he lacked a birth certificate. Unfortunately, he lost his father, and his mother died in a road accident. Right now, I am unable to access the birth certificate because we do not know where the parents put it, and applying



for one is a vigorous process. That needs to be modified for the children to have access to education, health, food and security.

I beg to support the Statement.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Well done Sen. (Prof.) Ongeru. Proceed, Senator for Wajir County.

**Sen. (Dr.) Ali:** Thank you, Mr. Deputy Speaker, Sir. If the problem of birth certificates affects anybody, it affects the people from northern Kenya, especially the nomadic communities. If we are talking about where you were born, some of us even do not even know where we were born. We just roam around, then we are asked to get birth certificates. Where do you get it from?

Mr. Deputy Speaker, Sir, these are very serious issues, because getting birth certificates in a place like Wajir is literally impossible. This is because there is one small room in Wajir Town, as mentioned by Sen. Seneta, and some parts of the county are 300 kilometres away. How do those kids access birth certificates? I want to ask the Committee to look into these issues seriously and see how they can devolve this service to the location or sub-location level.

Why do we have chiefs and assistant chiefs all over the country? We are now being asked to register with this funny thing called the NIIMS. Why do you not give the booklets of birth certificates to the chiefs and assistant chiefs to register any child that is born and any person who dies, because they are the ones who know what is really happening on the ground? They go around in the communities even if they are nomadic communities.

If we are left the way we are right now, yet every child who is supposed to go to Form One or Grade One must have a birth certificate, where will they get it from? This applies to a child who was born in the bush; who was looking after animals in the bush. Then when you decide that you want to take this child to a boarding school somewhere, nearly 100 kilometres away, you are then asked to provide a birth certificate. These are impossibilities. I, therefore, urge the Committee to look into these very serious issues.

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

Finally, proceed, Sen. Olekina.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, I thank you for the two minutes.

I rise to support this Statement on this issue of birth certificates. Last year, without involving this House, the National Assembly amended The Registrations of Persons Act and took it directly to the President for assent. The sole reason they did this was to introduce this issue of NIIMS.

I fail to understand where the responsibilities of this country are. If Kenyans who are born in this country cannot even access a birth certificate, what is the point in registering and getting this number, which they have no clue what it is all about? It is about time that we changed the way we deliver services to our people. Right now, people are dying in Turkana County, and it is very difficult to know how many people are dying there because most of them have no record of their birth.

Mr. Deputy Speaker, Sir, my colleague from Wajir spoke about us, pastoralists. In Narok County, this has become a big problem, where most children are not even being registered to do their national examinations because they do not have birth certificates. This country, particularly the Ministry of Interior and Coordination of National Government are trying to come up with this new NIIMS; and for the record, I will not

subscribe to it. This is because for me to subscribe to it, it must have been considered by this House so that I can add my input, because that is what the law dictates.

Instead of them amending the Act and introducing this NIIMS, they ought to have taken that point to amend that Act to ensure that children are registered first. For us to have a solution to this problem, I would suggest that the Committee which will deal with this matter adopts other means of ensuring that every person is registered. We are about to carry out a census, how are you going to carry a census yet most people have no records of their birth?

I would, therefore, request that if there is any committee which is going to be looking at this issue, they should consider working with this new line of operations through the administration to ensure that every child is registered. Otherwise, even this issue of census will not have any meaning in this country.

Thank you, Mr. Deputy Speaker, Sir.

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

Proceed, Sen. Hargura; you have one minute.

**Sen. (Eng.) Hargura:** Thank you, Mr. Deputy Speaker, Sir. I would like to thank Sen. Khaniri for bringing up this issue of birth certificates. When the Government decided that the birth certificates are a requirement for registration for examinations, they should have also made sure that those birth certificates are made easily available. My county is largest in this country, and the farthest point, Ileret, is about 600 kilometres from Marsabit. Somebody from Ileret is required to get the birth certificate, which is only available in Marsabit.

Mr. Deputy Speaker, Sir, one thing that the Committee should tell us is how the Government is going to decentralise that service so that it can be done by the chiefs on the ground, as my colleagues have suggested. That is the only way we can capture this data. Otherwise, we are introducing systems when we do not have infrastructure to support them.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Well done and thank you, Sen. Hargura.

Hon. Senators, I direct the Committee on Labour and Social Welfare to take up this matter. This is a matter that is widespread across the country. There is literally hue and cry from all over the country.

Committee Chairperson, I would urge you to spend some time on this matter so that you bring some concrete proposals. This should include talking to the relevant officials of the Government so that you understand why, for example, somebody is asked to travel 500 to 600 kilometres in Marsabit to go for this vital document.

Chairperson, do you want to say something?

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker, Sir, for that direction. I want to urge you to reconsider the Committee that should look at this issue, because of its history. It has previously been dealt with by the Committee on National Security, Defence and Foreign Relations. It is best placed in that Committee because the Department of Immigration is under the Ministry of Interior and Coordination of National Government, which is oversights by the same Committee.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. It is an issue by the Immigration Department, which is under the Ministry of Interior and Coordination of

National Government. Therefore, the directive goes to the Committee on National Security, Defence and Foreign Relations.

*(Sen. Wetangula spoke off record)*

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker, Sir. I am still the Chairperson there as well, contrary to Sen. Wetangula's assertion---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I direct that you provide us with a report within a month---

**Sen. Sakaja:** Mr. Deputy Speaker, Sir, I would like to do it faster than that.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Two weeks?

**Sen. Sakaja:** I would like to ask---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): One week?

**Sen. Sakaja:** No, just allow me, Mr. Deputy Speaker, Sir. As you are aware, there is a similar matter that is under consideration by this Committee on NIIMS. The CS, together with his team, is supposed to appear before the House on 28<sup>th</sup> March, 2019. In anticipation of the ruling, I have already instructed my secretariat to send it, as a supplementary question, so that on that day, before the Committee of the Whole, they can give responses on both issues.

*(Applause)*

I have seen the wide spread interest and concern by hon. Members. Therefore, when the team by the CS comes, hon. Senators can also ask them questions on this issue instead of inviting the CS here twice or thrice. Therefore, on the day they will be here for the entire morning, we can deal with the NIIMS issue, and then the Senators can also raise questions on the issue of birth certificates. We will also ask them to come with the Registrar of Persons to deal with that issue.

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

**Sen. Olekina:** On a point of order, Mr. Deputy Speaker, Sir. I would not want to go against the Chairperson of the Committee on National Security, Defence and Foreign Relations. However, I am a bit concerned on the issue of NIIMS being added into this, yet this Parliament is the one that amended an Act of Parliament – Section 9(a) of the Registrations of Persons Act – and made it by law that every---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): What is out of order, Sen. Olekina?

**Sen. Olekina:** Mr. Deputy Speaker, Sir, if this thing is added on to that issue; I think we will be missing the point. This is because if we look at the issue of NIIMS clearly, it is this Parliament that got itself into that problem. Therefore, the issue of birth certificates should be handled differently.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator. You will also appreciate that the time that we have for Committees and Senate is not infinite. If the CS for Interior and Coordination of National Government is appearing before that Committee, let all issues related to that Ministry be raised.

It is so ordered.

*(Hon. Senators walked into the Chamber)*

Hon. Senators, please, take your seats.

*(Interruption of Statements)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THOMEANDU SECONDARY  
SCHOOL, MAKUENI COUNTY

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senatos, I have a communication on visiting students and teachers from Thomeandu Secondary School in Makueni County. I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Thomeandu Secondary School in Makueni 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 on my own behalf, I wish them a fruitful visit.

**Sen. Sakaja:** Thank you, Mr. Deputy Speaker, Sir. I want to join you in welcoming the students from Makueni County to the Senate. It is always a pleasure when we see these young people, who are the trustees of our country's posterity. However, I noticed that as they were walking in, one or two of them were not properly dressed; they had untucked shirts and their ties were loose. If they look at their Senator, he is impeccably dressed.

Mr. Deputy Speaker, Sir, this may look like a small thing, but I know you went to a good school called Lenana High School; so did Sen. M. Kajwang'. Such discipline translates to other things in life. Therefore, let them know that when they are in their uniform, their ties must be proper and their shirts must be tucked in. If they have sweaters, they should not put them on their shoulders; they must wear them or remove them. If you take care of the small things, the big things will take care of themselves.

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

Proceed, Sen. Faki; you have one minute.

**Sen. Faki:** Asante, Bw. Naibu Spika, kwa kunipa fursa hii ya kuwakaribisha wanafunzi kutoka Kaunti ya Makueni. Hii ni fursa nzuri ya wanafunzi kama hawa kututembelea na kuona vile wawakilishi wao wanavyofanya kazi, hasa mwakilishi wao, Sen. Mutula Kilonzo Jnr. Twawatakia kila la kheri katika muda ambao watakuwa hapa. Wakirudi nyumbani, *wa-aspire for bigger things*.

**The Deputy Speaker** (Sen. (Prof) Kindiki): Hiyo ni nini, *Senator for Mombasa County?* Wakirudi nyumbani *wa-aspire for bigger things?*

**Sen. Faki:** Samahani, Bw. Naibu Spika; namaanisha kwamba wakirudi nyumbani waangalie juu.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof) Kindiki): Waangalie juu ama walenge juu?

**Sen. Faki:** Bw. Naibu Spika, kulenga na kuangalia, hayo yote ni mamoja.

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

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

**Sen. Madzayo:** Bw. Naibu Spika, kulenga na kuangalia juu ni maneno mawili tofauti. Sio haki kwa Seneta wa Kaunti ya Mombasa, ambaye ni ndugu yangu mdogo, kutumia neno ambalo sio sahihi. Sio haki kwake kusema maneno haya ni sawa mbele ya wanafunzi kutoka Kaunti ya Makueni, ambao Seneta wao yuko hapa, na amesifiwa kwa kuvaa vizuri. Haya maneno mawili ni tofauti kabaisa. Mfano hawa watoto wa Kaunti ya Makueni watakaouiga ni wa Sen. Mutula Kilonzo Jnr., Seneta wa Makueni.

*(Applause)*

**The Deputy Speaker** (Sen. (Prof) Kindiki): Very well, Sen. Mutula Kilonzo Jnr. Would you want to welcome your constituents?

**Sen. Mutula Kilonzo Jnr.:** Asante, Bw. Naibu Spika, kwa kunipa nafasi hii kuwakaribisha wanafunzi wa shule ya Upili ya Thomeandu. Wacha nikurekebishe kidogo, kwa sababu wewe ni Mbantu kama mimi, na hungeweza kulitamka jina “Thomeandu” vizuri.

Jambo la pili, namshukuru Sen. Sakaja na Sen. Madzayo kwa kusema kuwa mavazi yangu yanapendeza. Tatu ni kuwakaribisha wanafunzi wa shule ya upili na mwalimu wao mkuu, ambao tumefanya kazi nao pamoja kwa ukaribu. Kwa sababu majirani wao ni wanafunzi wa *Precious Blood*, Kilungu, wamekuwa wakishindana; na jambo hili limefanya wanafunzi hawa wafanye vizuri katika masomo yao. Wamefanya vizuri kwa kuja katika Bunge la Seneti, wakiwa wametoka Bunge la Kitaifa, ili wajijulishe mambo tunayoyafanya.

Bw. Naibu Spika, nawasihi ndugu na dada zangu Maseneta wawakaribishe wanafunzi kutoka katika shule za kaunti zao. Hii ni kwa sababu wanapata nafasi ya kuwaona viongozi wao, kujua historia ya Kenya yetu, Bunge letu na Bunge la Kitaifa. Hili ni jambo ambalo sisi wenyewe tunalichukulia kwa urahisi, lakini kwa watoto hawa, ni jambo la maana sana.

Rais mstaafu, Bill Clinton, alipata ari ya kuwa Rais wa Marekani siku ambayo yeye na wanafunzi wengine walipata nafasi ya kutembelea Bunge lao. Kuna uwezekano kuwa pengine tutapata rais na viongozi wengine kutoka katika wanafunzi wanaotembelea Bunge letu na lile la Kitaifa.

Jambo la pili ni kuhusu matamshi ya Sen. Sakaja, Seneta wa Kaunti ya Nairobi, kuhusu nidhamu; hili ni jambo muhimu sana. Wanafunzi wa shule ya Upili ya Thomeandu, mavazi yako ndiyo yanayoonyesha nidhamu yako.

Karibuni sana.

**The Deputy Speaker** (Sen. (Prof) Kindiki): Very well, Sen. Mutula Kilonzo Jnr. You have really exceeded my expectations.

*(Laughter)*

*(Resumption of the Statements)*

## STATEMENTS

## POLICY ON THE TRANSFER OF FUNCTIONS TO COUNTIES

**The Deputy Speaker** (Sen. (Prof) Kindiki): Very well, the next Statement is by Sen. (Dr.) Zani, who I cannot see. Her statement is deferred.

*(Statement deferred)*

IMPLEMENTATION OF THE 100% TRANSITION POLICY TO  
SECONDARY SCHOOLS/ TVET

**The Deputy Speaker** (Sen. (Prof) Kindiki): The next Statement Number ii(b) is also by Sen. (Dr.) Zani, who I cannot see. Therefore, it is deferred.

*(Statement deferred)*

**The Deputy Speaker** (Sen. (Prof) Kindiki): The next statement Number ii(c) is by Senator for Nandi County, Sen. Sen. Cherargei. You have the Floor.

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir. I also join in welcoming the students who have had the opportunity to be here. There is also a school from Nandi, Sang'aro Central Academy, that has just joined us. However, I know that you will communicate from the Chair about it. Therefore, I want to confirm to Sen. Mutula Kilonzo Jnr. that my school is also already here.

With that, let me seek my statement.

## RE-OPENING OF THE IMMIGRATION CENTER IN ELDORET

Pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on National Security, Defence and Foreign Affairs on the re-opening of the Immigration Center in Eldoret. In the statement, the Committee should state:-

- (1) The reasons why the Eldoret Immigration Centre has not been operational for more than three years now.
- (2) The reasons and the circumstances that prompted the immigration centre to be closed and its staff redeployed, yet it was serving a very large number of counties in Western and former Rift Valley provinces.
- (3) The reasons why the immigration department chose to retain only three centres across the country, thus making the process of acquiring a passport tedious and expensive, especially for the people living in counties such as Nandi, Elgeyo-Marakwet, Uasin Gishu, Bungoma, Kakamega, Baringo and many other regions that are within the North Rift.
- (4) The reasons that have occasioned the delay in re-opening the immigration centre in Eldoret despite the several promises of re-opening it ,and indicate when the Government plans to re-open it.

Mr. Deputy Speaker, Sir, the North Rift is the hub of athletes. Most of them have to travel to Nairobi or Kisumu and waste a day or so, in order to acquire a passport. You

have to note that athletics is the pride, hallmark and trade mark of Kenya as a country across the world. Therefore, when they waste 24 hours or two days travelling to Nairobi or to Kisumu, they waste a lot of valuable time which they would have used for training and preparing for international competitions.

I, therefore, request that this matter be treated with the urgency that it deserves so that our young men and women, who are athletes and want to travel to countries in Asia, Europe, America and the rest of Africa, do not have to waste their day coming to Nairobi or Kisumu simply to look for a simple document.

Mr. Deputy Speaker, Sir, even as we discuss about *Huduma* number, the NIIMS or creating Huduma Centres as one stop shop of providing passports, it should be treated with the urgency it deserves so that our people---

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

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

**Sen. M. Kajwang'**: Mr. Deputy Speaker, Sir----

**Sen. Cherargei**: Sen. M. Kajwang', come to the dispatch box. You cannot be holding the microphone!

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

**Sen. M. Kajwang'**: Mr. Deputy Speaker, Sir, I was about to support Sen. Cherargei's Statement request, but he has ventured into uncharted waters. He has requested for a Statement and gone ahead to debate that Statement. Is he in order to mislead along those lines?

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Yes, he is out of order to that extent.

Chairperson, Sen. Sakaja, you do not have to respond. Take note and act accordingly, in accordance with the new Standing Orders.

Sen. Cherargei, I will give you one minute to say whatever that you had not said.

**Sen. Cherargei**: Mr. Deputy Speaker, Sir, it was just an additional information which is that our athletes are suffering traveling to Nairobi to Kisumu---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Now you are venturing into what Sen. M. Kajwang' rescued you from.

**Sen. Cherargei**: I wanted to assist the Chairperson of the Committee on National Security, Defence and Foreign Relations on the mandate---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): You will assist him later.

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

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

**Sen. Sakaja**: Mr. Deputy Speaker, Sir, first of all, I do not require his assistance, but is it in order to allow the Senator for Nandi to continue being out of order? It has already been determined that he cannot pursue the Statement beyond what---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): To who is that point of order directed?

**Sen. Sakaja**: Mr. Deputy Speaker, Sir, to the House.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Sakaja! You are now venturing into dangerous and slippery ground.

*(Sen. Sakaja stood up in his place)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senator! Hon. Senators. I have a communication to make.

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. PETERS  
SANG'ALO CENTRAL SCHOOL, NANDI COUNTY

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, I would like to acknowledge the presence, in the public gallery this afternoon of visiting students and teachers from St. Peters Sang'alo Central School, Nandi County.

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

Thank you.

Proceed, Sen. Wetangula.

**Sen. Wetangula:** Thank you, Mr. Deputy Speaker, Sir. As I speak to the issue of passport issuance, may I also join you in welcoming the students from a school that bears exactly the same name, as a school in my own county. I have got St. Josephs Sang'alo Secondary School in Kanduyi, Bungoma.

Mr. Deputy Speaker, Sir, the issue of passports has always---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. Wetangula, that matter is closed. I did not know that you had---

**Sen. Wetangula:** I had flagged for that, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Okay. I will give you two minutes.

**Sen. Wetangula:** Thank you, Mr. Deputy Speaker, Sir. The Committee that will deal with this matter, which is chaired by my distinguished colleague from Nairobi City County, my nephew, Sen. Sakaja should encourage the ministry concerned to devolve the issuance of passport to counties.

Mr. Deputy Speaker, Sir, a passport, under our Constitution, is an alternative form of identification to an ID card. I do not understand why it is held very closely to the level whereby you can only get a passport issued in Nairobi, Kisumu or Mombasa and nowhere else. People from Wajir and Mandera have to come to Nairobi to look for a passport. People from Kibish in Turkana have to come to Nairobi to look for a passport.

If the issuance of a passport, it being a security document, is controlled, let them have all counties equipped to process passports applications and then be sent to wherever they want, be it Nairobi, Kisumu or Mombasa, for processing and issuance and then taken back to *Wananchi*. However, this idea of holding on to documents that are so important to the citizens, does not help Kenyans at all.

I support the distinguished Senator for Nandi.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you, Senator. The last Statement for today by Sen. Anuar Loitip.



**Sen. Loitiptip:** Thank you, Mr. Deputy Speaker, Sir. I also take this opportunity to welcome the students to this House. My simple advice is:-

“It is not the size of the dog in the fight; but it is the size of the fight in the dog.”

## STATEMENT

### GRABBING OF PUBLIC LAND IN LAMU COUNTY

Mr. Deputy Speaker, Sir, pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources, on the ongoing crisis involving the grabbing of public land in Lamu County by a private investor. In the Statement, the Committee should:-

(1) Explain the status of the Report of the National Land Commission (NLC), with regard to the proposed land audit in Lamu County and whether the notice for the revocation of land title deeds issued by the NLC dated 2<sup>nd</sup> February, 2017, with regards to parcels of land in Lamu County was effected.

(2) Explain the status of the following parcels of land; LR No.29113; LR No.29111; LR No.29254; LR No.29066; LR No.29067; LR No.29255; LR No.29323 and LR No.29260, in terms of ownership as they have been listed for revocation.

(3) State the measures the National Government is putting in place to protect innocent land owners from the rampant land grabbing within Lamu County given the major government projects currently being undertaken in the County.

(4) Whether the Cabinet Secretary is aware of private investors claiming ownership of huge chunks of land LR N0.12352/328 at Mkondoni in Hindi within Lamu County, evicting innocent occupants using unverifiable court orders.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Chairperson for the Standing Committee on Lands, Environment and Natural Resources, Sen. Githiomi?

Is there any Member of the Committee present?

**Sen. Halake:** Noted, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. I will give two minutes to Sen. Cherargei to welcome the students from Sang’alo secondary as the host Senator.

**Sen. Cherargei:** Thank you, Mr. Deputy Speaker, Sir, for the indulgence to allow me to welcome the students of Sang’alo Central Primary School. I have already had a chat with them outside there, and as you can see, they are smiling. I have sorted them out. They will have something to bite at the end of this.

My simple advice is that Nandi has a hallmark of believing in youthful leadership. Interestingly enough, they know that the future belongs to them and that they need to work hard. We wish them the best. They have learnt a lot and we want to thank your office for being gracious enough to welcome them and ensuring through the Clerk’s office that they learn as much as they can. I want to encourage them to listen to what my colleague Senators have said; that you need to be smart. How you dress is how you will be perceived. You need to work, not hard but work smart and ensure that you are the future of this country.

We hope that this will be a corruption-free generation that will transform this country. This does not mean that those of us who are in leadership now cannot get rid of corruption, but we are looking forward to having a corruption-free generation to transform the country going forward.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. That brings us to the end of that particular item.

I can see the items in Order No. 8, 9, 10, 11 and 12 are Divisions. Where are the sponsors of those Bills and Motions? Do you want us to proceed?

Hon. Senators, we are going to call out the next Order which is Order No.8 and see whether we can proceed with the Division.

Next Order

## BILL

### *Second Reading*

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

*(Sen. Halake on 19.2.2019)*

*(Resumption of Debate interrupted on 28.2.2019)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): I direct that the Division Bell be rung for three minutes.

*(The Division Bell was rung)*

## DIVISION

Sen. Halake, approach the Chair. There are many ways of achieving what you want.

*(Laughter)*

Where are the Whips? Do we have the numbers?

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, all things considered including you, we have the numbers.

Thank you.

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

*(Laughter)*

The question is, do we have the numbers to proceed with the Division?

**Sen. Mutula Kilonzo Jnr.:** Yes, Mr. Deputy Speaker Sir.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Thank you very much.  
I now direct that the Doors be locked and the Bars drawn.

I will now put the Question.

Order Senators, now that we have the numbers, please remember we have three or so other Divisions.

Prepare for voting. Ready? Log in. Vote now. Assisted voters to approach the Clerks' Table.

Order Sen. Kang'ata, it is time to vote. Please vote whichever way you want to vote and resume your seat.

*(Voting in progress)*

### DIVISION

#### ELECTRONIC VOTING

*(Question, that The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.27 of 2018) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. Kajwang' M., Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. Linturi, Meru County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisio, West Pokot County; Sen. (Rev.) Waqo, Marsabit County and, Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, the result of the Division is as follows:-

**AYES:** 29

**NOES:** Nil.

**ABSTENTIONS:** Nil.

The "Ayes" have it.

*(Question carried by 29 votes to nil)*

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): That is the end of Division on that particular Order.

Next order!

*(Sen. Omanga consulted Sen. M. Kajwang)*

Order Sen. Omanga! The activity you are engaging in is not permitted during Division.

*(Laughter)*

The Standing Orders require you to be seated and remain quietly in your seat throughout the Division process. You are neither in your seat nor quiet.

*(Loud consultations)*

Order Senators!

## **BILL**

*Second Reading*

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

*(Sen. Farhiya on 12.03.2019)*

*(Resumption of Debate interrupted on 13.03.2019)*

*(Voting in progress)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that The County Statutory Instruments Bill  
(Senate Bills No.21 of 2018) be now read a Second Time,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. Kajwang' M., Homa Bay County; Sen. Kangata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Linturi, Meru County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Maina, Nyeri County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega

County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Omogeni, Nyamira County; Sen. Poghio, West Pokot County; Sen. (Rev.) Waqo, Marsabit County and, Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, the result of the Division is as follows:-

**AYES:** 31

**NOES:** Nil.

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 31 votes to nil)*

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

## **BILL**

### *Second Reading*

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

*(Sen. Cheruiyot on 13.03.2019)*

*(Resumption of debate interrupted on 14.03.2019)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): The doors remain locked and the Bars drawn.

It is time to vote.

*(The Senators proceeded to vote)*

End of voting. Assisted voters, please, approach the Clerks' Table.

*(Several Senators approached the Clerks' Table and registered their vote)*

## DIVISION

## ELECTRONIC VOTING

*(Question, that The Tea Bill (Senate Bills No.36 of 2018)  
be now read a Second Time, put and the Senate  
proceeded to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. Kajwang'. M., Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Linturi, Meru County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghiso, West Pokot County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Hon. Senators, the result of the Division is as follows:-

**AYES:** 31

**NOES:** Nil

**ABSTENTIONS:** Nil.

The "Ayes" have it.

*(Question carried by 31 votes to nil)*

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

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Senators. The next two are Committee of the Whole Divisions. Therefore, I request you to remain in the Chamber so that we can conclude them. We will not take a lot of time since it is just Division.

I direct that the doors be unlocked and the bars withdrawn.

*(The doors were unlocked and bars withdrawn)*

Next Order!

## COMMITTEE OF THE WHOLE

*(Order for Committee read)*

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

IN THE COMMITTEE

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

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

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, we are in the Committee of the Whole to consider the Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018).

*Clauses 2, 5, 6, 16, 21 and 23*

*(Question, that the National Assembly amendments to  
Clauses 2, 5, 6, 16, 21 and 23 of the Bill be approved, proposed)*

*(Several Senators walked out of the Chamber)*

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, can we have the Bell rung for two minutes. Hon. Senators, we are at a Division and it is impossible for us to get out right now. Let us just finish with it. It will not take long. It is not advisable. It is against the rules to do that, and so, it is not a possibility.

Can the Bell ring for a further two minutes?

*(The Division Bell was rung)*

Hon. Senators, by the look of things, we do not have the numbers required for a Division but we will continue to Progress Report.

Mover, please. Sen. Kang'ata, please, as the Mover of the Bill.

**Sen. Kang'ata:** Thank you, Madam Temporary Chairperson. Pursuant to Standing Order N.148, I beg to move that the Committee do report progress on its consideration of the National Assembly amendments to the Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

### **PROGRESS REPORTED**

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

**Sen. Nyamunga:** Mr. Deputy Speaker, Sir, I beg to report progress that the Committee of the Whole has considered the National Assembly amendments to the Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018) and seeks leave to sit again tomorrow.

**Sen. Kang'ata:** Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

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

**Sen. Kang'ata:** The Senator for Laikipia County.

**Sen. Kinyua** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Very well. Hon. Senators, based on what has befallen us in terms of numbers, I direct that we defer the item appearing as Order No.12.

### **COMMITTEE OF THE WHOLE**

#### THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)

*(Committee of the Whole deferred)*

Next Order.

### **BILLS**

*Second Reading*

#### THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO.34 OF 2018)

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us have the Chairperson of the Standing Committee on Finance and Budget.

**Sen. Wetangula:** On a point of order, Mr. Deputy Speaker, Sir. The next Order you have just called is a Bill from our Committee on Finance and Budget. In fact, I am



lined up to second it but we were slated to have a Motion of Adjournment at 5.00 p.m. Now, it is five minutes to 5.00 p.m.

I seek your indulgence, Mr. Deputy Speaker, Sir, that we go straight to the Motion of Adjournment and that this Bill be moved tomorrow or any other time that you will allocate because it will be futile for the Chair to start moving the Bill for just five minutes and then be stepped down so that we go to the Motion of Adjournment on a matter that is so grave that I expect Members to contribute to the disastrous situation of famine, hunger and deaths in the country.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Sen. (Eng.) Mahamud, what do you have to say before I give my direction? The Speaker had already directed that the Motion of Adjournment be moved at 5.00 p.m. and you have heard what Sen. Wetangula has said. Would you like to say anything?

**Sen. (Eng.) Mahamud:** Mr. Deputy Speaker, Sir, I agree with Sen. Wetangula because I cannot possibly move the move the Bill and be seconded within five minutes; we will not be doing justice to it.

If it was already agreed that we will have the Motion of Adjournment, let it be so. However, I request that this Bill be listed for Order No.8 tomorrow.

**The Deputy Speaker** (Sen. (Prof.) Kindiki): So ordered, as requested by the Chairperson.

*(Bill deferred)*

So, we will go to the Motion of Adjournment. The other items on the Order Paper will have to be deferred because I expect the Motion of Adjournment to proceed until 6.30 p.m. So, the Motion of Adjournment will proceed until the end of today's sitting.

*Second Reading*

THE DETERMINATION OF THE NATURE OF BILLS  
(PROCEDURE) BILL (SENATE BILLS NO.30 OF 2018)

*(Bill deferred)*

*Second Reading*

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

*(Bill deferred)*

*Second Reading*

THE NATURAL RESOURCES (BENEFIT SHARING) BILL  
(SENATE BILLS NO.31 OF 2018)

*(Bill deferred)*

*Second Reading*THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO.32 OF 2018)*(Bill deferred)**Second Reading*THE ELECTION LAWS (AMENDMENT) BILL  
(SENATE BILLS NO.33 OF 2018)*(Bill deferred)***MOTIONS**

## APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES

THAT, pursuant to Standing Orders 187 and 189, the House approves the nomination of Senators to serve in Select Committees of the Senate as follows–

## a) Standing Committee on Energy

Sen. George Ochilo Ayacko Mbogo, EGH, MP to replace Sen. Mercy Chebeni, MP

b) Standing Committee on National Cohesion, Equal Opportunity and Regional Integration.

Sen. Mercy Chebeni, MP to replace Sen. George Ochilo Ayacko Mbogo, EGH, MP.

*(Motion deferred)*ADOPTION OF REPORT ON THE COUNTY  
GOVERNMENTS' INFRASTRUCTURE PROJECTS

THAT, this House adopts the Report of the Standing Committee on Finance and Budget on the County Governments' infrastructure projects comprising County Executive Headquarter offices, Assembly Chambers and offices and County State officers' residences, laid on the Table of the Senate on Thursday, 29<sup>th</sup> November, 2018.

*(Motion deferred)*

REALIZATION OF GENDER EQUITY IN ELECTIVE  
AND APPOINTIVE POSITIONS IN KENYA

AWARE THAT, the Constitution of Kenya recognizes dignity, economic, social and cultural rights, education, housing and the right to health including reproductive health; and that the principle of equality and non-discrimination is established as a core value of leadership and the national values and principles of governance include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of marginalized groups, among others;

FURTHER AWARE THAT, the Constitution of Kenya has very progressive articles that indicate commitment to the international and regional obligations arising from treaties and conventions and other Commitments signed or ratified;

COGNIZANT that Kenya has ratified the Convention on Elimination of all forms of discrimination against Women and the Protocol to the African Charter on Human and People's Rights of the Right of Women which are international instruments that are key to promoting women's rights;

RECALLING that policy framework to enhance gender equality has also been developed, and include the National Gender and Development Policy 2000, the Kenya Vision 2030, Sessional paper No. 2, of 2006, the National Land Policy, the National Policy for Response to Gender Based Violence, and the National Policy for the Abandonment of Female Genital Mutilation;

NOTING THAT, despite there being sound constitutional provisions and elaborate policy framework to realise gender equity, both national government and county governments have not done enough to realise the achievement of gender equality;

CONCERNED that women in Kenya experience hardships when it comes to elective offices, and are underrated by society with most opportunities for elective and appointive offices being awarded to men;

NOW THEREFORE THE SENATE RESOLVES

(1) that Parliament fast track the enactment of the law that shall give effect to the one third gender rule; and,

(2) that pursuant to Article 81 of the Constitution both the National and County governments observe the principle of equality, and empowers the female gender by increasing the appointive position to at least fifty per cent.

*(Motion deferred)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Let us have Sen. Wetangula to move the Motion of Adjournment.

**MOTION OF ADJOURNMENT UNDER  
STANDING ORDER NO.34**

THE STATE OF DROUGHT, STARVATION AND  
FOOD SECURITY IN THE COUNTRY

**Sen. Wetangula:** Mr. Deputy Speaker, Sir, I beg to move the following Motion:-  
That pursuant to Standing Order No.34, the Senate do now adjourn to discuss a definite matter of urgent national importance namely; the state of drought, starvation and food security in the country, especially Turkana and Baringo counties and other parts of northern Kenya.

Mr. Deputy Speaker, Sir, I thank the Chair for slating me this time to move this very important Motion. I equally thank the distinguished Senator for Turkana with whom I consulted that I am going to move a Motion that touches, among other counties, his county in a very special way.

The country has been treated to very horrid pictures, statements, statistics and facts about the state of food insecurity in the Arid and Semi-Arid Lands (ASALs) in the country. The most dire has been singled out to be Turkana, Baringo, Samburu, Marsabit, Isiolo and others. Pictures of children, women, elderly men either dying or dead or drinking water that is not even fit for animal consumption have been shown that do not portray a very good image of our country. This is a terrible indictment on all of us.

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

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

Madam Temporary Speaker, I have evidence that as early as November, 2018, the National Drought Management Authority (NDMA) warned that Turkana County faced an imminent danger of a serious shortage of food and water and human and animal lives were going to be in danger. In February this year, that is early last month, again, the NDMA had issued an order and warning, similar to the one issued in October last year, that Baringo County was going to suffer serious food and water shortage and both human and animal lives were going to be in danger.

Today, as we speak here, we have been told that close to 1.2 million Kenyans in the ASALs are staring at starvation. As this is happening, farmers in the breadbasket of the country in the north rift, western parts of Kenya and south rift are angry with everybody because they are not able to sell their produce. Farmers in Eldoret have told this House and repeated last week that they are holding cereals that they produced the other year, last year and part of this year. They cannot sell to the National Cereals and Produce Board (NCPB), they have no storage and the produce is going to waste.

If you go to parts of western Kenya such as Kisii in the former Nyanza Province, Bungoma and Karatina in the former Central Province, women sit by the roadsides with very healthy produce of maize, beans, bananas, name it, the whole day without the ability to sell yet Kenyans are dying due to lack of food.

Yesterday but one, I said that the President should declare the current famine situation in the country a national disaster and an emergency and deploy the military

doctors to the affected counties to help save lives. This is an indictment because the failure of a rainy season should not be a reason for Kenyans to die.

There are countries of the world that do not receive rain for even 10 years. The Sahel Region, parts of Australia, Namibia and many countries go for some times up to 10 years without a drop of rain. So, the lack of rain or the failure of a rainy season cannot be a reason or an excuse for us to let our citizens die due to lack of food and water.

In fact, I was amused to read a tweet from a person whose name I cannot remember. They said that the food crisis in Kenya should not be a crisis of Kenyans not accessing food but a crisis of how to sell and export the food we produce. Now we are looking at Kenyans and everybody is giving an excuse.

I have seen those concerned saying that the pictures we are seeing are pictures taken from South Sudan and Ethiopia, which I do not think is true. Assuming that was the case, then why are we having high-level Government meetings to discuss a crisis that they think is not a crisis? We have a crisis on our hands.

I want to single out Turkana County which gets the second highest allocation of money from this Senate after Nairobi City County. The County Government of Turkana, even without support from the national Government, can afford food subsidy for every family in their County. It can save those families from this disastrous situation. My colleague, the Senator for Turkana County, can bear me out. Today, I saw a tweet from the Governor of Turkana County saying that the information is exaggerated. If it is exaggerated, what is the truth? What is it that is not exaggerated? How many people are hungry? How many people are dying? How many people are destitute?

We want this cycle of embarrassments, of people dying due to hunger, to be part of our history and not part of our contemporary activities. It is a shame that a country with a Kshs3 trillion budget can still have people dying because they cannot access fresh water. When you attend public meetings, everybody is offered three to four bottles of water, they drink each bottle halfway and leave it there. We can take this water to our compatriots in Turkana, Samburu, Isiolo and all those counties.

This also destroys the fallacy that things are always better where a Head of State comes from. Baringo County hosted the President of this country for 24 years. Why are the people of Baringo County eating rats? Why are they dying? Why are they going without water? It tells us that our planning and our execution of development programs is flawed and that our governors are not rising to the occasion to save people even with the little money that they have. I would want to urge the Governor of Turkana and the governors of the affected areas to freeze and suspend their development programs so as to save human lives. I want to urge the National Assembly, that deals with allocation of resources, to allocate enough resources to send food to these counties.

Maize is rotting in the silos of the National Cereals and Produce Board (NCPB). President Moi should be given some credit for in his tenure, he built NCPB stores in the counties, except Tharaka Nithi, that came later. Therefore, storage is not a problem. You can take food to Wajir, Marsabit and Turkana because the NCPB stores are there. The army and the National Youth Service (NYS) have trucks that can carry these foods and the Government can hire trucks that can carry these foods.

Why are we engaged in this act of gross negligence in the execution of our public affairs? As Kenyans, we have degenerated into engaging in very destructive politics of

hurling insults at each other, abusing each other yet nobody is talking about Kenyans who are dying in their droves. This is a shame to our country.

I want to urge the President to declare the hunger and famine that is going on a national disaster. As the Commander in Chief (C in C) of our forcers, I want him to order the deployment of the military and their equipment---

*(The red timer was switched on)*

Madam Temporary Speaker, give me two minutes to finish because I know that the interest is high.

**The Temporary Speaker** (Sen. Nyamunga): Okay, you will have two minutes.

**Sen. Wetangula:** I want him to order the military, their facilities and doctors to go and save Kenyans wherever they are.

Part of the problems of Turkana is borne out of insecurity. The tiff between the Pokots and the Turkanas, the Turkanas and the people in Baringo, the Pokots and the people in Baringo and Samburu is also destabilising the issue of food security. We want to urge the Government to deploy sufficient security. You can imagine people who are running away from marauding bandits without food and water for a week. They will be left with no option other than to sit there and wait for the bandits to come and kill them and take away their possessions. We must rise to the occasion as a country.

Thirdly, we want to urge the Government to do everything humanly possible to avoid the habit of running to donors to beg. We can feed ourselves. We do not need donors to feed the Turkanas when we are told of money being stolen on every mega project. If that money was put to good use, we would be having a different ball game. Look at the Galana Kulalu irrigation project which was said to be a revolution in food production in this country. Kshs7.5 billion was put in the first year and it yielded a harvest of 18 bags of maize. How can you spend Kshs7.5 billion to harvest 18 bags of maize? It is a terrible shame!

I want this House, as the defenders of counties, the county governments, the county interests and the people therein, to stand up together and be counted. This House should tell the Government of the day that it is a shame, an embarrassment, an indictment on it for people to die. It should be told that the pictures that we are seeing in the print media, electronic media and social media are a shame.

I beg to move and thank the House for according me the opportunity to lead the debate on a matter that is shaming all of us.

**The Temporary Speaker** (Sen. Nyamunga): Who is the seconder?

**Sen. Wetangula:** Madam Temporary Speaker, I invite the Senate Majority Leader to second this important Motion.

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Madam Temporary Speaker. I want to congratulate the former Senate Minority Leader, Sen. Wetangula, for moving this very important Adjournment Motion on. The Motion is on an important matter, which is the starvation in our country at the moment occasioned by drought and our poor planning on matters food security.

One of the greatest promises of the Jubilee administration in 2013 was to ensure that Kenya becomes food secure. To achieve that, the Jubilee administration promised that irrigation was going to be the solution. The Jubilee administration went ahead to plan

on how to irrigate farms in Hola, Galana Kulalu, the Wei Wei Irrigation Project and many others. That was meant to shoulder and reduce the cost of food.

I submit that the problem that is in Kenya today is not due to lack of food. It is not that we do not have enough food. If you go to Uasin Gishu, Trans Nzoia, Kitale or Eldoret, you will see lorries queuing to deposit their maize at NCPB depots. The problem is not that this administration has not improved food security in terms of production. It is silly for people to die because we cannot move food from Kitale to Turkana or from Eldoret to Tiaty Constituency, which is across the river, or to the other corner of Samburu. It is crazy that we have institutions that stored the food but we are unable to do the simplest thing which is identification and distribution of the food to the needy.

In fact, I am still asking myself questions regarding the story of billions of money being used for food security in those regions. What kind of money are we to use when we can collect the maize from the store and take it to those who are going to consume it? I can understand when I am told that we perhaps need a few resources here and there to get water to the people but when it comes to existence of food in this country, there is enough food.

One of the objectives of devolution under Article 174 is to ensure that services are taken closer to the people. I saw a Member of County Assembly (MCA) in Tiaty lamenting and talking of burying people who had died. I was asking myself; 'you are the MCA, you come from the smallest unit of administration in the county level, where were you? Why are you coming out now when the pictures are in social media when you should have actually walked to your county office and said that it is time to distribute food to our people?' It is the responsibility of every citizen of this Republic, who has been given responsibility of being a leader, to do the right thing. It is about identifying the office where there is a problem and transporting food to the people who need it.

Secondly, I think that our disaster preparedness is wanting, and a Bill was brought to this House, sponsored by Sen. Mutula Kilonzo Jnr and Sen. Sakaja on how we are dealing with disaster in this nation. We must go back and look at disaster preparedness in terms of awareness and planning because in two weeks' time, the water problem will turn from being a solution to another disaster. We are told that it is likely to rain from 1<sup>st</sup> April. At the moment we are struggling to deliver food to those who need it now. Tomorrow, we will be unable to deal with floods and the havoc that is going to be caused by huge rains.

We know next year at such a time as this, there will also be drought in some parts of the country and if we do not do something, people will die. We need to just deal with the simple things of planning. It does not need rocket science to solve the problems that is in place.

Therefore, I suggest and I have always argued; county governments should not put so much effort in building big infrastructure or big buildings and houses but must do the simple things; identifying the needy people, moving the food from where it is stored to those who are needy using the resources effectively both at the national and county levels.

I suggest, therefore, as a House, this Senate must put in place mechanisms that will ensure that one year down the line, county governments can be held to account when it comes to food security, drought management, and starvation management in the country.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Senator, do you need two more minutes or you are okay?

**Sen. Murkomen:** I am okay, Madam Temporary Speaker. I just beg to second and congratulate Sen. Wetangula for bringing this Motion of adjournment. I believe as a nation, we must raise to the occasion. Thank you.

*(Question proposed)*

**The Temporary Speaker** (Sen. Nyamunga): Honourable Senators, there is a lot of interest on the said matter and in that regard, and also according to the Standing Order No.33, I will give you only five minutes each. If you can make it shorter, the better so that we capture most of the Members who are interested, taking into account that this is a very important issue affecting many parts of the country.

Sen. Mahamud Mohamed, Senator for Mandera, you may proceed.

**Sen. (Eng.) Mahamud:** Madam Temporary Speaker, let me thank Sen. Wetangula for bringing this very important Motion of adjournment. It is very shameful that after fifty years plus of our independence we are still talking of Kenyans dying of hunger. It is also very shameful and disturbing when people in Government come out and say the deaths were not related to hunger in any way yet they are not telling us what they are related to. Why are the people who have been reported dead, why are they dead? What diseases hit them?

The basic need of human beings is food, to eat and have some shelter. A nation that cannot feed its people is not worth being called a nation. This drought has been recurring; it is a phenomenon that is with us year in, year out. It is something which is not just coming out; just out of the blues and nobody is usually preparing for it. We are not able to grow enough food, help our farmers and support them to grow food at least for subsistence so that they can be able to live through the whole year.

We are also not able to plan for the food that we buy so that we can be able to distribute it to various parts of the country in need. We are always caught up with our pants down. Since December last year, the Meteorological Department has been announcing that the county will experience a serious drought. There have been announcements that the rains would be delayed, and here we are now in this problem.

I know the Government is setting aside about Kshs2 billion to buy food. This sometimes also becomes a story because in one of the droughts, which was the severe one before this one, people's animals were slaughtered and the Kenya Meat Commission (KMC) was supposed to pay them and up to now, they have never been paid. I hope what they did yesterday was not just a public relations gimmick so that the people are not supported.

Our county governments, because they are now the first on line, should prepare our people to cope with the weather conditions. Just in the last year, some months or years ago, Turkana was flooded and nobody could pass there. Today, we are talking about death of people. We have also been told that Budalang'i will experience floods in the next few weeks. We are dealing with this disaster of hunger now; we will deal with the floods issue again tomorrow. There is a serious planning problem in as far as planning for disasters is concerned.



We are saying that one of the Big Four Agenda is food security. From the start, I think it is doomed to fail, I do not think we are prepared properly. Unless we have large irrigation programmes, like the Galana-Kulalu Irrigation Scheme in Tana River, we are talking of big projects and we are even unable to do backyard gardens. It is very serious.

This country needs to seriously plan. We are instead politicking a lot; 24/7, we are politicking, we are talking about changing the Constitution, who becomes the President – Kenyans must live first before we do anything else. Kenyans must live. We must allow Kenyans to live and as leaders, work for Kenyans. It is very shameful when the world sees a country like Kenya, which is aspiring to be a middle-income country with about 10 per cent growth, talking about people dying of hunger. It is very serious. I do not know what you tell the rest of the world.

It is becoming almost a habit of Kenyans during drought, where some die of hunger; floods or from national catastrophes. It is time we, as leaders of this country, came up with solutions to this disaster. Unless there are serious plans to mitigate floods, droughts and deal with national disasters, the budget of this country will go to the drain.

Whatever we are talking about, call them anything, call them Agenda Four, we are now very busy talking about the health issue and nobody is talking about the food issue. You cannot be healthy when you do not have food. It is very serious and it is important that we discuss this. This is a disaster and all efforts of the country should be focused towards that end so that Kenyans are saved. Once we sail out of this drought, come the next season, let us plan how to make sure that the same is not repeated any other time.

With those many remarks, I beg to support.

**The Temporary Speaker** (Sen. Nyamunga): The Senator for Turkana, Sen. Imana Malachy Ekal.

**Sen. (Prof.) Ekal:** Thank you, Madam Temporary Speaker, for giving me the chance also to contribute to this important Motion.

I want to emphasise the fact that there is a hunger in Turkana. When you look at the social media, you see a lot of conflicting arguments as to whether people died of hunger or disease or whatever. I want to say there is hunger in Turkana, and people are dying of hunger. Some people have died of hunger, some people may have died of old age or whatever but still there have been people that have died of hunger.

The problem in Turkana did not just fall out of the blue. It did not just fall out of hell or Heaven. There were signs and warnings, and nobody was paying heed. Nobody was doing what it would take to avert that problem. I have mentioned many times in this House that Turkana is under siege from all corners because Turkana borders Ethiopia, South Sudan, Uganda, and other groups within Kenya. Turkana is fighting every time from any of these points that I have just mentioned.

The problem of insecurity is a big contributor to the problem we have today. This issue of insecurity has been pointed out many times to the national Government, whose prerogative is to save and keep its people safe and nobody has paid any attention. We border South Sudan and our cousins in South Sudan – the Toposa – attack us every now and then and drive away our animals. So, people who were left without their livestock obviously starve. Some food has to be found for them because they do not have anything to live on. Our cousins in Uganda also attack us and take our livestock. The same problem starts all over again. Our neighbouring cousins in Kenya, from Baringo and West Pokot, attack us. In fact, for the last week, we have been attacked every day.

Yesterday there was an attack where two people died. Today, as we speak, there are bandits from an adjoining county waiting to strike. Every time, these livestock is driven away because those neighbours are well armed. The people they leave behind, if they are not dead, are left without anything to depend on.

So, insecurity is a big contributor to the problem we have in Turkana County today. Some of those people would not be destitute and hungry had this insecurity problem been fixed. To me, it appears that the Government of Kenya is only interested with the oil deposits in Turkana County, but not in making sure that the people and their livestock are safe. They just take the oil without addressing other issues.

Madam Temporary Speaker, a second problem that came out is locust infestation. I reported this to the county government and national Government. I told them that there were locusts which were consuming every leaf and grass in our county. Animals that these people depend on also feed on grass. It is the grass that make their animals grow fat and provide them with meat when they slaughter them. They get blood and milk from their animals. However, without grass, these animals also starve.

Animals have not been reported as dying, but they are also dying. Many of our animals are emaciated and nothing can be gotten out of them. This is a contributing factor in this hunger situation. It was not fine for me to hear that the plane that should be used to spray locusts is in Ethiopia. Why it in Ethiopia and not Kenya? Does Kenya not have its own planes that they can use to spray locusts?

Madam Temporary Speaker, another factor here is camel disease. There has been a break out of camel disease in Turkana. Camels in Turkana are like red cows, one calving camel can feed a family of seven. However, with this breakout, many people lost their camels. Some of them died while they were about to bring forth calves. Others could not even carry their pregnancy to the end because they were emaciated. Again, this denied the people the possibility to have milk and feed their families; another factor in this hunger situation.

The last point I want to talk about is the dry spell we are experiencing as a country--- Is my time up?

*(Sen. (Prof.) Ekal's microphone went off)*

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senator, you should be winding up. I give you one extra minute because you are the Senator for Turkana County.

**Sen. (Prof.) Ekal:** Thank you, Madam Temporary Speaker.

In winding up, I want to repeat what the other Senators have said. The problem with us is that we do not plan. When we do not plan, we plan to fail. There have never been any contingency plans to solve problems like these when they occur. So, in future, I hope Turkana County will be able to put enough money in disaster management and address the issue of insecurity. If they do so and such problem occur, intervention will be done mediately.

**The Temporary Speaker** (Sen. Nyamunga): Senate Minority Leader, Sen. Orenge.

**The Senate Minority Leader** (Sen. Orenge): Madam Temporary Speaker, I rise to support this Motion of Adjournment and state that the mixed messages from the Government are not confidence building. It is a matter of fact and hearing from the

Governor and the County Government of Turkana that people are dying of famine and hunger there. It is a pity to hear some Cabinet Secretary (CS) saying that it is not from hunger, but it is some strange disease, which is killing people. I thought that for a CS to say that it is a strange disease was totally out of place. The CS should be telling us which disease is killing them instead of making such kind of allegations.

Madam Temporary Speaker, now that the County Government and the Governor has spoken directly on this point. They have said the problems of drought, famine and hunger are there in Turkana County. It is not just in Turkana, there are reports that it extends to nearly 12 counties, basically in the northern and Eastern parts of the country.

Hunger related deaths in a country like Kenya is not permissible. It should not happen at this time and age. I hope measures will be taken to deal with this problem in a manner that would instill confidence, not only in the people of Kenya generally, but such measures should not make people from this area feel excluded because interventions are important and when people are experiencing such tragedies, the Government of the day must be seen to be in control. I heard that, probably, part of the measures that the Government anticipates is building dams. That could be long term or in the next 12 or 15 months. However, in the immediate term, we hope that the people of Turkana will see some interventions that will alleviate the dire conditions that exist in the county.

Madam Temporary Speaker, it is terrible when you know that just next door to Turkana is the granary of Kenya; Trans Nzoia, Uasin Gishu, Kakamega, and Busia. That entire crescent are productive areas where with proper planning and farming, it would be able to compensate the vagaries of weather and drought that exists in Turkana. Just like in Turkana in this modern age and time, we look up to Turkana to make Kenya rich and great again. Through the oil resources, people of Turkana will compensate us by having these natural resources of oil.

People are fighting for this oil. I think this Senate has done its job in ensuring that in the division of resources that emanates from extractive industries, that the local people must get a percentage of those resources. This may be a bank to rely on, so that, in future, Turkana County will have its own resources to feed itself instead of waiting for the national Government.

Madam Temporary Speaker I support and I hope this matter will be resolved as quickly as possible. I thank the Senator for Bungoma County for this.

**The Temporary Speaker** (Sen. Nyamunga): Okay, Senator for West Pokot County, Sen. Poghiso.

**Sen. Poghiso:** Thank you very much, Madam Temporary Speaker. I would like to begin by supporting this Motion of Adjournment and thank the Senator for Bungoma County for moving it, the Senate Majority Leader for seconding and all those who have spoken in support of it.

Madam Temporary Speaker, Article 28 of the Constitution speaks about dignity of every person in Kenya that must be protected. The dignity of the people who live in the counties, who are being showcased as having been helped and supported--- this afternoon you would see people rushing to those places for token distribution of food, for cameras to show that they are having pity on the people who are citizens of this county. The dignity of the people in these counties should be protected. They should not be allowed to run low on food or reach a point where they die.

Madam Temporary Speaker, I want to thank the Senator for Turkana for speaking for both of us. We have a very interesting relationship at the border between us and the Turkana. When one complains of being hit, it means that the others are also being hit. It is a very interesting report. Therefore, when he speaks, he does so for both for us.

Both of us suffer the same fate. Our people have been relegated to a place where it is basically to be sympathized with. Today, people are donating personal food to the people of Turkana, when the nation is endowed. Somebody says: "Let us collect a few bags and take them to the Pokot of West Pokot or Baringo."

Madam Temporary Speaker, the real issue here is: Where is the dignity of these people who are called citizens of Kenya? Is it their own choice to live in those parts geographically? Should we then criminalize living in those harsh areas? I just want to ask that from now henceforth, we should begin to re-think our policy on food security and strategic grain reserves, because we can actually keep food in the stores until it is bad. Some of the food in our National Cereals and Produce Board depots now is full of aflatoxins. So, we cannot even feed anybody with it. Fresh food is failing to get in and bad food cannot get out either - bad policies!

In 1988 when I was much younger, I simply cried that there was hunger and people were dying in West Pokot. The Government forces that time denied the allegations. At that time I was expelled from the only party in the country and lost my seat as a Member of Parliament.

*(Laughter)*

**An. hon. Senator:** Which party was that?

**Sen. Poghiso:** Madam Temporary Speaker, today, many years later, the Government still wants to deny when they hear about people dying because of lack of food. This denial runs in the DNA of the Government. What is wrong with saying: "Yes, we own up. We have let these people down and, therefore, let us do some compensation. Let us go there and flood the place with food." That way, even those who are supposed to be moving out--- For example, you will soon hear that many families have moved into Uganda from West Pokot, thinking that there is more food on the side of the border.

The dignity of our people is what I want to emphasize. It is not the tokenism of saying: "Let us wait until they are about to die, then we rush with food." We fly helicopters over them and then give them token food. In other jurisdictions, if you are the Cabinet Secretary in charge of distribution of food and people die, you resign or step down on your own volition. You do not have to be told. It is how you value your people and what these people mean to you, if they mean something to you.

Madam Temporary Speaker, while I support this, I hope that the Government, at the highest level, will begin to respect the people in these areas, who were placed there by God. If I were the person distributing food, I would know for sure that Turkana will be dry at a time like this next year. The camels and the goats will be dying. The same applies to West Pokot. Planning in these areas is so easy that there should never be a person dying of hunger.

Madam Temporary Speaker, I just want to emphasize that the Motion at this time should not just be a talk shop. It should lead to some action. Thank you.

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

Sen. Malalah.

**Sen. Malalah:** Thank you, Madam Temporary Speaker. I support this Motion by Sen. Wetangula. I support it because it is a sorry state in our country. Seeing people die because of basic needs is an embarrassment to the leadership of this country.

Madam Temporary Speaker, Sen. Wetangula categorically said that Turkana and Baringo counties are the most affected, but I want to believe that we have even more counties which are affected due to this starvation. I have done a research and have realized that more than 3.4 million Kenyans are suffering due to lack of food. The problem of food has extended beyond the borders of Turkana and Baringo. We have 19 counties at the moment, which are grappling with the problem of food insecurity. For example, in Kajiado County we have 130 households and more than 600,000 cattle which are at a risk of starvation.

Madam Temporary Speaker, it feels very bad that in Tiaty in Baringo you find women walking long distances to look for wild berries called *Sorich*, just to get a meal. Those wild berries are poisonous. Once you get the *Sorich*, you cannot consume them directly. You have to boil them along the river banks for the whole day.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, the matter before us is very important. Therefore, let us consult in low tones and pay attention. In addition, in our contributions, it is important to give a way forward. Let us not make it a talk shop.

**Sen. Malalah:** Madam Temporary Speaker, I was just trying to deliberate on the issue of women walking long distances to look for wild berries, which they need to boil for a whole day, just to ensure that the concentrated poison is reduced before they consume them. It is quite a pity that, that is happening in a county in this country, yet we have counties which have plenty of food. When you go to Kakamega County, for example, you will find women with plenty of food trying to sell it.

This then calls for our understanding and clear attention on what the way forward is and where the problem is in the administration of this country. Over the weekends, we see leaders flying in high cost choppers and donating millions and millions of shillings, yet we have people in this country who cannot afford a meal. I want us to relook at ourselves and evaluate our souls. As leaders, are we prioritizing the needs of this country right?

I want to believe that the negligence Turkana and Baringo counties are facing is because of the poor administration and corruption. We have seen people – lords of corruption – claiming that this country has lost only Kshs7 billion. That amount of money can feed the counties for many years. Therefore, we should first start by re-evaluating ourselves and look into issues that will help this country. We should come up with a sustainable way of helping Turkana, because I have seen these cases of Turkana since I was a small boy.

In 2013, I felt so good when I discovered that Turkana County is one of the counties which have got oil; a very precious mineral. I thought that was the time for the people of Turkana to celebrate and end their miseries. Unfortunately, Turkana is still facing the same problems.

The big question is: Given that Turkana County benefits from the equalization fund, how is that money used? In the last financial year, Turkana County got more than

Kshs1.2 billion as equalization fund. We need to look into this matter. I want to challenge the Senator for Turkana to go and drill deep into the usage of the over Kshs1.2---

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

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, if we keep adding one minute every time, and we have so many hon. Members who would want to contribute---

Can you conclude, Senator, and that will be the end of it.

**Sen. Malalah:** In my valedictory remarks, I was emphasizing on the importance of the Senator and the Senate, as House, to go and audit, and ensure that the monies that we release to marginalized counties are used for the right purpose. This will ensure that we do not come here next year and continue lamenting as people lose lives in those counties.

Thank you and may God bless the people of Turkana.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Farhiya.

**Sen. Farhiya:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion. I also wish to thank the Senator for Bungoma, Sen. Wetangula for bringing this Adjournment Motion to discuss a fundamental issue, which is also a fundamental right according to our Constitution.

According to Article 43(1) (c) of the Constitution, Economic and Social Rights, every person has the right to be free from hunger and to have adequate food of acceptable quality.

The same Article 43(1) (d) further says; "to clean and safe water in adequate quantities". For most of the Arid and Semi-Arid areas (ASAL), even when there is no drought, there is no enough water in those counties. We are in breach of the constitutional rights of Kenyans.

From 2008 to 2012, there was a lot of investment in this country regarding early warning systems. Those early warning systems work. What is lacking is goodwill because like this drought was already pre-determined that it was going to be there as early as October. Given that is the case, why are we allowing Kenyans to die of hunger? For me it is an indictment not only to the national Government but also to the county government. For how long are we going to respond late to issues that we are aware of and, in the process, lose people's lives? Is it that we do not value lives?

Madam Temporary Speaker, according to an assessment done by NDMA this month, it has been reported that by this month there are already 865,300 Kenyans that are food insecure. If these long rains fail, another 1.1 million Kenyans will be food insecure. Those that will be food insecure by August, including in my own county of Wajir--- I hope my Governor is listening and I hope there will be plans in place even if the national Government does not do anything about it. By the end of August, there will be almost 2 million Kenyans that will be food insecure. Therefore, I think we should be preparing for those ones and not wait until people die then we start acting.

Part of the reason why I think that we are food insecure in this country, not once but every other time, is due to corruption. Like I said before, we already have early warning systems that work. It is not that they do not work, they work but because of corruption we do not have enough dams. It is true that during a similar time last year,

there was flooding everywhere. Garissa is food insecure right now but in the same Garissa, there was flooding; River Tana burst its banks around this time last year. So, there was plenty of water. If there was enough money set aside to harvest that water that was getting wasted, then, today we will not be---

**The Temporary Speaker** (Sen. Nyamunga): Sen. Farhiya, kindly wind up.

**Sen. Farhiya:** Okay, Madam Temporary Speaker. The President of this country said that if we do not act on issues of corruption, the----

**The Temporary Speaker** (Sen. Nyamunga): Sen. Madzayo.

**Sen. Madzayo:** Shukrani Bi. Spika wa Muda. Ni jambo la aibu sana kwa nchi yetu ya Kenya na Serikali ya Kenya, kwamba, leo Mkenya anaweza kufa kwa sababu ya baa la njaa. Taifa la Israeli linaweza kuenda mahali popote katika ulimwengu kuona ya kwamba, yule mwananchi wa Israeli ambaye anapata shida ya aina yeyote, mojawapo ikiwa ni chakula - na wao wanaishi katika jangwa huko Israeli - hakuna anayepoteza maisha. Ilhali sisi udongo wetu ni udongo ambao unaweza kuleta chakula na tukapata chakula kingi na hatuoni ni kwa sababu gani, ndani ya nchi yetu ya Kenya, kwamba Mkenya anaweza kupoteza maisha yake kule Turkana.

Bi Naibu Spika wa Muda, hatuulizi ya kwamba sisi kama wakenya, hatubahatishi, ama hatuwezi kusema ya kwamba tuna bahati ya kuishi Kenya ama tunaomba tuishi Kenya, ili tufe. Hao hao mabwanyenye ambao wanafanya mambo ya ufisadi, ndio hao hao, hivi sasa wenye mabloki ya mafuta uko; sijui yanaitwa Ngamia *block*, wamerurumana huko wanachukua Ngamia ili wachukue mafuta ya waturkana.

Turkana ina maji, mafuta na wakaazi wake, lakini leo utapata ya kwamba waturkana ni kama ambao sio Wakenya. Wanakufa na mafuta yao na maji yao. Ni kwa nini Serikali haiwezi kuchukua hatua mara moja kuona ya kwamba yale maji yaliyo chini ya ardhi ya Turkana yameweza kuchimbuliwa yakapatikana na watu wa Turkana wakaishi wakiwa na maji mengi hata zaidi kusaidia pande zingine za Kenya. Ama vile vile pia, kuweza kupata mafuta ya kuweza kujikimu kimaisha na kuendeleza maisha yao.

Bi Naibu Spika wa Muda, tunataka Rais, Mheshimiwa Uhuru Kenyatta atangaze hii njaa kama hatari kubwa ndani ya taifa letu la Kenya. Ya kwamba, watu waache kufanya kazi zote sasa. Ninakubaliana na ndugu yangu, mkubwa wangu mwanasheria maarufu sana katika Kenya, Sen. Wetangula, ya kwamba, sasa Serikali na hata serikali zetu za mashinani katika ugatuzi, ziwache kufanya kazi zozote hivi sasa na kuangalia hili janga la njaa. Kule Kilifi tuna shida kama hiyo pia. Na wao pia waache kufanya kazi zingine sasa ili waangalie baa la njaa ambalo liko ndani ya maeneo Bunge ya Ganze na Magarini na maeneo yote ambayo yamepatikana na baa la njaa, ikiwemo mojawapo katika Kenya, kule Turkana na hata Baringo.

Ni aibu kuona mahali ambapo paliongozwa na Mheshimiwa Rais mstaafu wa Kenya, Mheshimiwa Daniel Arap Moi, leo watu wake wanakufa njaa na Serikali ya Kenya ikiwa inatawaliwa hapa haiwezi kufanya chochote kuona ya kwamba yule Mkalenjini anayeishi kule ndani ya Baringo hawezi kuboreshwa katika maisha yake kwa kupata chakula. Aibu kama hii inaonyesha kwamba hii Kenya tuna kasoro ambayo inaletwa na wale ambao ni wezi ndani ya Serikali.

**The Temporary Speaker** (Sen. Nyamunga): What is the point of order Sen. Cherargei?

**Sen. Cherargei:** Hoja ya nidhamu, Mheshimiwa Bi. Spika wa Muda. Ndugu yangu Sen. Madzayo amesema ya kwamba Serikali haijaanza kushughulikia haya makali

ya njaa, ilhali Serikali jana, kupitia Naibu wa Rais, ilitoa mikakati ya kushughulikia kupunguza makali ya njaa. Itakukwa ni kweli kwa Sen. Madzayo kusema kuwa Serikali haifanyi jambo lolote?

**Sen. Madzayo:** Sawa nimekubali kukosolewa hapo.

**The Temporary Speaker** (Sen. Nyamunga): You can choose to respond or continue.

**Sen. Madzayo:** Bi Spika wa Muda, ni sawa makamu wa Rais ikiwa anafanya jambo kama hilo, ninampa kongole kwa kufanya hivyo, lakini hiyo imekuja muda baada ya watu wameshapata hasara ya maisha na wengine wamekufa. Angechukua hiyo hatua hapo awali kuweza kutekeleza wajibu wa kuona ya kwamba maisha ya Mkenya hayatapotea.

Vile vile, ninataka kusema ya kwamba, huu ukorofi wa mambo ya Galana Kulalu; tuliua Galana Kulalu ambapo sisi tuliweza kuweka pesa nyingi ndani yake kuona ya kwamba kila Mkenya---

**The Temporary Speaker** (Sen. Nyamunga): Sen. Madzayo, you will just have to sit.

**Sen. Malalah:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Malalah, what is your point of order?

**Sen. Malalah:** Bi. Spika wa Muda, ulipeana mwelekeo kwamba kila kiongozi atapewa dakika tano. Kwa hivyo, sio vizuri Sen. Madzayo kupata hoja ya nidhamu ambayo inachukua dakika zake mbili au tatu. Kama Naibu Kiongozi wa Waliowachache, naomba umpe Sen. Madzayo muda mrefu kidogo kwa sababu Sen. Cherargei---

**The Temporary Speaker** (Sen. Nyamunga): Senator, your point is noted.

Sen. Madzayo, you have only one minute left.

**Sen. Madzayo:** Asante ndugu yangu Sen. Malalah kwa kuwa wakili wangu. Umenisaidia sana. Wafisadi walioshiliki katika mradi wa Galana-Kulanu ndio wamefanya Kilifi Kaunti iwe na njaa. Hao ndio wamepeleka ufisadi katika Kaunti za Turkana na Baringo na hatimaye watu wamepoteza maisha. Kwa hivyo, mimi namuunga mkono ndugu yangu, Sen. Wetangula, kwa kuleta taarifa kama hii Bungeni. Namshukuru sana.

**Sen. Ochillo-Ayacko:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): What is your point of order, Sen. Ochillo-Ayacko?

**Sen. Ochillo-Ayacko:** Madam Temporary Speaker, he had to consume time unnecessarily. However, did you hear Sen. Madzayo talk about corrupt people who have brought trouble? Would I be in order to ask him to name those persons?

**The Temporary Speaker** (Sen. Nyamunga): He has already left the Floor. Next time, try to be a little bit more proactive.

Sen. Ndwiga, the Chairperson of Committee on Agriculture, Livestock and Fisheries, tell Kenyans why there is hunger.

**Sen. Ndwiga:** Thank you, Madam Temporary Speaker. I also wish to thank my brother, Sen. Wetangula, for bringing this Motion to the Floor of this House.

Madam Temporary Speaker, as the Chairperson of the Committee on Agriculture, Livestock and Fisheries, we have interrogated systems and we have data and evidence that this country has abundant food and is food secure. The problem that we have is what



was analyzed by my brother, Sen. Wetangula. We have a lot of food in some sectors of this country and none in others. In fact, as we prosecute people for corruption, we should also prosecute those who have failed in their duties of distributing available food to Kenyans who have no food.

Madam Temporary Speaker, as you have heard from previous speakers, this country has a lot of maize in Trans Nzoia and other places. For example, in Mwea, we had a bumper rice harvest. I saw a picture of a woman eating something that looked like a stone whereas in Mwea we had a bumper harvest. We are expecting another bumper harvest next month but there is no market. We visited farmers as a Committee and their problem is market for their produce while in other places, Kenyans are dying of hunger.

Madam Temporary Speaker, people who are taken to court for corruption related cases have committed lesser crimes. Those who do not distribute food to Kenyans, yet, we have got adequate resources are committing a greater crime.

Madam Temporary Speaker, the essence of devolution was to take services closer to the people. I would wish that the governors of Turkana and Baringo counties would tell this country what they have done with our money. Every time we have a disaster such as this, we find it very easy to accuse the national Government. How is it that Turkana alone has receives Kshs12 billion every year from the national Government, an additional Kshs1 billion Equalization Fund and another Kshs600 million from the National Government Constituency Development Fund (NG-CDF) allocated to the Members of the National Assembly and then one tells us that fellows are dying there? All these people should be in Kamiti Maximum Security Prison by now.

**An hon. Senator:** Exactly!

**Sen. Ndwiga:** It is easy to come out here and say that the national Government should do this and that. If, today, you visited Chwele Market - and I love it - there are women with sweet potatoes all over. They are in the neighbourhood of the places we are talking about. What does it take for these governors to set aside Kshs2 billion to go and get food from the neighbourhood and feed their people? They do not even need to go to Mwea.

Madam Temporary Speaker, I think it is time, as a nation, we learnt to put the blame where it lies. We know that and it was enumerated properly here that we have storage facilities---

*(The amber light went off)*

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senator, you should be winding up. Time is not on our side.

**Sen. Ndwiga:** Madam Temporary Speaker, please, give me two minutes because I am the Chairperson of the Senate Committee on Agriculture and this is an agricultural issue. I thank you.

Madam Temporary Speaker, we have adequate food to feed all Kenyans but the problem we have is that we have no strategy for food distribution.

This House discussed the Food Security Bill where one of the issues---

*(Sen. Ndwiga's Microphone went off)*

**The Temporary Speaker** (Sen. Nyamunga): Proceed, Sen. (Rev.) Waqo. Senator, just before you commence, I would like to reduce the minutes from five to three because we have a lot of interest. We also need to be fair to all our Members.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker. I congratulate Sen. Wetangula for bringing this matter that affects each one of us and is of great importance to us.

I stand as one of the persons who come from one of the counties that are affected. This being the second or third time that we are discussing the drought situation in Kenya, I feel that national Government and leaders like us, are not doing proper planning for our citizens.

During campaigns, all politicians use a lot of money to go to the people and beg for their votes. Without anybody requesting for your money, you go and distribute a lot of it to people. That time, the votes that Kenyans hold are quite important. However, today, it is quite clear that the life of Kenyans is no longer important to us. Many people are trying to save money for 2022. Unfortunately, some of the voters that you are counting on will not be there if we cannot save their lives today.

Madam Temporary Speaker, it is unfortunate that we are discussing billions of shillings. We are inviting investors from all over the world and they have never known what it means to be hungry or sleep without food. We are inviting them to come and invest in our country when – like last night – we saw expectant mothers who have no food and cannot feed their children, talking of their experience and the suffering they are going through.

We, as a nation, have failed. We are talking about the Big Four agenda, especially the housing project. It is unfortunate that in this country today, we have people who cannot feed, clothe or shelter themselves.

I was prepared to talk on so many areas. However, as I conclude, remember the children in Turkana County and other parts of Kenya that are suffering from hunger, will sit for their national examination as the other children in this country. What are we doing for them? Our President needs to stand up and declare this hunger as a national disaster.

I appeal to Non-Governmental Organisations (NGOs) on the ground to do something and under emergency, give food to people. Red Cross, appeal to Kenyans to *oko* Kenya. I am sure that the Kshs.50 or Kshs1 that people will contribute will---

**Sen. (Prof.) Onger:** Thank you, Madam Temporary Speaker. I thank Sen. Wetangula for this Motion.

Let me make it abundantly clear that people are, indeed, dying of hunger in Turkana County. Looking at their physical features and skin tenacity, as a doctor, I will tell you they have suffered from extreme malnutrition as a result of lack of food. We had on the table, early warning signs as early as October. The international community came in and gave those early warning signs. We have the Big Four Agenda under which one of them is food security. That is an equal alarm system which has been set.

What I do not understand is a very sad story when you listen to the victims of this malnutrition in Turkana County telling their story, you feel like crying. It is unacceptable. When this early warning signs came in and people made numerous trips to Turkana County for various functions, they have not been able to even look around to see what is happening. Turkana County must be called to account why they have not utilised the equalisation fund, if for anything else, at least to make noise that we have an attendant

problem which is likely to strike on our people; to give the national Government an understanding that this is an emergency that must be dealt with.

Madam Temporary Speaker, yesterday, there was a statement from the Government. However, it was cosmetic. You cannot just say that the food security is enough when people are already dying. What I expected to see is action. We have it on record that the water aquifers in Turkana County surpasses any other water levels in Kenya. Lake Turkana is the largest water body in that county. Why can the Government not move with speed to provide water? Sink boreholes right now and provide immediate water for those who can survive while also supplementing the populations with food that is lying idle in the stores?

One of the final functions of our national Government is food production, storage and distribution. They have failed in the food production, storage and distribution. They should wake up and save Kenyans from this catastrophe.

**The Temporary Speaker** (Sen. Nyamunga): Let us listen to Sen. Kinyua who is the Chair of the Standing Committee on Devolution and Intergovernmental Relations.

*(There was a technical hitch)*

You can move to the Dispatch Box.

*(Sen. Kinyua moved to the Dispatch Box)*

**Sen. Kinyua:** Asante, Bi. Spika wa Muda, kwa kunipa fursa hii. Kwanza kabisa, hili ni jambo la kuvunja moyo kwa sababu katika nchi yetu ya Kenya, kama vile Mwenyekiti wa Kamati ya Ukulima, Mifugo na Samaki alivyonena, kuna sehemu zinazoendeleza ukulima na wakulima hupata mavuno tele.

Ni kweli kwamba kuna shida katika maeneo ya Turkana na Baringo na ni aibu kuona watu wakifa kulingana na picha kunazotumiwa. Sen. (Prof.) Ongeru atakueleza kwamba kabla mtu hajafa kwa kukosa chakula, mafuta ya mwili huwa yanatumika. Baada ya mafuta kutumika huwa ni nyama na hatimaye mifupa. Baada ya mifupa kutumika akili hutumika ndio maana unamwona mtu ni kama amepagawa.

Sasa hivi ukimwuliza gavana yeyote kutoka maeneo yaliyoathirika, atakwambia anatafutia watu wake chakula. Hili ni jambo la kuvunja moyo kwa sababu tulidhania kuwa ugatuzi utafanikisha watu kuwa na chakula. Sasa hivi, kila mtu ananyooshea Serikali ya kitaifa kidole.

Inafaa magavana na hata maseneta waelezee watu wanachofanya. Najua kuwa hata Laikipia kuna shida kwa sababu nimekuwa nikiambiwa. Mimi mwenyewe nina jukumu la kufuatilia jinsi Gavana anatumia hela zinazofaa kutumiwa wakati wa dharura. Hata hivyo, Serikali ya kitaifa ina jukumu kwa sababu mwaka jana kuna taasisi za Serikali zilizotutahadharisha kutokana na hali ya hatari. Tuliambiwa kuwa kutakuwa na athari za ukame lakini Serikali haikufanya chochote.

Mimi kama Mwenyekiti wa Kamati ya Ugatuzi na Mahusiano ya Kiserikali, nafaa kumwita Waziri anayehusika kwa sababu tumemwona akijihusisha na ugavi wa chakula. Anafaa kuja hapa ili atuelezee kinaga ubaga nini amefanya kwa sababu watu wanaendelea kudhoofika na kusunoneka kutokana na ukosefu wa chakula licha ya kwamba kuna sehemu zingine za Kenya ambapo watu wana chakula lakini Serikali

hainunui. Maana ya serikali katika nchi ni kuhakikisha kuwa watu wake wanapata lishe na usalama. Ikiwa Serikali imeshindwa, iwe Serikali ya kitaifa au serikali za magatuzi, inafaa tujue kuwa serikali fulani imeshindwa na kazi yake.

Kule kwetu Laikipia, kuna athari za janga hili lakini sisi tuko ngangari. Hata hivyo, kila mtu anapaswa kujitolea. Ikiwa serikali imeshindwa, basi tunafaa kuambiwa ili tufanye kama ilivyofanywa wakati fulani wakenya walipojitolea kuwapa msaada wenzao. Mpango huo ulijulikana kama *Kenyans for Kenya*.

**Sen. Halake:** Madam Temporary Speaker, I would also like to congratulate Sen. Wetangula for bringing this matter to the Senate. For me, this is not a food or drought crisis but a leadership crisis. In fact, I think the leadership crisis borders on crimes against humanity.

If you look at the definition of a crime against humanity, it constitutes torture, murder, death as a result of persecution through political, racial, religious or ethnic grounds, or institutionalised discrimination and arbitrary and forcible transfer of populations. We, as the leadership, have failed our country and our country men. That is what has made them to be in all these categories. This Motion of Adjournment should be called what it is, which is, a leadership crisis that is bordering on crimes against humanity.

I want to congratulate this House for passing the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 27 of 2018). This Bill will provide certain parameters and mechanisms for implementation of Articles 43, 53 and many other Articles of our Constitution that talk about human rights. It also looks into ways in which the county and national governments will make sure that the dignity of our people is ensured through a framework whose performance can be checked.

In February, 2017, drought emergency was declared in this country. Cabinet secretaries told us that Kshs28 billion had been allocated and that the African Development Bank and the national Government were going to implement certain things. They talked of drilling boreholes, water storage facilities and grand water mapping but we do not have the reports. None of us, including those of us in this Senate, has ever asked about all these things. Not a single person has ever been asked about the Kshs28 billion.

We were in Kirinyaga County and each governor stood up and talked of a rosy devolution just for people to be dying two weeks later. How? We were treated to a movie where counties looked like---

*(The red timer was switched on)*

**The Temporary Speaker** (Sen. Nyamunga): You will have one extra minute.

**Sen. Halake:** Thank you, Madam Temporary Speaker. Forget the amount of money that was used during the conference. Every county presented a rosy picture and nobody said that they have issues with water or food. Children are out of school and we are talking of 100 per cent transition. In pastoral areas in Northern Kenya, people are not going to school. Forget the 100 per cent transition, there is zero transition there. Who will go to school when they do not have food? We were told of the Kenya Livestock

Insurance Program (KLIP). What happened to that? These are counties that are dependent on livestock.

The list is long but for lack of time, I will say that we should be discussing a leadership crisis that is bordering on crimes against humanity. People are talking of President Moi yet he is the only person who built working dams such as Ndakaini dam. Where are the dams that have been constructed now? They are just on paper and in air.

**Sen. Ochillo-Ayacko:** Thank you, Madam Temporary Speaker, for giving me an opportunity to make my contributions.

Let us call what is going on the name that it deserves. I believe that this is criminal negligence against the people of Turkana and Baringo. My understanding of criminal negligence is a situation where a person who owes the duty of care, a person who has responsibility fails to act or initiate that responsibility. What I envisage at the end of this Motion of Adjournment is that immediate investigation be commenced against the governors of Turkana and Baringo counties and all the governors who were given money to take care of the welfare of the people of the counties where they reside but failed to do so.

Governors are given sufficient resources to know that such disasters are looming. They are given adequate mandate and responsibility to sound that alarm. In my view, we are yet to hear any alarm from the Governor of Turkana or from the Governor of Baringo. We are also yet to hear from the representatives of the National Government, that is the County Commissioners of these counties raising alarm that people are on the verge of death in Turkana.

In fact, the alarm that we are getting is from social media. We are supposed to, if we were to be magnanimous, to reward those who raised these issues in the social media. The people we have given money and responsibility to deal with these issues have neglected their people, and we as a Senate are now discussing this matter. It is my humble suggestion that these people should be investigated immediately and, in my view, there is sufficient evidence because deaths have occurred; that they should be apprehended and dealt with.

Madam Temporary Speaker, in conclusion, there is an interesting book, that all of us should read. It is called *So Many Hungers*. It is indicated in that book that the worst hunger that people should feel the pangs for, is the hunger for food. These people have so many hungers but the hunger for food is the most painful hunger because it attacks our basic instincts.

I want to thank the Senator who moved this Motion and plead that we have these people arrested and prosecuted immediately.

Thank you.

**Sen. (Eng.) Hargura:** Thank you, Madam Temporary Speaker, I would like to thank Sen. Wetangula for bringing up this issue. I would like to join my colleagues who said that this is actually not a hunger issue but a moral issue. We know very well we are in times of climate change where we have to actually monitor our climate seriously; that is why we have the National Drought Management Authority (NDMA) doing that.

I know at the counties they have county steering groups where NDMA gives these briefs. So nobody can say they woke up one day and found there was hunger. As it has been said, since October last year we have been having these briefs and there is no way one can say this thing was not forecasted.

Madam Temporary Deputy Speaker, I would also like to concentrate on the county government. When we voted for devolution, we expected that funds would go closer to the people and people would elect their own Governors who would take care of their situation. There is nothing more important than life.

We have been sitting here for the last six years and a County like Turkana has received Kshs60.7 billion in the last six years. So you ask yourself, what has this money done? We have been saying that maybe the next drought will not occur in Turkana; unfortunately, it is the case. So what has the Governor of Turkana been doing? This is a moral issue and we need to take it that way. I would like to support Sen. Ochilo-Ayacko who said that these people should be arrested because they have to explain what they did with this money for their people to be facing hunger and drought. We have to know from them.

Madam Temporary Speaker, as it is right now, emergencies is a shared function. It is both a county government and National Government function. County governments have their money. I expect the Governors from these 13 or so counties now to be doing supplementary budgets, transferring the money from development to emergency. What are you developing when your people are dying? This is what we are going through and the Governors need to wake up.

In arid areas like Marsabit now we have other developing situations where the pastoralists are fighting over water and pasture. I would like to urge the people of Marsabit especially around Saku to stop what they are doing. People are killing each other because of a water pan, because of pasture. They have to sit down and talk to each other and see how they can share resources. I would like to urge the leaders to make sure they do not inflame that situation and we have to see how we can use the resources we have.

Madam Temporary Speaker, the National Government also needs to plan, because they are the ones who are notorious for borrowing large sums of money saying they are doing emergency and at the end of the day we have nothing. We should now have plans on how we will provide food and water to our people. At and at the end of the day, we need to have long term plans. We should have major dams in all these areas for harvesting water for domestic use and also for livestock.

**Sen. Olekina:** Thank you Madam Temporary Speaker. Do we really give a hoot in hell in this country? No, we do not. We do not care and nature also does not care because every year, we are here talking about the drought and floods. It is about time that this Senate, when we are experiencing these big challenges, tried to make a step ahead.

Madam Temporary Speaker, every year, the Government is unprepared to deal with issues of drought. It shocks me, because just in January this year, the National Disaster Management Authority (NDMA) alerted the nation, that there are 23 counties which are facing drought. At the same time, they asked the Government to set aside Kshs34 billion to be able to deal with this crisis. I have heard my colleague talking a lot about the issue of the equalization fund. That fund is clearly spelt out on what it can be used for, not food. So, when we say that we should carry out a supplementary budget to be able to move money from development into the issues of food scarcity; that is really just a knee-jerk reaction.

Madam Temporary Speaker, what is happening in this country and that is what I saw the Deputy President doing yesterday, is that every time we face a crisis, as a country

we have selective amnesia. We suffer from that, all of us. We are so gullible to a point that every single year, we come back here and talk about the challenges of drought and corruption. It is about time that if we are indeed a serious lot as a country, we need to be our brother's keeper. There is really no reason as to why Mr. Silas Kibiwott in Kitale should have 50,000 bags of maize in his store which he cannot sell, yet our brothers and sisters are dying in Turkana and Baringo.

I am happy that today, out of all those counties which were highlighted as having serious crisis in drought, I saw the Senators for West Pokot, Turkana, Wajir, Kilifi, Marsabit counties, and the nominated Senator for Isiolo were present in this House. It is time that we move.

Madam Temporary Speaker, asking the Kenya Red Cross Society or Kenyans to continue donating ---

**The Temporary Speaker** (Sen. Nyamunga): Your time is up.

**Sen. Olekina:** Thank you, Madam Temporary Speaker.

**Sen. Kibiru:** Thank you Madam Temporary Speaker. Mine is short. I just want to make conclusions of the debate that has been going on in support of this Motion.

We have culprits. We have the *Nyumba Kumi* Initiative, Assistant Chief, Chief, District Officer, all the way to the County Commissioner. In the other line, we have the Governor all the way to the Members of the County Assembly (MCAs). It is high time this House recommended that a process to impeach the Governor starts, because we do not understand, why he should wait until this reached this point. Two, the National Government needs to sack and surcharge these other officers for criminal activities.

Madam Temporary Speaker, we keep on talking about terrorism. If there is any other definition of terrorism, it is causing people to die of hunger, when the Chairman here confirms that we have more than enough food in this Country. So, my recommendation to this House would be that we make these people pay for their sins and irresponsibility.

With those few remarks Madam Temporary Speaker, I support the Motion.

**Sen. Faki:** Asante Bi. Spika wa Muda kwa kunipa fursa hii kuchangia Hoja ya Seneta wa Kaunti ya Bungoma, Sen. Wetangula.

Bi. Spika wa Muda ningependa kutilia mkazo kwa yale yote yaliyozungumziwa hapa. Hakuna linguine ambalo linaloweza kuongezewa bora kuliko kusema kwamba, ni lazima sasa hatua za kinidhamu zichukuliwe. Haya yaliyotendeka yote, watu kufa kwa njaa na kuishi katika hali ya uchochole katika sehemu nyingi kama Baringo, Kilifi, Tana River, Kwale na Kinango; kuna uchochole kama huu unaoendelea katika eneo la Turkana. Kwa hivyo sasa inapaswa hatua za kinidhamu zichukuliwe, watu washtakiwe na wachukuliwe hatua wafungwe, ili iwe ni funzo kwa watu wengine watakaokuja baadaye.

Bi. Spika wa Muda hakuna haja kuwa na Serikali ambayo in Katiba inayosema kwamba watu wana haki ya kupata chakula ama kuishi bila njaa, wakati watu wanakufa na njaa katika karne ya ishirini na moja. Miaka hamsini na tano ya Uhuru imekuwa kama ni mchezo sasa.

Kwa hivyo, licha ya Serikali kupeleka chakula sasa, ni lazima wale wanaohusika -

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**ADJOURNMENT**

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, it is now 6:30 p.m. time to interrupt the business of the House. The Senate, therefore, stands adjourned until tomorrow Wednesday, 20<sup>th</sup> March 2019 at 2:30 p.m.

Senate rose at 6:30 p.m.