

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 1st August, 2019

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

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

PRAYER

PETITION

ENACTMENT OF MILITARY VETERAN LAW

Sen. Khaniri: Mr. Speaker, Sir, this is a Petition on the enactment of a military veteran law to address the needs of military veterans and their dependants.

“We, the undersigned citizens of the Republic of Kenya from different parts of the country and abroad, and the True North Society draw the attention of the Senate to the following -

1. THAT, currently, there is no law which compels the Government of Kenya to care for military veterans especially, those who suffered from past occupational illness resulting from official military duties.
2. THAT, as a result of the neglect, many retired service men and women are living miserable lives together with their families with most dying prematurely.
3. THAT, currently, Military veterans and their families suffer from post-traumatic stress disorder (PSTD), suicide, homicide, incapacitation, loneliness, poverty, broken marriages and relationships.
4. THAT, to the best of our knowledge, there is no national body tasked with the care and management of military veterans.
5. THAT, the Defence Forces Medical Insurance Scheme does not cover mental health care as per Trust Deed. The majority of military veterans coming out of the war which begun in 2011 do not qualify for pension because they have not served for more than a decade as dictated by the Kenya Defence Forces Act. The gratuity paid out is not sustainable. Upon dismissal, majority do not have medical boards carried out thus cannot claim disability rights.
6. THAT, upon dismissal, there is no avenue to address complaints and grievances such as the absence of the medical board being conducted,

delay in payment of gratuity and pension, inability to afford and access mental health care for self and family and difficulty in transitioning and reintegration into the society. Widows and their children cannot afford legal fees to pursue their entitlements as beneficiaries in cases of rejection by the soldiers' family of origin.

7. THAT, those military veterans dismissed on grounds of mental health illness are locked out of employment opportunities thus lack the ability to support themselves and their families. Consequently, some are turning to violent crime.
8. THAT, we confirm efforts were first made to address these issues through the Military Veterans Bill, 2013.
9. THAT, the Bill sought to recognize military veterans' sacrifices, eliminate disparities in their post-service benefits and compensation packages and provide an avenue for addressing their complaints and concerns.
10. THAT, the Kenyan leadership and people are aware of the immense sacrifices and injuries faced by the Kenya soldiers in their quest to secure Kenya's territorial integrity.
11. THAT, the issues raised in this petition concern human rights, labour relations, pensions and post-service life and not directly the Department of Defence.
12. THAT, we hereby confirm the issues raised with respect of this petition are not pending before any court of law, constitutional or legal body.

HEREFORE, your humble petitioners pray-

- (i) That the honourable Parliament enacts a military veteran law which will offer protection and care to military veterans who have sacrificed and served our motherland diligently.
- (ii) That the Government ensures the rights and special needs of military veterans are guaranteed and respected to ensure that they live dignified lives as envisioned by the Bill of Rights in the Constitution of Kenya 2010 and the Universal Declaration of Human Rights, 1948.
- (iii) That military veterans are paid back for their service by ensuring war wounds do not limit their life experiences, reduce their life expectancy.
- (iv) That the Government develops a mechanism to progressively adapt mental health care programmes to the needs of military veterans and their families.

Mr. Speaker, Sir, this Petition is dated 26th July, 2019 and signed by six petitioners led by Maj. (Rtd.) Mukuria, Ms. Rosemary Otieno, Ms. Chalsea Mugambi, Ms. Nancy Wanjugu Kamau, Mr. Joseph Gitumbe and Ms. Mary Kittakah.

I thank you.

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

Sen. (Dr.) Ali: Mr. Speaker, Sir, I beg to support Sen. Khaniri's Petition. Kenyan soldiers work hard yet do not have enough. Kenyan soldiers suffer when they are sent to secure our borders. Many of the soldiers are away from their families in the barracks and

mobile centres all over the country for long periods. The soldiers encounter a lot of problems while out in the battle field. When any of them gets injured, they are dismissed and end up suffering so much.

What surprises me is that the soldiers serve nine-year contracts which have to be renewed. How do they get pension or gratuity if they have to renew contracts every nine years to continue serving in the military? The soldiers end up getting peanuts.

Mr. Speaker, Sir, I support the Petition and request the Committee responsible to make sure that a Bill is brought to the House to address the plight of the veterans. I hope that the terms can be reviewed to allow the soldiers serve in the military for several years until they retire, so that they get enough pension to benefit their children. It is unfair to let our soldiers suffer when we can support them.

Sen. Wambua: Mr. Speaker, Sir, I beg to support Sen. Khaniri's Petition.

I would like to begin by making a full disclosure on my interest in this matter. I am a child of a military officer. My father served in the Army. I, therefore, support the fact that this country needs to establish a law that takes care of the retired military officers and their families.

The trauma that is associated with service in the military is enormous. I recall that in 1982, during the attempted coup, there was so much gunfire around the barracks. As a result, there were many deaths and bloodshed. After that, things went back to business as usual. There has not been any follow-up on compensation for the losses. Many military officers were dismissed and their families have continued to suffer.

Mr. Speaker, Sir, as we push forward for the establishment of a law to protect the military veterans and their families, the drafters of the law may want to look at Article 56 of the Constitution on the protection of minorities and marginalized groups. One of the biggest problems in this country is that when you talk about minorities and marginalized groups, our focus is on tribes. However, the military community is a group of people who have paid the ultimate price to secure our freedom and independence.

We hope that the Committee that will be seized with this matter will fast-track the idea of the establishment of this law because these veterans are to be found in every corner of this country, and not just a particular county or section of the country.

Thank you, Mr. Speaker, Sir.

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Speaker, Sir. I congratulate Sen. Khaniri for bringing this Petition on behalf of the petitioners.

Mr. Speaker, Sir, I think it is only in Kenya where veterans are not a serious issue. All over the world, particularly in developed countries, the agenda of veterans and retired policemen, army – and all kinds of armed forces who have served their country – is a big agenda. If you look at the American elections, there is no election that has taken place without a discussion about the welfare of veterans. This is because these are people who give service to their country, they are paid very little and go through a lot of suffering thereafter. This is so because some are disabled, some suffer mental illness and depression, and there is no psychosocial support. When they get depressed, they are just released to go.

Mr. Speaker, Sir, veterans and veteran movements in Kenya need the attention of this House and Parliament. Sen. Olekina, who has lived in the United States of America (USA), will tell you that you cannot win any seat without putting on the table your

position on matters of veterans. However here, we handle our retired armed forces soldiers very casually.

Therefore, Mr. Speaker, Sir, the Committee that will look at this Petition must not just come back with directions as to what they think about the welfare of veterans. I dare say that this Committee must---

(Loud consultations)

Mr. Speaker, Sir, protect me from the tycoon of Kirinyaga, because he is consulting too loudly.

Mr. Speaker, Sir, I was trying to say that we do not want the Committee to come back with only proposals on how to handle matters of veterans. The Senate should take the lead in drafting a law on veterans that will provide ways and mechanisms---

The Speaker (Hon. Lusaka): Sen. Ochillo-Ayacko, what is your intervention?

Sen. Ochillo-Ayacko: On a point of order, Mr. Speaker, Sir. I love listening to the Senate Majority Leader; he is a very eloquent person. He has said that in his House, where we are seated, there is a tycoon from Kirinyaga. Would I be in order to ask my able Majority Leader to clarify that point, because it will go on HANSARD that there is a tycoon, who is making unexpected sounds in this House?

The Speaker (Hon. Lusaka): Sen. Ochillo-Ayacko, what is your point of order, because being a tycoon is not a crime?

(Laughter)

In fact, we all look forward to being tycoons. Is it that a point of order?

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, my point of order is that the Senate Majority Leader is a very serious debater, such that every issue that he raises to the Chair, we are enjoined to follow. Therefore, I wanted him to let the House know, so that if such a tycoon is around, we might be called upon to throw him out or ask the Serjeant-at-Arms to throw the tycoon out.

The Speaker (Hon. Lusaka): Proceed, Sen. (Eng.) Maina.

The Senate Majority Leader (Sen. Murkomen): That is the tycoon himself, Mr. Speaker, Sir.

(Laughter)

Sen. (Eng.) Maina: Mr. Speaker, Sir, I have reluctantly listened because we are living in times when people must be serious. There are a few of us in this country who are going to come out maybe approaching the level of tycoons through the kind of things we hear about. It is wrong to use the word loosely without clarifying whether you mean somebody who is honest and upright, or somebody who is in the dam and all other kind of deals that are going on, which are impoverishing this country.

(Laughter)

Mr. Speaker, Sir, you should make a ruling that, that kind of language is not allowed, unless somebody comes out and declares: "I am on the side of tycoons who are

collecting money from dams or I am on the side of tycoons who have worked hard in their lives.”

(Laughter)

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, there is a quote that Sen. Wetangula likes from Chinua Achebe’s book that states, “An old woman is always uneasy when dry bones are mentioned in a proverb.” I usually do not like it that much, because the women are always very happy.

Therefore, Mr. Speaker, Sir, the tycoon has spoken---

The Speaker (Hon. Lusaka): Order! Sen. Mutula Kilonzo Jnr., what is your point of order?

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir. Can I be of assistance to the Senate Majority Leader? There is also a famous saying – I think by one of the Speakers – that you should not substantiate the obvious.

(Laughter)

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I think it was during the days of the famous Jean-Marie Seroney, that he said: “You cannot substantiate the obvious.”

An hon. Senator: Tycoons!

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, what we are saying here is that we know, for sure, and there is no doubt that the Senator for Kirinyaga and Sen. Kirinyaga from Nyeri are tycoons. How they became tycoons, however, is now a question of research. My colleague, Sen. Ochillo-Ayacko and I are happy to be referred to as ‘the persons from Migori and Elgeyo-Marakwet’ as we work our way up. Sen. Ochillo-Ayacko would have been happy if I said, “the hustler from Migori.”

That was on a light note, Mr. Speaker, Sir. However, the point I want to make is that, as a House and the Committee that will take up this matter, we should take the lead in guiding this House. I do not know whether it will be the Committee on Labour and Social Welfare or the Committee on Justice, Legal Affairs and Human Rights, but it must guide this House in coming up with a robust legislation that will be groundbreaking, precedent-setting and history making. It should be remembered that in the days of hon. Kenneth Makelo Lusaka, the Speaker of the Senate, the Senate rose to the occasion to come up with a very important legislation that looks at the welfare of our veterans, their families and descendants. This legislation will be so monumental that even though we pay our soldiers a meagre amount of money, there must be an inspiration – for their children and those who perhaps may go through difficult times as they serve the nation – or something that this nation cares about, and that they will look after their welfare.

Mr. Speaker, Sir, for instance, I will be coming with the Hall of Fame Bill. There are small issues like recognition and medals of honour; or that during public holidays, they be given order of precedence. For instance, in some countries, they make an arrangement where these people will have free public transport when they reach a particular age. These small things motivate those who are sacrificing to go to Somalia,

serve in our police service and prisons, and tell them that serving the nation with honour matters.

Thank you, Mr. Speaker, Sir.

(Interruption of debate on Petition)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM VARIOUS SCHOOLS

The Speaker (Hon. Lusaka): Order, hon. Senators. I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from the following three schools; namely,

1. Matondoni Primary School, Makueni County;
2. Barkeiywo Primary School, Uasin Gishu County;
3. Ndungulu Primary School, Uasin Gishu County.

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

I thank you.

(Applause)

Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, the way you made that statement seemed like I was seated in the Gallery. I welcome Matondoni School from Makueni County and the two schools from Uasin Gishu County to the Senate. This is not just another holiday trip. I hope that they will learn a few things about Parliament and the history of this famous building that they are in and the independent Parliament.

(Resumption of debate on Petition)

Mr. Speaker, Sir, on the Petition, I have been fortunate to have some experience about this. I represent a gentleman who used to serve in the military and is now wallowing somewhere in Makueni. He has not been recognized. He just walks around like everybody else, yet he participated in defending this country.

Mr. Speaker, Sir, I was fortunate to witness the speech by Sen. Malalah in Kakamega. I had never seen any place full of people from Western Kenya who participated in the World Wars, recognized in a brass plate. I have not seen any place like that except in Kakamega County Assembly.

(Sen. Murkomen consulted loudly)

Sen. Murkomen says that it happened in Uasin Gishu County too.

Mr. Speaker, Sir, my late father's driver was a retired military officer. However, he did not receive any recognition and died a poor man. So, Sen. Murkomen is right that

these people are treated so badly. They become paupers immediately they leave the service, yet they can be used for other things. Some of them are well trained.

During the Solai Dam Tragedy, the Cabinet Secretary (CS) for Defence did not disclose the number of people who are trained in Israel specifically for disaster recovery, response and emergencies, as I had requested. When these people retire after their years of service, they go out there and their services are no longer required. In fact, other than recognition, we should provide them with jobs, which they have experience in. For example, some of them are good engineers.

Mr. Speaker, Sir, there is a stature somewhere on Kenyatta Avenue for military officers and their recognition. It is only recently that I have seen the Government try to polish it. Otherwise, it was a place for street boys to sniff glue and smoke bhang. So, this matter is not only urgent. It is sad that we are doing it so late in the day. I saw what military officers who were gunned down in El Adde, Somali went through. They are people who have died for this country. We should recognize them in more ways than one. Sen. (Eng.) Maina is right. The people that we should recognize in this country are not recognized. The people who steal get themselves in the front page of *The Daily Nation*, *Citizen Television* news and *Citizen Weekly*. However, the day to day businesses of honest people are either clamped like the ones of the betting companies, or alternately, they are deported out of town. However, the people who steal are in the news and they are given the front seats for interviews by our media stations. It is unfortunate.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): There is a lot of interest. Therefore, I will limit the time for Senators who will come after this to two minutes.

Sen. Farhiya: Thank you, Mr. Speaker, Sir. I also support this Petition and thank Sen. Khaniri for bringing it. Given all the ailments that were listed, are we fair to these people? Sometimes, I believe that some of these decisions made are bad. A person who is already injured cannot be allowed to go without any benefit. They are only given gratuity which is not continuous. For example, if they make one bad business decision, their money is taken away. Again, if they are injured, they have no economic potential. The only thing they have is their strength, which now could be gone. So, what more can they do? They served us for long and we are now saying good riddance to them. We have to be serious and do better than this.

Mr. Speaker, Sir, I always relate everything to corruption. This is because, if we had less corruption cases in this country--- Someone should have thought of taking care of people who fought for us. The military fights for the sovereignty of this great country of Kenya. However, everyone in the country thinks about the amount of money they will put into their pockets, instead of making this country better. Some of these people might be having mental problems due to the trauma they were exposed to. So, how do we expect them to do anything meaningful for themselves that will improve their lives?

Everybody has talked about the military men who have families and children---

(Sen. Farhiya's microphone went off)

The Speaker (Hon. Lusaka): Order. Your time is up. Hon. Senators, please, manage your time.

Sen. Mwaruma: Asante Mstahiki Bw. Spika, kwa kunipa fursa hii niunge mkono ombi liloletwa na mheshimiwa Seneta wa Kaunti ya Vihiga, Sen. Khaniri, kuhusu wale wanajeshi waliostaafu na mpaka sasa, wengi wao wanaishi---

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

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

Sen. Cherargei: Mr. Speaker, Sir, I apologise for interrupting my good friend, Sen. Mwaruma. Last time, in your ruling, you said that you are supposed to be referred in Kiswahili as 'Mheshimiwa' or "Bw. Spika." Hili neno 'mstahiki' linaweza elekea kama lile neno 'mzungumzishi.' *Ruling* ambayo ulitoa na ambayo tunatakikana tufuate, ni 'Bw. Spika' au 'Mheshimiwa Spika.' Sasa wakitumia neno lingine kama vile 'mstahiki' italeta shida.

The Speaker (Hon. Lusaka): First of all, you are mixing languages. Secondly, you are the one who is trying to drag us back to that direction.

Proceed, Sen. Mwaruma.

Sen. Mwaruma: Asante Bw. Spika kwa kunipa fursa ya kuendelea. Hili ombi limechukua mkondo fulani tayari. Ni vizuri watu ambao wamejitoa mhanga kulinda nchi na mipaka yetu wapewe heshima. Jambo la kushangaza ni kwamba wanajeshi waliostaafu wanaishi maisha ya uchochole na familia zao ilhali walijitoa mhanga kutulinda.

Ule mwelekeo ulioko sasa ni kwamba, kuwekwe sheria ya kuwapa bima na fidia ya kutosha, kwa sababu wengine wao walitoka na madhara ya kimwili na kiakili. Kwa hivyo, sheria itungwe ya kuwafidia watu hawa Wanajeshi hawa ambao wamestaafu wana watoto, mabibi, familia na maisha baada ya Huduma yao---

(Sen. Mwaruma's microphone went off)

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I want to agree with my colleagues who have added their voice to this extremely important issue. In other countries, farmers and servicemen, who serve in the military, are the most celebrated professions. Unfortunately, this Petition has shown us that the life of our men in uniform is anything but rosy.

It is my humble request that the Committee that will consider this Petition should go beyond the call of duty of just penning a report and having it gather dust in Parliament. That Committee can invite the leaders who are in charge of our defence forces at the Ministry and those at the military level when considering the truth, so as to look for ways of helping our men in uniform. If it is something to do with legislation and amendment of certain Acts, we are willing and ready to do it. We need to give dignity and respect to the men and women who serve our country in uniform.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support this Petition.

This Petition is requesting us to come up with a legislation that will support veterans. Troops face various challenges in life. The scope and the complexity of the dangers that these people encounter while protecting us should push us to look for ways of protecting them.

It is shameful that those who go out there and give out their lives end up living miserably. Some of them get confused because of the fear that they face when serving in the military. They are always exposed to the fear of death, being taken hostage or not

seeing their loved ones, yet we literally forget about them when they come back after taking care of us. This Petition is timely.

In the United States of America (USA), the department of defence works closely with the veterans' affairs services, and we should not be any different. The men and women in uniform should be taken care of by the department of defence. Why is it that the department of defence takes good care of them when they are in active service, but forgets about them when they leave? It is the department of defence that took them to war, which has made them unable to function. When drafting this legislation, we should find a way of making the Ministry of Defence responsible. They should protect and support all the veterans.

I want to finish off by stating that a true hero is not measured by the size of his strength, but the size of his heart. Those veterans love this country and we should care for them.

(Interruption of debate on Petition)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM VARIOUS SCHOOLS

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from the following schools;

1. Ngabolo Primary School, Laikipia County.
2. JK Moi Kaborua School, Baringo County.

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

I thank you.

(Applause)

Sen. (Eng.) Maina: Mr. Speaker, Sir, I want to welcome the students from Uasin Gishu, Baringo and Laikipia counties. They should work hard, believe in God and obey their parents if they want to go far. They should know that we all started as students, hence, their future is bright.

Mr. Speaker, Sir, can my time start right now? I want to comment on the Petition.

(Resumption of debate on Petition)

I rise to support the Petition by Sen. Khaniri. It is an important observation. Our uniformed men and women put their lives in the frontline, and there is nothing more important than life. These men give their lives to our country, but are left hopeless and end up living miserably. Something needs to be done to help them. The Government must come up with a programme that will give respect to these brave citizens.

The behaviour of neglecting our heroes did not start today. We are now an independent country because some people, for instance, the *Mau Mau*, lived a terrible life

as they fought for independence, yet they are now miserable because they were neglected. *Mau Mau* was an army. South Africa recognised its freedom veterans. In fact, Dedan Kimathi is more honoured in South Africa and West Africa than here. This country has to recognise and honour its heroes.

We should come up with laws that cater for our veterans. We also have other heroes such as the athletes, but they end up living miserable lives.

(Sen. (Eng.) Maina's microphone went off)

Sen. Faki: Asante, Mhe. Spika, kwa kunipa fursa hii. Ninataka kuchangia maombi ya mhe. Khaniri ya kutaka maaskari wakongwe kuangaliwa. Tatizo la maaskari wakongwe halijaanza sasa. Lilianza na serikali ya ukoloni. Serikali ya ukoloni iliwachukua ndugu zetu wengi na ikawapeleka India, Burma na kwengineko kupigana vita. Waliporudishwa nyumbani walipewa pesa duni kama malipo ya uzeeni. Waafrika walilipwa tofauti na Wahindi na Wazungu, ilhali walipigana vitu pamoja. Tatizo hili halikuanza na Serikali hii. Lilianza na Serikali ya ukoloni. Serikali ya ukoloni haikudhamini maisha ya Waafrika.

Askari wetu wa Kenya wako katika vita kule Somalia na wakimaliza kandarasi yao, wao hupewa malipo duni ambayo hayatawawezesha kuishi maisha mazuri. Kwa hivyo, maombi haya yameletwa katika wakati mwafaka. Tunapoendelea, tunaona ya kwamba matatizo ya askari wakongwe yanazidi kuongezeka. Kwa mfano, wengi wao wanapata majinamizi usiku kwa sababu walipokuwa kwenye vita walipata madhara.

Bw. Spika, utapata kwamba wengi wakilala usiku wanaota kuhusu vile vita ambavyo walikuwa wanapigana na mahasimu wao. Hii inawapatia matatizo ya kiafya na ugonjwa wa kiakili---

(Sen. Faki's microphone went off)

Sen. Faki: Bw. Spika, dakika zangu zimechukuliwa na hawa waliokuwa wakiongea---

The Speaker (Hon. Lusaka): Order. Your time was up. *Nafikiria mlikuwa mkizungumza wakati mmoja. Kwa hivyo, hawangechukua muda wako.*

Finally, we have Sen. Ochillo- Ayacko.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir, for giving me an opportunity to make a few remarks in support of this Petition. This Petition has been brought by a very compassionate Member, and he deserves my support. I want to confess that my great-grandfather, Odundo Mbogo, was conscripted forcefully by the British and made to serve in a country we do not know. Unfortunately, his body did not come back and up to date, we do not know where he was buried. If it was not for the generosity of Sen. Olekina's clan, which is Maasai, part of my family would have perished.

Mr. Speaker, Sir, as we ask the Committee to make interventions, it is very important for us to also think about the families of those who served and died. We have families that have been made destitute because they depended on these veterans. We are now talking about the living veterans, but we are not mentioning the dead ones.

In my village, there is a family of a person called Oketch Ogonda whose son perished in Somalia. When his body was brought back, nobody was allowed to even open the coffin. As we speak now, nobody has even visited that family since that happened. The trauma they underwent is very serious.

I want to ask the Committee that will deal with this matter to know that here in Africa, we love our living and our dead. Let us find recommendations as to how to deal with those who are living, that is, the veterans, and also how to deal with families of the veterans that we lost.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No. 232(1), the Petition stands committed to the Senate Committee on Labour and Social Welfare. In terms of Standing Order No.232, the Committee is required, in not more than 60 days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

Thank you.

Next Order.

STATEMENTS

POOR STATE OF KENYAN EMBASSIES ABROAD

(Statement deferred)

COMPENSATION OF PERSONS AFFECTED BY CONSTRUCTION OF KIBWEZI-KITUI-KABATI-MIGWANI (B7) ROAD

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Senate Committee on Land, Environment and Natural Resources regarding the delayed compensation of persons affected by the construction of Kibwezi-Kitui-Kabati-Migwani (B7) Road.

In the Statement, the Committee should provide the following -

- (1) A list of persons whose land was acquired for the construction of the Kibwezi-Kitui-Kabati-Migwani (B7) Road, indicating the acreage of the land acquired from each person and the award due to each person.
- (2) Explain why over 400 persons whose land was acquired have not been compensated since year 2018;
- (3) State whether an inquiry was conducted prior to issuing of the said awards and explain why no valuations were attached to the awards
- (4) State whether there is any budgetary provision for the said compensation in the budget for the Financial Year 2019/ 2020
- (5) State when the affected persons will be paid.

Thank you, Mr. Speaker, Sir.

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

Sen. Wambua: Thank you, Mr. Speaker, Sir. I want to thank the Senator for Makueni County, my neighbour, Sen. Mutula Kilonzo Jnr. for bringing this Statement. It

will be remembered that this is perhaps one of the biggest projects being undertaken by the Government in the lower Eastern region. This project of the road between Kibwezi, Ikula, Mutomo, all the way the way to Migwani through Kitui Town, has brought a lot of issues.

I have held conversations with Sen. Mutula Kilonzo Jnr. over where this Petition should go. I sit in the Senate Committee on Roads and Transportation and we have had an opportunity to visit this section of the road. Issues of compensation, pollution and Corporate Social Responsibility (CSR) by the companies that are undertaking this project are very serious.

One of the biggest problems on that section of the road is that every now and then, there are officers from the National Land Commission (NLC) who are reviewing the awards downwards. You will find that somebody has already been given an award, and after two months, an officer comes and tells them they have reviewed the award downwards by a very big margin.

Mr. Speaker, Sir, our Committee on Roads and Transportation is looking forward to the Senate *Mashinani* in Kitui. We are thinking of scheduling a meeting with all the stakeholders, including the CS and all the Government agencies involved in the construction of this section of the road to address the issues of compensation and pollution.

Last week, I led a delegation of persons affected by the project from Kitui Township to the NLC. The level of miscommunication between the NLC and the Kenya National Highways Authority (KeNHA) is mindboggling. There is no communication between the KeNHA and the NLC regarding what each one of them is doing.

I hope that the Committee that will be given this matter will handle it with the seriousness it deserves. I want to declare my interest in this matter. I come from Kitui County where the longest section of that road passes through. Therefore, I will be a very active friend of that Committee when it begins sitting.

Thank you, Mr. Speaker, Sir.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MITHULUNI
PRIMARY SCHOOL, MACHAKOS COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and teachers from Mithuluni Primary School, Machakos 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.

Thank you.

(Applause)

Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Speaker, Sir. First of all, I would like to join you in welcoming the students from Machakos County to this august House. I want to encourage them to keep coming to listen, watch and learn as we try to bring the country together. I wish to remind them to plant trees because Machakos is a bit dry.

(Resumption of Statements)

As I rise to support this Statement on issues of compensation, I am completely lost for words in terms of this compulsory acquisition. I am looking forward to this Statement because it may help us solve many problems facing people in this country. This issue of compulsory acquisition has now been turned into a business enterprise. It has built cartels; people who prey on innocent Kenyans. It is as if we live in two different eras or rather there are those people who are First Class and the others who are Second Class.

Most of the people who suffer in terms of compulsory acquisition are poor citizens. It may be a wake-up call to all of us, as leaders, here that unless we take a brief moment from our mothers' womb to our tomb in defending those people whose property is taken away by the Government to better other people, all of us will be cursed by those innocent people who stay hungry.

Mr. Speaker, Sir, it is sad that in this country, maybe the planning was done poorly such that when the Government wants to construct roads, it has to take land away from innocent people. Maybe other people did it intentionally, but it is about time. I know that we discussed issues of the Land Value Index Laws (Amendment) Bill in this House and are still waiting for it to be assented into law. However, we still have a law that is very clear in terms of the process of compensation. When you acquire land, it is gazetted and you have to pay.

It is time we became serious because the land was taken from them in July, 2018. Even if they are compensated right now, whatever amount of money they will be given to get new homes, it may not be equivalent to the size of land that was taken away from them. When my colleague, the distinguished Senator for Machakos County, stated that the award is being varied downwards on a daily basis, it worries me.

The Committee on Land, Environment and Natural Resources has to be serious once and for all. They need to sit down with Ministry of Lands and the National Land Commission (NLC) and try to find a way of bringing sanity to this enterprise, which is designed to benefit only rich people who go about grabbing land.

Finally, if we, in this House of union, do not take the matter of land very seriously, when we will be out, it will be our pieces of land which will be grabbed. We will end up scratching our heads and saying that we wish we knew. Since we now know, we should act now.

I thank you.

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, land is the basis of all manner of freedom. In fact, people talk about freedom of speech and freedom to do anything, but you are freer if you are doing it on your land. In fact, when it comes to freedom to walk naked, you can only walk naked on your land.

Hon. Members: Yes.

Sen. Ochillo-Ayacko: You cannot go to somebody's land and try to do those things.

When the Government dispossesses you forcefully, under compulsory acquisition of your land, they actually deny you all manner of freedom. This matter should not be taken lightly. The Committee responsible should know that there are Kenyans out there who had land, but it was taken from them and they are now destitutes. They cannot exercise any form of freedom, even to joke. If somebody came to your office to joke, you would throw them out because that is your office. If you have nowhere to crack jokes, dance and do everything that all human beings do, that cannot be allowed in independent Kenya.

Mr. Speaker, Sir, I request the Committee to which this matter will be referred, to take it very seriously because development is for people. They must take into consideration the people who are affected by the development before it is implemented.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. I support from the outset. Land has been a very emotive issue and is the source of our originality. I know that any process of dispossessing or taking ownership of land should be done within the law.

There was a famous case involving the owner of the land near the Rift Valley Textiles (Rivatex) in Eldoret Town, where the Government compulsorily acquired it. Since the Government did not use it for the intended purpose as provided for under the law, that land was later returned to the original ownership by the Land and Environment Court. We must, therefore, protect the usage of land.

It is in Narok County where land vultures, cartels and brokers are hovering like hyenas. It is the same case in Kajiado County. In short, the *Maa* Community is literally under attack by land cartels.

Sen. Olekina: Yes.

Sen. Cherargei: Mr. Speaker, Sir, we must find a way of protecting community, private and public land as envisaged and provided for by the law. I hope Sen. Olekina together with the Kajiado County Government will ensure that people--- If you go to the Land Registry, you will realise that who have been most disadvantaged by issues of land are the people from Kajiado and Narok counties, and the poor.

As a House of reason, we need to come up with proper legislative and policy directions on how we can ensure land is not only a source of production but also pride and privilege to the people who genuinely own it.

There is so much "grabiosis" of land in this country, and it should stop. Let us come up with ways and means of dealing with that. I am happy that the Cabinet Secretary (CS), hon. Farida Karoney, is doing all she can. We need to give the implementers an opportunity to do their work using legislative proposals and regulations that will assist them to ensure they ward off attacks by the land cartels, brokers and other people who grab community, private and public lands.

Finally, Mr. Speaker, Sir, the Government must ensure that the law is followed in case of compulsory acquisition. We have seen Government officers compulsorily acquiring land without following the law.

We went to Nkoroi in Kajiado County and found issues of land compensation emanating from the Standard Gauge Railway (SGR). There are also issues of compensation of land owners on the Eldoret Bypass.

When officers of the NLC compulsorily acquire land that belongs to public or private individuals, the law is very clear that the owners must be compensated immediately and should not be used for other mischievous purposes.

Land is a very emotive issue, and that is what Prof. Tom Ojienda would say. We must find a way of acting upon it.

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me a chance to speak on this very important Statement by my neighbour, Sen. Mutula Kilonzo Jnr. The only resource that the poor are left with is land. With the economy and all sorts of problems facing the common man, the only thing they remain with is land. Therefore, if you acquire land for whatever project the Government intends to do, they should also benefit in terms of timely compensation. They should also benefit from Corporate Social Responsibility (CSR).

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

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

Madam Temporary Speaker, I have heard that the kind of destruction of the environment along that road is wanting. The Committee should look at who were awarded the contract at first and what was in the contract in terms of how the road should have been done. The Committee should also involve many of us who come from counties that are majorly affected in terms of compensation by either construction of roads or the railway.

The Temporary Speaker (Sen. Pareno): I see no further request to speak on this Statement. We will go to the next Statement after Sen. Prengei.

Sen. Prengei: Thank you, Madam Temporary Speaker. As the Vice Chairperson of the Committee on Land, Environment and Natural Resources, I assure the Senator who sought the Statement that we will work on it conclusively. We will invite him to all the meetings that we will hold with the Ministry of Lands and the NLC, so that we bring a comprehensive report to that Statement.

The Temporary Speaker (Sen. Pareno): Let us go to the next Statement by Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Madam Temporary Speaker, I have two statements which were combined before, but are now separated. I can ask both of them and see how it goes.

HIRING OF PUBLIC SERVANTS ON CONTRACT BY THE GOVERNMENT

Madam Temporary Speaker, I rise pursuant to Standing Order 48(1) to seek a Statement from the Chairperson Standing Committee on Labour and Social Welfare regarding the recent announcement by Government on hiring of public servants. In the

Statement, the Committee should expound on the policy regarding the recent announcement by Government that from July 2019, the Government will hire public servants on contract as opposed to the normal permanent employment.

PENSION PLANS FOR COUNTY GOVERNMENT OFFICERS
SECONDED FROM THE NATIONAL GOVERNMENT

Secondly, Madam Temporary Speaker, I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the pension plans for county government officers who were seconded from the national Government for functions that are devolved, such as health and agriculture.

In the Statement, the Committee should explain the status of pension plans for county government officers who were seconded from the national Government for functions that are devolved, as stated earlier.

Madam Temporary Speaker, we have problems in all these issues where the above staff fall, as regards pension. For those staff who are seconded, do they fall under the national Government or the county government? Does this circular on contract affect both staff? What level of pay grade is affected?

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): I will allow short comments on that Statement.

Proceed, Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Madam Temporary Speaker, I congratulate my brother, Sen. (Dr.) Ali, for this concern about workers.

When we talk about achievement of any output, we must be mindful of the terms of service and conditions of our workforce. To talk about a blanket proclamation that all future employments will be contractual is, therefore, shortsighted. Perhaps, those who continue talking about the wage bill and shortage of money do not understand the importance of a motivated workforce. Therefore, as this matter is being referred to the relevant Committee, it would be important to understand what other motivating mechanisms are being put in place to ensure that our workforce is motivated, inspired and engaged in the areas of concern.

Madam Temporary Speaker, when you talk about short contracts, we are aware that as you begin your career, you need to know how and whether to continue with that career. These are important issues that the Committee should extract from the Cabinet Secretary (CS) or the department that is making this proclamation. Without this, I can assure you that we will have demotivated workers who have short term goals and do not have the long-term objectives and vision of this great nation in mind when they get employed.

I thank my colleague for this good Statement.

Sen. Mwaruma: Thank you, Madam Temporary Speaker, for the opportunity to contribute to this very important Statement about employment. I do not support employment by the Government through contractual means because there are so many demerits that come with such employment.

Madam Temporary Speaker, when you are employed and your contract ends, it then becomes very difficult to get another job. So, you are not assured of your future. Secondly, the Government uses a lot of money in training the people who work for it. It is, therefore, irrational for the Government to use a lot of money to train staff and then let them go after three to four years.

Thirdly, when you employ somebody, they grow through the job. The more you work for a particular organization or sector, the more you gain experience. Experience is not bought; it is acquired as you work. I, therefore, do not support employment in the Government through contracts.

Madam Temporary Speaker, the design of employing on contractual basis requires that you pay the employees a lot of money. However, when you employ on permanent and pensionable terms, then you pay less money to these employees. Therefore, the argument that when you employ by contract, you then save money, is neither here nor there. I, therefore, oppose the issue of the Government employing on a contractual basis, which is already happening in the counties.

Madam Temporary Speaker, the contracts of the staff who were employed in the first five years of devolved governments, for example, ended and they now do not have anywhere to go. Some of them are married and do not know what to do with their families. I, therefore, oppose this move. Let us continue with permanent and pensionable employment by the Government. However, in the corporate sector, they can go for contractual employment.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): In view of the fact that we have about 15 minutes to the end of the Statements Hour, I reduce the time to 5 minutes per speaker.

Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Madam Temporary Speaker. I thank Sen. (Dr.) Ali for bringing this Statement on employment on short term contracts. I have only two issues to raise.

First, what is the legislative framework on which this employment will be based? This is because most medium-term Government plans last for five years. Therefore, the expectation will be that somebody is employed on a Government project and, within three years, they are supposed to be exiting, even before the actualization of those projects. This will kill institutional memory within Government agencies. It would appear as if this is just a knee-jack reaction to a serious problem of unemployment in this country.

Madam Temporary Speaker, I urge the relevant Government agencies to try and think outside the box and come up with long lasting solutions to the problem of unemployment in this country.

Secondly, Madam Temporary Speaker, it is not very clear whether the same should apply to our counties. It is also not clear whether this will now open the floodgates for all manner of contracts from both the national Government and county governments on recruitment. This matter needs to be properly thought through, and its implementation undertaken in the best interest of this country and for posterity.

Thank you, Madam Temporary Speaker.

(Interruption of debate on Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS FROM VARIOUS SCHOOLS

The Temporary Speaker (Sen. Pareno): Hon. Senators, I have a Communication to make. I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and teachers from the following schools:-

(1) Sony Sugar Primary School, Migori County.

(2) Phim School, Bungoma County.

(3) Ngunyumu Primary School, Machakos 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.

(Applause)

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

Sen. (Dr.) Musuruve: Madam Temporary Speaker, first of all, I join you in welcoming all the students and teachers in the Public Gallery. I am happy that they are here to pick a leaf from our debates and see how much we are concerned about issues of national importance. I hope that they can report that we represent them well in the Senate when they go back home.

(Resumption of Statement)

The Statement that has been sought by Sen. (Dr.) Ali is heavy loaded because it affects many Kenyans. The issue of employment on contracts basis is not welcome. One of the things that promote commitment by workers to their jobs is the fact that they know that they will get value for their job. One can work for 10 to 15 years, and in the process, take loan and invest in property. In view of having contracts that last three to five years, it will be impossible to even get loans from the banks because workers will not qualify for loans.

Madam Temporary Speaker, there is need to ensure that we do not demotivate our workers because the economy will dwindle. Workers will not be productive when they are not valued. We need workers to give their best if we are to grow our economy. The Committee responsible should address this Statement effectively for the purpose of ensuring that the legislations that are made in this House will help Kenyans. Sometimes Cabinet Secretaries make pronouncements, which when effected without being tested, Kenyans suffer.

When this Statement by Sen. (Dr.) Ali is committed to the Committee on Labour and Social Welfare, there is need for us to interrogate the responses they get, so that we eventually make good decisions for this country.

Madam Temporary Speaker, I thank you for this opportunity. I commend Sen. (Dr.) Ali for bringing the statement.

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

(Interruption of Statement)

Sen. Ochillo-Ayacko: Madam Temporary Speaker, I would like your discretion to address the students from Sony Primary School who have not heard my voice. Is it in order for me to request you to ‘see’ me?

The Temporary Speaker (Sen. Pareno): That is in order, Sen. Ochillo-Ayacko. I give you two minutes to address the students before Sen. Farhiya makes her contribution.

Sen. Ochillo-Ayacko: Madam Temporary Speaker, I thank you for the opportunity to welcome the pupils from Sony Primary School, which is my village school. The school used to perform much better when the Sony Sugar Company was doing well. However, it now has challenges.

The Sony Primary School is located near the border of Kenya and Tanzania. I, therefore, thank the teachers and pupils for travelling from far to this great city to see us debate in the Senate. The students are our hope and future. We debate serious issues here that affect the future of this nation. I am glad that you are here to watch us debate and learn that debating is good. We resolve our issues through debate and persuasion. I hope that the students will take the culture of debate and persuasion back to Sony. I thank you for choosing the Senate. I hope that some of you will end up as Senators in future.

I thank you, Madam Temporary Speaker.

(Resumption of Statement)

Sen. Farhiya: Madam Temporary Speaker, I thank the Senator for Wajir County for highlighting this important issue. The fact that people are given short contracts will not reduce wages. There are critical issues that we need to address. For example, does the wage bill include ghost workers? Did we get rid of all the ghost workers before we consider demotivating people who are working?

A lot of money is spent training people on the job. When someone is newly employed, someone else from the organization trains them. Effecting employment on contract basis will mean that the time used to train the new employee is wasted. The organization’s resources are wasted if the employee will serve for a very short time.

Madam Temporary Speaker, I am an accountant by profession. In accounting, you need a whole year cycle to understand what happens weekly, monthly, quarterly and annually in an accounting department. That means that one will spend the whole year training, and will be left with two years to work, which is too little.

I would like to highlight how this contract system can be used to abuse workers. For instance, if a new Government takes over before someone’s contract is over, new people might be brought in, who are favoured by the current regime to replace the existing ones. The contract of most CEOs in the corporate bodies is six years. There is a lot of nepotism in the organizations that by the time a CEO finishes his contract, he has filled the organizations with people from his tribe.

Madam Temporary Speaker, employment on contract basis has been tested by other organizations and it failed miserably. For skills like fundraising, people have to

create linkages and understand how the system works. Such skills will not be passed because by the time someone is able to fundraise, three years are over and another team has to be employed to take over.

The economy is made up of three factors; people, capital and land. When one of the factors of economy is disrupted, you will have killed the engine of the economy of that institution. We need to look into the issue of employment on contract basis keenly before we implement it.

I thank you.

The Temporary Speaker (Sen. Pareno): Kindly, proceed, Sen. Seneta.

Sen. Seneta: Madam Temporary Speaker, I would like to congratulate Sen. (Dr.) Ali for having thought of this. In this Statement, the Committee concerned should explain how the workforce, who are already earning very little, will be able to service their NHIF and mortgage loans. Many of our people do not have houses and they need to buy them through loans. Therefore, the Ministry by engaging the staff for three years will have to see what framework they will put in place to enable their workforce to service their mortgage loans.

We also need to know from the Ministry whether they have already done research on this and the state of their preparedness to handle this workforce under contracts. We also need to know what framework they have put in place to encourage professionals of different fields to fit in a three-year contract. We need to handle them with care because they spent many years in universities and they cannot understand why the Government wants to engage them for three years only.

Madam Temporary Speaker, it is very important for the Ministry to think critically on this matter of contracts rather than just making roadside pronouncements on this very important policy shift of human resource.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Next Statement. The Senate Majority Leader to issue a Statement on the business of the Senate.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 6TH AUGUST, 2019

Sen. Kihika: Thank you, Madam Temporary Speaker. Pursuant to Standing Order 52(1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 6th August, 2019.

On Tuesday, 6th August, 2019, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the week. On that day and subject to further directions by the SBC, the Senate will consider Bills due for Second Reading and Committee of the Whole. The Senate will also continue with the consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 7th August and Thursday 8th August, 2019, the Senate will consider business that will not be concluded on Tuesday and any other business scheduled by the SBC.

With respect to the status of Bills, the Senate has so far concluded debate and passed 40 Bills. Out of the 40 Bills, seven were assented to and are now part of the Laws

of Kenya. Thirty-one of them are pending consideration by the National Assembly while two are undergoing Mediation.

I would like to commend the Senate for showing dedication and hard work in processing the said Bills.

On the other hand, the House has a total of 19 Bills pending conclusion in the Senate with 11 at Second Reading and eight at the Committee of the Whole stage. I urge respective Standing Committees to conclude consideration of the Bills and table reports pursuant to the Standing Orders. In the same breadth, I urge respective Movers of the Bills to avail themselves whenever they are scheduled by the SBC.

Madam Temporary Speaker, you will note that the Senate has received and continues to receive quite a number of Petitions and Statements which are referred to the relevant Standing Committees for consideration. I urge respective Committees to expeditiously conclude with these pending Petitions and Statements and table reports pursuant to the Standing Orders.

Madam Temporary Speaker, before I conclude the Statement, allow me to remind hon. Senators that in accordance with the Motion adopted by the Senate on Thursday, 13th June, 2019, the Senate Business Committee is making preparations for the sittings which are scheduled to be held in Kitui County from 16th to 20th September, 2019. A *Kamukunji* will be convened in due course to brief hon. Senators on the preparations made.

In addition, I wish to remind hon. Senators that pursuant to a resolution made on 14th February, 2019, the Senate will proceed on recess on Friday, 9th August, 2019 and resume on Tuesday, 10th September, 2019.

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

(Sen. Kihika laid the Document on the Table)

The Temporary Speaker (Sen. Pareno): Hon. Senators, we are done with the statements, we now move to the next order.

BILL

First Reading

THE DIVISION OF REVENUE (NO. 2) BILL
(NATIONAL ASSEMBLY BILL NO. 59 OF 2019)

*(Order for First Reading read - Read the First Time - Ordered
to be read the Second Time tomorrow)*

MOTION**STAFF RATIONALIZATION IN COUNTIES**

THAT, AWARE THAT the Senate represents the counties, and serves to protect the interests of the counties and their governments;

FURTHER AWARE THAT, the launch of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme was launched by the Inter-Governmental Steering Committee (IGSC) on 14th July, 2014, with the objective of transforming the Public Service for efficient and effective service delivery at both levels of Government;

NOTING THAT, the implementation timelines for the CARPS programme of two years specifically with regard to the capacity assessment, workload analysis and staff redeployment and transfers, are of paramount importance in the counties as the terms of all second term county governors come to a close in 2022;

CONCERNED THAT, county governments are still engaged in uncontrolled hiring of staff in total violation of applicable laws, exposing a glaring imbalance between money spent on recurrent expenditure, versus budgets for development projects which are the essence of devolution;

CONCERNED FURTHER THAT, contrary to Section 15(2) (b) of the Public Finance Management (PFM) Act, in counties such as Nairobi, Machakos, Garissa, Kisumu, Wajir, Baringo, Narok, Nakuru and Nyamira, staff salaries consumed in excess of 75 per cent of total expenditure, over and above the set limit of 35 per cent as provided in Regulation 25 (1) of the Public Finance Management (County Governments) Regulations, 2015 during the Financial Year 2018/2019;

DEEPLY CONCERNED THAT, although Section 65 of the County Governments Act requires that more than 30 per cent of the vacancies at entry level be given to members of ethnic groups that are not dominant in their precincts, the 2016 Ethnic and Diversity audit launched by the National Cohesion and Integration Commission revealed that 68 per cent of counties have hired more than 70 per cent of their staff from one ethnic group;

NOW THEREFORE in exercise of its oversight function, the Senate resolves that the Public Service Commission (PSC), Intergovernmental Relations Technical Committee (IGTRC) and the Council of Governors provide a comprehensive report on: -

1. the progress and implementation status of the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme indicating the County Governments that are compliant; and
2. the number of employees in each County Government showing the amount spent as wage bill vis-à-vis recurrent expenditure budgeted

for in the Financial Year 2018/2019 and submit these reports to the Senate within 60 days of this resolution.

(Sen. (Dr.) Zani on 4.7.2019)

(Resumption of debate interrupted on 31.7.2019)

The Temporary Speaker (Sen. Pareno): Hon. Senators, this is resumption of debate. Therefore, it is open for debate. Sen. (Dr.) Musuruve, you may now proceed.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute to this Motion on Staff Rationalization in counties. Many organizations, large and small, rationalize staff due to a number of reasons.

One of the most important reasons that calls for staff rationalization is a slumping economy. Some organizations which are not doing well prefer to cut down on the number of staff. Sometimes, it is because of technological advancement. You will find that organizations have advanced technology are to do so much work with a lean number of staff. If an organization is doing well with lean staff, then the executive justifies that it is possible to cut down on staff so that they make use of the limited number of staff and get maximum productivity from them.

Madam Temporary Speaker, the issue of staff rationalization needs to be thought out very well because it impacts heavily on the remaining staff. In a situation where an organization decides that they are going to lay off a number of staff, the ones remaining will work with a lot of fear of the unknown. First of all, they are not sure whether they will be kept on the job. In that case, they will not give their best to the organization and the organization will not be doing well.

Madam Temporary Speaker, in as much as we are looking at issues of staff rationalization in the counties, there is need to really ask ourselves whether the staff that are going to be laid off have been given time to come to terms with the fact that they will be laid off. They need to be taken through the laying off stages. They need to be told in advance that they will be laid off, probably, in six months time. There is need for capacity building and sensitization for them to know that if they are going to be laid off, then, there are other opportunities.

If staff rationalization is done instantly, it can have repercussions to the workers. This is because most of them eke a living to pay for hospital bills and school fees for their families. So, when they are laid off in two months' time, it will be devastating for them.

Madam Temporary Speaker, I remember the Kenya Posts and Telecommunications Corporation (KPTC) laid off some staff who were not prepared for it. As a result, some of them suffered strokes and died early simply because they were in shock. There is need to ensure that this exercise is well thought out, so that when staff go, they are at peace.

There are various methods of conducting staff rationalization. For example, there is staff re-engineering. This means that some tasks that can be done by few people through technology. In that case, if a large group of people is laid off, the small group that remains should be prepared to do double work. They need to be encouraged, for

example, by increasing their salaries. Staff rationalization can also be expensive if it is not done well.

At one point, staff rationalization was done in Makueni and Machakos counties. When they came to the Committee on Labour and Social Welfare, they complained that they were laid off, but they were not paid their full amount of money. They were paid in bits. Therefore, staff rationalization should be done properly and effectively. Members of staff to be laid off should be informed in good time. Also, a county government, for example, should ensure that it has enough money to pay staff a lump sum, so that they reorganize themselves by starting businesses or doing something else. This is because they need to pay rent, meet their daily obligations, *et cetera*. However, if they are laid off and given a two-month salary, they will not be able to pay their rent, electricity and water bills. It is a pity that sometimes they are paid their terminal dues after six months. How will they survive without their dues for six months?

Madam Temporary Speaker, there is need for county governments to ensure that when they conduct staff rationalization in a way that does not adversely affect the workers. The other way to rationalize staff is by downsizing. This is reducing the work force for purposes of efficiency. For example, the last in can be the last out. The other way of doing it is by looking at the age factor. For example, staffers that are almost reaching the retirement age can be rationalized. Also, staff that have engaged in misconduct, for example, not delivering or being unethical can be laid off instead of rationalizing 30 people.

There has to be a justification for staff rationalization. When staff that have engaged in some misconduct are laid off, the others will take that to be the reason. That will make the remaining staff to work hard to ensure there is productivity. When workers are encouraged, they produce an *Alice in Wonderland*. It is possible for workers to be productive when the executive is sleeping because they are encouraged. We should not demoralize workers when rationalization is done because it has an impact on them. When jobs are lost, there is loss of satisfaction and lack of interest which reduce productivity for the organisation.

Madam Temporary Speaker, I support this Motion on staff rationalization. However, in as much as I support it, it has to be done in a well thought out manner. We should not send Kenyans to early graves.

The Temporary Speaker (Sen. Pareno): Before I call the Mover to reply, I have a Communication to make.

(Interruption of debate on Motion)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM KARBABESI PRIMARY
SCHOOL, BARINGO COUNTY

Hon. Senators, I would like acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Karbabesi Primary School, Baringo County.

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

VISITING DELEGATION FROM SIMAT PRIMARY SCHOOL,
UASIN GISHU COUNTY

Hon. Senators, I would also like acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Simat Primary School, Uasin Gishu County.

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

(Resumption of debate on Motion)

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker, Sir. I stand to support the Motion on staff rationalization in counties. The Senate overlooks counties. We currently know the challenges that many counties are facing as a result of staff and controlling wage bill.

I support this Motion because the Mover has demonstrated to us that the salaries of staff of counties consume 75 per cent which exceeds the total expenditure by 35 per cent. When it comes to staff employment, we have a many challenges because the executive want their cronies to be around them. Most of the time, they hire them not because they are qualified, but to please them and protect their interests.

Madam Temporary Speaker, I support this Motion because staff rationalization will take care of many things. We will have the right qualified personnel in place in different areas who will perform their work.

Madam Temporary Speaker, from the Motion, we have seen that the ethics and diversity audit launched by National Cohesion and Integration Commission (NIC) revealed that 68 per cent of the counties have hired more than 70 per cent of the staff from one ethnic group.

Madam Temporary Speaker, Kenya belongs to each one of us and we have the right to be employed anywhere. It is unfortunate that not only in some counties, but also in some offices, we have a problem where majority of the people are from one ethnic group. Staff rationalization will help us in many areas. It will enable us to do the right thing by employing the right people.

It is seven years since Kenya embraced devolution. We have three more years to say that devolution has been there for 10 years. For the past seven years, a lot of struggle has taken place. It is only through Motions like this and other laws that we can bring order and good practice at the county. With that, we will have people working effectively.

Madam Temporary Speaker, I support this Motion because of all the things that I have said. I also congratulate the Mover of the Motion.

Sen. Halake: Thank you, Madam Temporary Speaker, for giving me this opportunity. I also rise to support this Motion and congratulate my sister Sen. (Dr.) Zani

for moving it. I would also like to state that as Senators, our mandate is to protect counties. One thing we have not done very well is to look at the audit of what counties took over from the former county councils.

I know we have been on the case of the counties with regard to the percentage of operational *vis-à-vis* developmental costs and the wage bill and all sorts of *mzigo*, so to speak. That is now the talk of the country. One thing that we must look at is how much debt, or which staff the counties inherited from the former county councils.

There are counties where 70 or 80 per cent are ghost workers or people with little capacity or no relevance to the jobs they were supposed to do, but they had to be absorbed by the county governments. By the time counties started functioning, there are counties that almost 70 per cent of the money they received had to go to the wage bill.

One thing that should be done, perhaps, through a substantive Bill or piece of legislation is to look into issues of the transition between the former county councils and the counties. We should look at what can be done to deal with the burden. That should happen every time there is transition because every time a new county government is in place, they not only have to do things according to their own manifestos, but inherit the debts from the defunct county councils.

Sometimes I sympathize with the county governments when it comes to this. However, as it has been mentioned, there are below optimal practices in terms of personnel governance where a board may have a great dent not only on the finances of the county, but also on service delivery.

One of the tragedies is that there will be no service delivered in the counties if we continue to do things the way we have been doing; that is getting people that supported us during elections who we promised certain arithmetic in terms of the ethnic balance and giving them favours and so on. It is not even about the numbers or resources, but there will be no service delivery in the counties.

We should look at the capacities that people have and the basis on which they are taken on board. That is why people feel the burden. People would not be feeling the burden if they were getting good services. That does not only happen in the counties.

I know we are concerned about counties and we protect them, which is our mandate under Article 96. However, we should make sure that staff rationalization is done even by the national Government. This is because one of the things that have become a big issue is that we do not have a working public service. I know there is a lot of capacity in public service at the national level, but why is it not working? That is why when you look at the work that authorities, commissions and parastatals are supposed to do, you will realise that it is the exact replica of what the Ministries are supposed to do. The entire public service, both at national and county level, needs to be looked at.

This Motion is very timely, especially coming from the Senate which is the custodian, steward, oversight and protector of counties. I support it, but I hope that we will also look at some of the historical issues that have caused our counties to have bloated workforce that is unsustainable.

I look forward to seeing this Motion implemented and rationalization effected at least by this Twelfth Parliament.

Madam Temporary Speaker, I support.

The Temporary Speaker (Sen. Pareno): I see no further requests. Therefore, I call upon the Mover to reply.

Sen. Farhiya: Madam Temporary Speaker, I am sure some people are wondering why I am the Mover yet this is Sen. (Dr.) Zani's Motion. She has requested me to reply on her behalf.

I wish to thank Sen. (Dr.) Zani for bringing this Motion. I also wish to thank Sen. (Prof.) Onger, Sen. (Dr.) Musuruve, Sen. (Rev.) Waqo and Sen. Halake for contributing on this Motion.

A lot of issues have been raised by different speakers who have spoken on it. There is an issue around Members of the Executive breaking the law that they swore to protect. There is a regulation that requires counties not to exceed 35 per cent of their revenue on the wage bill.

The issue around sustainability has also been raised. If we continue with this trend, because for some counties, only two governors have been in office since devolution started, it could reach up to 65 per cent even for counties that never inherited debts from the defunct local authorities. This is a serious issue.

The other issue that has been canvassed is the fact that if the trend of increase in wage bill continues, not only development in the counties will be threatened, but service delivery will be come to a halt. Issues around ethnicity, job security and the ability of MCAs to oversight counties have been raised. There is a provision in the regulation that requires that a County Executive Committee (CEC) member for Finance to explain reasons why a county exceeded the required threshold and provide a mechanism of reducing the wage bill. County assemblies are also required to monitor progress.

It is not good for governors who had the right number of workers when they took over from the defunct municipal and town councils to now have a wage bill of up to 65 per cent. This situation would not have arisen had the Members of the County Assemblies (MCAs) been monitoring the county governments on a quarterly or annual basis.

There is also the issue of the inherited wage bill from the defunct municipal and town councils which needs a solution. There were also calls for the national Government to address the rationalisation of the wage bill. We have 20 governors who have raised their wage bill by more than 10 per cent in a span of two years. This House together with the MCAs stand indicted for not taking action. The governors should be called in to explain their actions. That is what the MCAs should have done.

This House is supposed to protect devolution yet the sustainability of the counties is in question. Does it mean that we are not protecting the counties? This issue needs to be reviewed. We need to pass all the resolutions and have additional resolutions which will require the Committee on Finance and Budget to summon the 20 governors. Those governors should tell us the reason as to why they raised their wage bill by 10 per cent or 22 per cent.

Madam Temporary Speaker, I beg to reply and also thank the House.

The Temporary Speaker (Sen. Pareno): Hon. Senators, this matter does not affect counties. I will, therefore, put the question.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS FROM VARIOUS SCHOOLS

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from:

- (1) St. Paul Lugari High School, Kakamega County; and,
- (2) St. Thomas Kapkoros Primary School, Nandi 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, wish them a fruitful visit.

I thank you.

(Applause)

Sen. (Dr.) Musuruve, I give you two minutes.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. Allow me to join you in welcoming the students from Kakamega and Nandi counties to this House. I come from Kakamega County. I am happy that these students have come all the way to interact with the Senate. I encourage other counties to emulate what the teachers from Nandi and Kakamega counties have done.

Madam Temporary Speaker, allow me to say a word to the students. “You should know that your teachers are your parents”. The students should listen to the instructions given by their teachers because they have words of wisdom. We expect them to be good leaders in the future.

Thank you for coming to this House.

The Temporary Speaker (Sen. Pareno): I am sure that you meant that their teachers are like their parents and not ‘your teachers are your parents’.

Sen. Farhiya, you have two minutes.

Sen. Farhiya: Thank you, Madam Temporary Speaker. I also wish to join you in welcoming the students from Kakamega and Nandi counties.

We talked about cancer yesterday, and I talked of the relationship between cancer and corruption. Today, I want to relate corruption to cheating of exams. We believe that one harvests what they plant. The character of these students is being formed in school. Therefore, I want them to have a different life from ours. They should grow up to be honest people and apply that honesty in their exams. We have had rampant cases of exam malpractices and that is where corruption begins. A child who cheats in school will continue cheating.

In my vernacular, we say that if you stole a camel, you should not expect that camel to produce a camel that belongs to you; it will not. The product of the camel you stole is still a stolen camel.

Madam Temporary Speaker, for us to have integrity, it must start in our classrooms. Therefore, this is the right forum for me to address these students. If we have to change the thinking in this country, then integrity and honesty needs to start with young minds who need to be nurtured from now. I, therefore, challenge our teachers that,

that is the homework that they need to do. I am sure that they are already doing that. We need to put in extra effort because that is what we need in this country.

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

MOTION

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

I can see that Sen. Khaniri is not around. The Motion is, therefore, deferred because the Mover is not there.

(Motion deferred)

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

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

Next Order.

MOTION

DEVELOPMENT OF INFORMATION TECHNOLOGY AND TELECONFERENCING POLICY FRAMEWORK AND FACILITIES CONNECTING ALL COUNTY HEALTH FACILITIES TO THE NATIONAL REFERRAL HOSPITALS

Sen. Pareno: Madam Temporary Speaker, Madam Temporary Speaker, I beg to move the following Motion-

WHEREAS Article 43 of the Constitution of Kenya provides for economic and social rights enjoyed by every person, including the right to the highest attainable standard of health and the right to health care services;

AWARE that the Fourth Schedule to the Constitution of Kenya lists health as one of the functions to be performed by county governments, with the national Government providing health policy framework;

NOTING that Parliament enacted the Health Act No. 21 of 2017 to establish a unified health system, to coordinate the inter-relationship between the national Government and county government health systems, to provide for regulation of health care services and health care service providers, health products and health technologies;

COGNIZANT that the role of both county and national levels of government to ensure a healthy nation is complimentary;

FURTHER AWARE that most health facilities under the county governments are not well equipped with modern technological facilities and requisite personnel, leading to loss of lives especially from preventable and curable diseases;

RECOGNIZING that the government, through the National Broadband Policy, has developed more advanced communications and efficient ICT systems with good fibre connection network covering a majority of the counties;

FURTHER COGNIZANT that the lack of structured engagement through technology between the county and national referral hospitals is impacting on quality of health service provision in the county and referral health facilities;

NOW THEREFORE, the Senate resolves that the national Government -

1. fully and urgently implements the Health Act, No.21 of 2017;
2. further collaborates with county governments to initiate and develop an ICT and teleconferencing policy framework; and,
3. facilitates connecting all county health facilities to each other and to the national referral hospitals with a view to ensure seamless and efficient medical consultation between and among medical personnel and health facilities.

Madam Temporary Speaker, I wish to give a little background as to why I came up with this Motion. A situational analysis of the current state of health facilities in Kenya compared with sister countries like Ghana and Rwanda, which is next door, would definitely call for such a teleconferencing technology and policy framework.

Madam Temporary Speaker, for us to provide proper health services, we require very good infrastructure; physical infrastructure, We need beds for in-patients, equipment, transport and accessibility to these facilities. For us to deliver, we definitely need technology, including proper ICT services. As of now, we are told that the Ministry of Health has not established any call centres. It also has no proper, either county or national coordination of management of health services; like the coordination of ambulances or emergency services. Without this proper coordination and linkage between our hospitals and the smooth running of services, access is, therefore, limited.

Madam Temporary Speaker, technology has come in to ease and make it easy for us to operate in many fields that you can talk about in this country. For health services, we cannot be left out when it comes to access using information, communication and technology. We have very limited funding when it comes to how to roll out our universal healthcare. We even do not have proper access in terms of road infrastructure. While we appreciate that the Government has done a bit by introducing universal health care (UHC) for everybody, we still have to do a lot for our populations to service the needs that they require.

Madam Temporary Speaker, I am going to give an example of Ghana and they are doing. I will also give an example of what our dear sister country, Rwanda, is doing in terms of using technology to ensure that there is accessibility to our health services. We do not have to compare ourselves to very big, international bodies or even other foreign

countries. We can compare ourselves with a country that is doing so much, in terms of how they are using technology for purposes of health services. They are doing it so well and are much ahead of our country.

Madam Temporary Speaker, I am going to proceed by giving the example that I saw in Ghana and also what Rwanda is doing. Rwanda has developed some digital health platform with the Ministry by digitizing systems, such as the Rwandan Health Management Information System. It has gone ahead to use a tool for the validation and analysis of statistical data tailored to integrate health information management activities within the country.

There is also an Electronic Logistics Management Information System which provides for effective and sustainable supply chain system. This system ensures that when drugs are required, they are supplied in good time.

When they require assessment of their patients regarding the diseases that they have, it is done in good time. When they require delivery of medicine, they have an e-medicine system that ensures that they drop the drugs.

Madam Temporary Speaker, I am aware that they even have drones that drop medicine to the required locations in the remote areas. This system is called e-health Rwanda. If a country as young and vibrant as Rwanda can have an e-health system where you diagnose a disease in one remote location, are able to see where the medication is within the system; use technology to liaise and talk to the referral hospital and to drop the medicine, why can we not? I am told they are able to drop medicine within 30 minutes of ordering by using a drone.

Our economy is at Kshs3 trillion. We have purposed to have Kshs3 trillion for the budget of this country. Surely, this country can do better than that. We can set up telecommunication centres in our counties and through those communication centres, we will be able to liaise within the health system and do referrals through that platform. We can also do consultation through telecommunication. People can send text messages and communicate on the status of any health issue in this country.

Madam Temporary Speaker, this is what we have in Rwanda and it is working. They have developed what they are calling e-health Rwanda, which as we talk now, has done wonders in terms of service delivery in health matters. The context is that health information and technology in Rwanda is a quickly growing industry with many stakeholders. The national Government, several NGOs and private sectors have come in to ensure that it works and is a success.

Out of that product called e-health Rwanda, Rwanda has been able to set up six health technologies that are being implemented in the country. The package of systems aims to respond to the health care needs of the population and to improve management of the health system so as to gain productivity.

They have something called track net which is monthly monitoring of infectious diseases, including HIV/AIDs, Tuberculosis and Malaria. They have a product which is monitoring the kind of diseases that we have and deals with them. They have another product called Kaberwa, a drug and medical supply management system handled by the National Pharmaceutical Company. This one is about medicine, how it is supplied, where the relevant medicine is, where the shortage and surplus are. They are able to deliver in time. This would even help us in Kenya.

Madam Temporary Speaker, you know we have had cases of medicine expiring. Through this system, we could be able to track and supply the medicine before it expires. If it expires, we should be able to track and remove it out of the market.

They also have something Open Medical Records System (OMRC) that tracks patients' level data. You are even able to track your patient and see how they are coping with whatever issues they have.

They also have the telemedicine where ICT is used to deliver health services and health care information and education to geographically separated parties. This is where health care professionals diagnose and treat patients in multiple locations by means of telecommunication technology. What a beautiful idea if only we could be able to use such a product like the telemedicine or e-medicine where you are able to communicate through our different networks and be able to diagnose a patient not necessarily before you, but be able to communicate, diagnose and give a prescription.

Madam Temporary Speaker, the intention of this Motion is to have our county hospitals communicate with our referral hospitals, and remote areas where network can be reached and be able to do diagnosis, give e-medicine and a prescription even when the patient is not before you.

In the Republic of Rwanda, they have a health management information system which is what now our Ministry of Health should be able to implement. I have heard that there is a move to this direction. This will help to roll out the Universal Health Care (UHC) that we have been talking about and we will be happy as a country.

Madam Temporary Speaker, there is the e-learning for nurses. You can imagine an instance whereby you do not have to come all the way from Kajiado, Marsabit to do some learning in a referral hospital like Kenyatta National Referral and Teaching Hospital. You can do your e-learning, but this can only happen if you have an ICT or telecommunication system between our doctors and hospitals.

The system in Rwanda is efficient because of ease of transmission by mobile phone and the low energy consumption using solar panel. They even went ahead to introduce solar panel to run these gadgets. The system reached 60,000 infected persons in year 2007 compared to 8,000 people in year 2004. From the year 2004, they were at 8,000 people. However, because of this system, they were able to reach over 60,000 persons that were ailing. What a difference in terms of service delivery. We, surely, need this as a country.

Currently, all the medical data of people living with HIV/AIDS scourge is computerised. I am talking about Rwanda not Kenya. It allows retrieval of up to date information no matter which health facility the parties are in. You are able to access your records anywhere, wherever you are and can be treated wherever you are. All your data is computerised and you are able to access services wherever you are. This ensure follow-up in terms of drugs and surveillance. This is what Rwanda has achieved. I remember the last time I was there, each hotel had free Wi-Fi network within the precincts of the hotel. You are able to chat and indicate where you are and communicate.

Madam Temporary Speaker, I hope we can reach there as a country. Of course, there are challenges but if there is a will, there will be a way.

I now proceed to talk about the Ghana experience which is called e-health Ghana. Its objective is to enhance the reach of health care services in traditionally populated

areas at a very low cost. This project in Ghana has seen 22 health projects implemented. I will just sample a few because I can see a red flag in terms of my time. Service delivery, community-based health planning and services has been there because of how they are reaching out to the people. The objectives of the project are to use appropriate technology to generate more accurate reports that can be used to make decisions by the community health officers.

We have communities down there in the villages which are not able to access the cities and services within our towns and urban centres. They have reached out to community health officers and district health managers to use technology to generate monthly reports, follow up on mothers on antenatal clinics and the children and register nurses within the community. I can go and on.

Ghana has developed a web-based interface communication network where they have servers hosted in each hospital. They now have proper communication between the district and referral hospital. In fact, they have a system where they can reach out to over 100 doctors at any given moment for diagnosis and offer expert advice wherever you are. Now people can get treatment wherever they are. We have a lot to do to.

As I speak, we can do it in Kenya because our network is 90 per cent complete. In fact, our mobile subscribers are at 91 per cent compared to Africa as a whole which is at 80 per cent. So, this country can do it. If we are at 90 per cent in terms of people who have subscribed to mobile services, why should we not use the services for people to get diagnosed through internet connectivity?

Madam Temporary Speaker, our internet connectivity by mobile phones is at 83 per cent. In fact, we have overtaken Nigeria which was ahead of us. An example is the Jumia Online Shopping which is at 70 per cent. They are able to get paid for all online shopping. Over 50 per cent of online mobile shoppers make payments through mobile transactions.

Kenyans are very active on social media. In *WhatsApp*, we are at 74 per cent, *Facebook* at 70 per cent and *Twitter* at 50 per cent. Over 30 million Kenyans use Safaricom and another four million use Airtel network to communicate. All these people can access the internet through their mobile phones.

(The amber light at the timer was switched on)

Madam Speaker, I request for about five minutes to conclude.

The Temporary Speaker (Sen. (Prof.) Kamar): I will give you three minutes.

Sen. Pareno: That is okay, Madam Temporary Speaker.

We have connectivity in this country. Kenyans can access financial services which rose to 83 per cent because of mobile technology. If we can transact using our mobile phones, why can we not use the connectivity? Why can we not use the network within this country to make it easy for us to access healthcare?

I have given examples of Ghana and Rwanda that have done it. We can also do it in this country. People can easily be diagnosed at whatever location. We can have online doctors who can diagnose and prescribe medicine for their clients. I am told there are radiologists who can take a picture of a person and the ailment and relay that to experts to analyse and prescribe proper medicine in real time. We, as a country, can do it.

Madam Temporary Speaker, as I move this Motion, I seek a lot of support from this House, so that we can make it a reality. I ask Sen. Farhiya to second.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators before the seconding is done, I have a communication to make.

(Interruption of debate on the Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS FROM VARIOUS SCHOOLS

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from;

- (3) Cheptulu Primary School in Vihiga County; and,
- (4) Tegla Lorupe Primary School in West Pokot 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.

I thank you.

(Applause)

Sen. Farhiya you can now second the Motion.

(Resumption of debate on the Motion)

Sen. Farhiya: Thank you, Madam Temporary Speaker, for allowing me to second the Motion. Before I do so, I also wish to join you in welcoming the visiting students. We have a delegation from Tegla Lorupe Primary School. Tegla Lorupe Primary School is named after a great lady who not only succeeded in sports, but also in bringing the community together by spearheading peace process in her community. Students from both Vihiga and West Pokot counties should emulate that lady because she has far-reaching impact in this country.

Madam Speaker, I wish to second the Motion by Sen. Pareno. She has done justice to the Motion in such a way that it leaves very little space for anybody else to say anything because she covered almost everything. Tele-medicine is now replacing face-to-face interaction through the use of technology.

Yesterday, we discussed in this House a Bill on cancer and health in general. Other than Nairobi City County, we have oncologists in Mombasa, Kisumu, Uasin Gishu, Embu and Nyeri counties. If telemedicine was to become a reality, other counties, including my own county, will have oncologists. There is an advantage of embracing telemedicine technology.

The cost of accommodation and travel for patients is greatly reduced if hospitals are linked. For example, a hospital in need for an oncologist should be linked to another that has none, so as to communicate through the tele-medicine system to ensure that

people access information. In addition to that, telemedicine allows information to be shared by many doctors. All you need is to have the data in a central point where everybody can access. This is in terms of new research and surgery which comes into play.

In some developed countries like the United States of America (USA), a doctor can perform a surgery to a patient in Kenya using technology. They need to have prior diagnostic information for that patient, which can be communicated using the same technology.

Madam Temporary Speaker, surgery through telemedicine is called tele-surgery. This is where a surgeon conducts surgery in one country. With the help of technology, he talks to people in another country. That is possible and it is already being practiced in other countries.

Madam Temporary Speaker, nobody has monopoly of information; no doctor has a right to knowledge. There are many people with different knowledge from different areas. For instance, when we were discussing cancer yesterday, we were told that every cancer is different, and comes with its own issues. Therefore, a video conferencing link is possible with telemedicine. Consequently, ten different doctors in ten different countries can go into a conference and discuss an issue regarding a patient. They can do all the analysis, share the information each has and experience that they enjoy and come to the best conclusion for that person.

Through use of telemedicine, Scotland has linked up a referral hospital to a small hospital that does not have such facilities. That way, specialist doctors were able to provide special information to the north east of Scotland to the Aberdare Royal Infirmary through the use of video links. The other development that can be used in terms of telemedicine is robotics. Robots have been used to conduct a surgery being controlled by a doctor who is in another country.

Madam Temporary Speaker, there are benefits that come with the use of telemedicine, especially in developing countries, where the transfer of skills is made possible with telemedicine. In emergency situations where there is no doctor, the nurses or clinical officers available can be used to do certain procedures that have far reaching impact on the health of a patient. Telemedicine has also been used to transmit medical results like X-rays and laboratory tests. That way, a doctor in another country is then able to make a decision from the information that he gets.

Madam Temporary Speaker, the other use of telemedicine is, for example, on people with chronic diseases and who need constant consultation with doctors. This is because sometimes their condition does not allow them to travel to wherever they can get medical help. Telemedicine is making it possible for the doctor to speak to that person, get to know their condition and more information which can even result in change of medication as a result of deteriorating health. This even leads to improvement of the health of that patient. Gynecologists also use teleconferencing to provide family planning and other information that is necessary to people who need it.

Madam Temporary Speaker, telemedicine is the way to go, given the reduction in cost and all the advantages it comes with. Kenya has been known to be ahead in terms of technological use. For instance, look at M-Pesa, Kenya is quoted globally for being the

pioneers of mobile money transfer. I am surprised that telemedicine has never been practiced in this country and yet there is an opportunity.

Madam Temporary Speaker, the Ministry of Education is piloting a project linking remote schools to others which have better facilities for scientific subjects like Biology, Chemistry, Physics and Mathematics. In my county, there are some areas where the very highly qualified teachers will not go to because of the presence of al-Shabaab. Therefore, some piloting is ongoing, where a teleconference is held between a teacher in Alliance High School and a teacher in that remote school. That way, students in the remote school are in the same virtual class with their counterparts in Alliance High School. Since that is possible in this country, I do not see why telemedicine has been an issue.

Madam Temporary Speaker, the only slight risk that I see in telemedicine is the sharing of personal data, because of the condition of a patient. Knowing that Kenyans are very smart in hacking data, the personal medical information can be accessed by unauthorised people. Other than that risk that I foresee, there is a lot more to gain by using telemedicine than if we do not use it. This is because in terms of medicine, the rural areas are still behind, even with counties having money to finance that medical officer who could have gone there with such great skills, like oncology. Considering how few oncological skills are in this country, they prefer to stay in Nairobi. However, where does that leave our rural areas?

Madam Temporary Speaker, if we cared about Universal Health Care (UHC), which our President has championed, then telemedicine is the way to go. With it, you can even link up this information, up to the person who is involved in providing community health services. For example, if a traditional birth attendant encounters complications in a birth, they can use telemedicine to avert a worse situation. Education is reaching a different level in this country. We still have a long way to go, but we are far much better than where we have come from. We are at a level where a traditional birth attendant can communicate with a doctor in order to get information that can save the life of the mother and the baby.

Madam Temporary Speaker, this is an idea whose time has come. We, as a House, cannot afford not to take up this Motion and pass it, because it is for the interest of all our people. This Motion takes medical care to the next level, where we need it to be. The UHC is one of the legacies of our President. I see telemedicine as the one that will take it to that level.

Madam Temporary Speaker, I beg to second.

(Question proposed)

Sen. Halake: Thank you, Madam Temporary Speaker, for giving me this opportunity. I rise to support this all-important Motion by our sister Sen. Pareno.

This is a very timely Motion. As the Vice-chairperson of the Committee on Information and Technology, I would like to say that this is just precisely the kind of thing that we have been thinking we need to innovate around the challenges that we have in this country regarding service provision. We see e-health or telemedicine as a solution through ICT that would ease the burden of access, cost and efficiency.

Madam Temporary Speaker, as you know, health issues are very time conscious. More importantly, it is also a socio-economic rights issue as per our Constitution. Article 43 states that every person has the right to the highest attainable standard of health which includes the right to healthcare services including reproductive healthcare services.

This Motion is not only timely but also what I like about it is that it starts with asking us to put in place the right frameworks that would then enable e-health and telemedicine as it were.

Madam Temporary Speaker, teleconferencing, tele-video, telemedicine or e-health can ride on ICT to address some of the issues I have just talked about like accessibility, especially in marginalized and in our rural areas.

The fact that Sen. Pareno comes from Kajiado County could have contributed to her thinking out of the box and bringing this Motion so that it can help the people of Kajiado, Isiolo - where I come from - and in most of our rural set ups where the health infrastructure does not exist.

Madam Temporary Speaker, why can we not then hook up into innovative ways of providing diagnosis, treatment and continued learning by our healthcare providers as well as just linking all these to give access to our citizens and then to do it cost efficiently so that it is sustainable?

On many levels, this is a very great and feasible idea. From the way she has described to us, in Rwanda and Uganda, it seems clinically doable even in our own set up.

Madam Temporary Speaker, as we look at the areas of medicine that can really lend themselves to e-health, many come to mind. Even if we just decide to offload the easier ones like dermatology or gynecology - although gynecology and reproductive health is not as easy and is wrought with complexities - but if we did that with some of the ones that are easy to do, we could make sure we are efficient and offload some of the burden from our healthcare providers where sometimes in one hospital you have one doctor working day and night and by the time it is midnight, they are very exhausted.

Just recently, we passed the Mental Health Bill. I kept wondering if this could be an area that the mental health can lend itself, whereby if someone is feeling depressed or suicidal, they could video call and speak to somebody on real-time. They call it a synchronous approach.

Madam Temporary Speaker, there are areas of medicine that could very easily use ICT. It is about time we looked at the policies that govern this. There are challenges and barriers to telemedicine as we have seen in other parts of the world where they have implemented this, even in the First World where they have advanced infrastructure and are using tele-medicine for more sophisticated diagnosis and surgeries that are using artificial intelligence and robots.

The local public health, which is basic healthcare system using community health workers, can lend itself. I am glad that the prayer is actually to put in place the right frameworks and policies so that we get it right.

Madam Temporary Speaker, the number one thing that I have read about telemedicine and e-health is sustainability. Lack of sustainability comes in when resources die out or certain governments put in place seed money to try and do pilot projects and as soon as that seed money is finished, then it just dies.

I am glad that she is asking this House to compel the Executive or Ministries and our academia to come together and set up the policies and the right framework so that we get it right and make it sustainable as well.

Madam Temporary Speaker, I do not want to go over the whole of it because Sen. Pareno has really outlined the benefits, cure, prevention, education, research and evaluation.

She also mentioned that the opportunity we have is that our coverage of internet is quite high but therein lies the problem. As somebody who is in the ICT space, I am aware that the 83 per cent coverage is not very factual. It looks at the number of users as opposed to the area of coverage. It is a population-based percentage which means that if we have 60 per cent of the people in Kenya living in Nairobi, we can almost say we have covered the entire country.

When you look at the geographic-based percentage, it is very low in the parts of the geographic locations that we are looking at for telemedicine. If it is Nairobi-based in terms of the internet coverage, they already have access to - within reasonable kilometers - Mbagathi District Hospital or Kenyatta National Hospital.

However, when we look at the geographic coverage, the percentages then drastically fall. That is one area that will be a major challenge to our ambitions for telemedicine, but that is precisely the reason why with the right policies in place, we should then say our percentage coverage should be based on the geographic coverage. This is because telemedicine is mostly beneficial to the hard to reach areas which at the same time do not have the telecommunications coverage that we need to do the telemedicine. This is an opportunity for us to do this in terms of making sure that we---

The Temporary Speaker (Sen. (Prof.) Kamar): There is a point of information from Sen. Pareno. Do you want to be informed?

Sen. Halake: Yes, Madam Temporary Speaker.

Sen. Pareno: Thank you, Madam Temporary Speaker. I want to inform my sister, Sen. Halake, that according to the current data, as of January, 2019, only 164 sub-locations in this country had zero networks. Most of the other areas are covered. We appreciate that there are areas that are not covered. However, out of the many sub-locations in this country, only 164 have zero coverage and the rest have some sort of coverage.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Halake, now that you are informed, you can continue.

Sen. Halake: Thank you, Senator. That is correct. They were 202 but they have reduced to 164. However, this is the basic 2G that we are talking about and may not enable the kind of infrastructure that we need. The 164 sub-locations are in the hard to reach areas of Isiolo, Turkana, West Pokot, Baringo, part of Kitui, *et cetera*. This is something that the Committee on Information, Communication and Technology has been following. Hopefully, by the end of the year, the balloons will give 4G and not the basic 2G network. So far, the basic geographical coverage is the basic 2G. We have made a lot of strides. However, it is a point to note that we may find certain problems with that.

I love this Motion because of the fact that it links healthcare providers with specialists and referral hospitals just as Sen. Pareno has articulated so well. Also, it links the tertiary education centres for continued learning, which is great. As I have said, you

have given us good ideas. We know that it is feasible, clinically proven and scalable as well. We have the 3G and 4G network hence faster transmission of data.

However, the barriers of sustainability are low optimal coverage in some parts of the country, certain legal considerations and data issues which need to be looked at. This is why I am proud of this House for initiating the Data Protection Bill that is now in the National Assembly.

I hope that the National Assembly will realise the potential there is in a country to have data protection laws that enable e-health or telemedicine and e-commerce. Some countries are now bypassing Kenya when it comes to business outsourcing because we have taken too long to enact our data protection laws. These are the kind of things that we need to quickly work on if we are to realise the benefits that will come with e-health, teleconferencing, video conferencing and the e-health spectrum that Sen. Pareno has moved this Motion on.

There are also technical and software challenges. These are things that can be overcome. If a country like Rwanda which is 80 per cent rural like us, although it is a smaller country has overcome them, we can also do it as well. It is important for the National Assembly to expedite the Senate's Data Protection Bill. This is because therein lies the legislation for governing confidentiality, privacy, access, liabilities, ethical standards and protection of data subject. In this case, the patient will need his or her data protected, dignity ensured and services provided to them in good time and in the highest standards.

Madam Temporary Speaker, with those few remarks, I am a great supporter of any innovations that would cut cost and provide access. I am also proud of things that will make sure that, as per our Constitution, the rights of our people to access good healthcare is guaranteed through innovative approaches, especially utilizing Information Communication Technology (ICT).

I support this Motion and thank Sen. Pareno for bringing it. I look forward to helping her follow up on its implementation.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Before we move, I have another Communication to make.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MERCY GIRLS SECONDARY
SCHOOL, KERICHO COUNTY

Hon. Senators, I would like acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Mercy Girls' Secondary School, Kericho County.

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

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity---

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

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Pareno, what is your point of order?

Sen. Pareno: Madam Temporary Speaker, I do not know whether you will give me two minutes to welcome the students from Kericho.

The Temporary Speaker (Sen. (Prof.) Kamar): I will give you one minute.

Sen. Pareno: Madam Temporary Speaker, I take this opportunity to welcome the students from Kericho. I have a specific attachment to Kericho, having gone to school at Kipsigis Girls' Secondary School from Form One to Form Six some years ago. It shaped me. I appreciated being in their county.

I am sure they have a good environment to learn, and so, they should do their best. I welcome them to see the best in this Senate. I am happy that they are here to see our debates. I wish them well and hope to see more of them in the future. The Senator for Kericho is a vibrant Senator. Therefore, you can be assured that he has been representing you well. We hope all of us will be your role models.

Sen. M. Kajwang: On a point of order, Madam Temporary Speaker.

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

Sen. M. Kajwang: Madam Temporary Speaker, I beg your indulgence. As the Senator for Homa Bay that neighbours Kericho, I beg that you give me just one minute to welcome the girls from Kericho.

The Temporary Speaker (Sen. (Prof.) Kamar): You have one minute.

Sen. M. Kajwang: Madam Temporary Speaker, I have travelled to Parliaments in other counties. When people are seated up in the Gallery, it is a great honor to hear their names and delegation being mentioned on the Floor of the House. I honour the girls who are my neighbours and represented by Sen. Aaron Cheruiyot, who is my age mate and an extremely vibrant man with a bright future.

I would like them to go back with a message that in the Senate, we work together irrespective of tribal and political parties backgrounds. I encourage them never to accept to be incited to take up weapons to hurt somebody else in the name of politics. In Parliament, we debate using words and not weapons or violence. They must shun violence and aspire to work hard so that one day they will come to this House and sit on that Chair.

The Chair of today's session was my teacher way back at Moi University when she was heading Chepkoilel. Today, as her student, I have the privilege to sit with her in the same House. I believe that one day, these girls will get the opportunity to sit with us in this House and build a prosperous Kenya.

(Applause)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. You can hear the response. The one minute was worth it.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity. I want to welcome the students from Kericho County to this House. I

commend the teachers for bringing the girls to the Chamber so as to interact with us. It is good for them to see that we have women leaders who are representing national issues. Women leadership begins from school because that is where they are taught leadership skills.

The girls should know that it is good to be in the right company because bad company erodes good morals. I watched the news yesterday and saw the boys who were arrested in Nakuru because they were watching pornography. The girls should know that good company will help them focus on their studies which will help them in future.

(Resumption of debate on the Motion)

I commend Sen. Pareno for coming up with this Motion. Article 26 of the Constitution says that everyone has a right to life. This teleconferencing is speaking to this constitutional right. Article 43 of the Constitution states that one has a right to attainable standards of health. Sustainable Development Goals (SDGs) No.3 talks of health and wellbeing. A healthy nation is a productive nation. There is need for us to interrogate this Motion.

All organisations are now using technology, hence, there is need for us, as a country, to be techno savvy when it comes to healthcare. Technology is very important for it helps save time. The medical and human resources personnel at the county governments and national Government can communicate and that will enable them to have a seamless way of looking at things. Technology also saves time and money.

The medics take an oath to save lives which means that they are well-meaning in their actions. It also means that they will train each other and share information for the purpose of saving lives. Teleconferencing will be a good way of doing that. Sen. Pareno should expand teleconferencing for us to talk about it from the county perspective, national perspective and international perspective.

We have to broaden it to the international level because of emerging diseases. We are currently mourning our colleagues who succumbed to cancer but we also have many Kenyans who have succumbed to cancer. I am also a cancer survivor but I am not ready to die right now. I want to talk about these things until we get to stop cancer.

I will use my case to explain the reason as to why teleconferencing should go beyond the county and national level. I was diagnosed with cancer in 2013 and I was to go through a radical surgery to save my limb. I thank God that my limb was saved. I cannot walk upright like everybody else but I am happy that I am able to drag it from one place to another.

When I went to India for treatment, the orthopaedic oncologist who was assigned to me was given a heavy task because I was suffering from a type of cancer that they had never treated in adults. Most people who get bone cancer are children and the doctors find it easy to treat them. The doctor had a rough time handling my case because he had to import a customised prosthesis from Stanmore Implants Worldwide, London. The doctor said that he had never done such an operation but he had my two legs. I have used my case to show us the importance of teleconferencing.

Teleconferencing can help medics and they can learn from each other. A doctor at the county level can consult fellow doctors. The oath that they took during graduation

will make it easy for his colleagues to share with him ideas. Teleconferencing is a good way of learning.

Teleconferencing has value addition even to the patients because they can be diagnosed through teleconferencing. It is possible for a patient to consult a doctor through Skype. That will help the patient to know if the doctor can handle his case before he goes to see him. Many patients are always in a rush to go to a foreign country for treatment but when they get there, they find it difficult to identify the best place where they can be treated. Teleconferencing and Skype will enable the patients to know the doctor and the hospital that can treat their ailment.

Teleconferencing can also reassure the patients. Many patients die out of fear but the reassurance of a doctor can give them hope. It is possible for a doctor to counsel a patient before treatment which will make the patient psychologically prepared. Teleconferencing can also help the aged patients who are not able to move around.

In a situation where there is a doctor in the vicinity, it is possible for that doctor to contact another through Skype or teleconferencing and present the case of the patient who could be aged and unable to access the place. Through the information that the doctors get, it is possible for aged patients who are immobile to be treated.

The issue of teleconferencing should be taken up with speed. This Motion should not only pass, it should be implemented.

I thank you for giving me this opportunity. I support.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. Let us have Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Madam Temporary Speaker, for giving me an opportunity to make my contribution to this very important Motion. From the outset, I thank Sen. Pareno for thinking about this. I also thank my colleagues---

The Temporary Speaker (Sen. (Prof.) Kamar): Order Member. Please take a seat. I have one communication to make before you continue.

(Interruption of debate on the Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM APPLE GATE
PRIMARY SCHOOL, KAKAMEGA COUNTY

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Apple Gate Primary School in Kakamega 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.

I thank you.

(Applause)

Sen. (Dr.) Musuruve, are you on a point of order?

Sen. (Dr.) Musuruve: Madam Temporary Speaker, it is not a point of order. Just allow me to welcome the learners from Kakamega County into the House.

The Temporary Speaker (Sen. (Prof.) Kamar): One minute, please.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I join you in welcoming the learners from Kakamega County in this House. It is something commendable.

I am a nominated Senator from Kakamega County and it makes me proud to see that they have come all the way to engage with the Senate and listen to what we are articulating with regard to issues of national importance.

I welcome you to the House and you should feel at home. I am proud of you. This is what I will say to the learners; some years to come, some of you will be sitting where Sen. (Dr.) Musuruve is sitting while some of you will be doctors or lawyers. Just work hard and be focused in your studies.

I thank the teachers for bringing the learners to the House.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Ochillo-Ayacko, please continue.

Sen. Ochillo- Ayacko: Madam Temporary Speaker, in the same vein and token, I welcome the learners from Kakamega County. We call it *ingo* or *tokkoder* from where I come from. I am the Senator representing Migori County and I am also happy to have you here.

This is a good House. Parliament is a very goodplace. We resolve our disagreements through debate, persuasion and consensus. I hope when you get back to Kakamega all divergent views that you have will be resolved through debate, persuasion and consensus but not through any other means that maybe unlawful. I hope you take that home. Travel safely and pass my regards to your governor and Sen. Malalah who ought to have been here.

(Resumption of debate on the Motion)

Madam Temporary Speaker, I appreciate Sen. Pareno for thinking about this Motion. It is a timely Motion that deserves our unreserved support. If you look at the inspiration that President Kennedy had on Americans when he was alive in the 1960s, he persuaded Americans to go the Moon. In one of his very good addresses in persuasion of Americans to go to the Moon, he said that they should go to the Moon not because it was nice up there but because it is difficult.

What Sen. Pareno proposes for the Government to have tele-medicine and virtual health must be done. It must be done because we know that it is difficult. If we do not do it and choose to do easy things, I do not think it will reward all the hard work and the investments that we have in terms of innovations and ambitions that we invest day in, day out. I appreciate the difficulty of attaining this.

If you look at Article 21 of the Constitution, it talks about implementation of rights and fundamental freedoms. It states as follows:

“(1) It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

(2) The State shall take legislative policies and other measures including the setting of standards to achieve the progressive realization of the rights guaranteed under Article 43.”

Under Article 43, which is titled Economic and Social Rights:

“Every person has the right to the highest attainable standard of health which includes the right to healthcare services including reproductive health care.”

Madam Temporary Speaker, it is our duty to ensure that we give meaning to Article 21 as read together with Article 43, so that we as a State organ, urge and encourage the Executive to implement these rights so that Kenyans benefit.

I thank Sen. Pareno for moving this House to start the journey towards realization of the rights of Kenyans to the highest standards of healthcare that can be attained in this country.

When we talk about health, it is access to healthcare services. We understand that we operate in the context where we have few experts. We should look at the area of radiologists, oncologists, paediatricians and all other experts that have technical knowledge that requires so much learning. We have had the misfortune - I dare call it so - of requesting Cuba to supply us with experts. That means that we do not have expertise in many areas.

In order for Kenyans to access knowledge from experts that we have from countries like Cuba and those we train---. Yesterday, we had the privilege of listening to an oncologist called Dr. Odhiambo who said that it will take us about five years to have about 100 oncologists. He gave statistics which indicated that my own county, Migori, does not have an oncologist. He further said that other counties like Kisii, Homa Bay, and Kakamega did not have oncologists. The whole of western region, including Kericho, has to rely on one oncologist found in Kisumu.

For us to access specialized services, tele-medicine is a must. If we do not access those services because they have not been provided by our national Government, then I am sure the leaders of the day, including you and I will be responsible for negligence to allow other Kenyans to die because they are unable to access the services. This Motion is about enabling Kenyans access services of the highest standards because tele-medicine will connect Kenyans to specialists.

Kenyans reside in counties and far flank regions of this country. They reside in *mashinani*. In order for them to get services from the centre where the specialists and professionals are, we need to have tele-medicine and virtual health so that Kenyans are connected to service providers.

This is not just idle talk; it is a duty that the Constitution has placed upon us to ensure that we legislate, put in place policies, and implement them for Kenyans to realise this kind of need.

Madam Temporary Speaker, we are moving to an era of efficiency and effectiveness. We are talking about access, and in order to access these services, we have physical, linguistic and periodic access, which is about timeliness in terms that access. There are all manner of access. Even in other areas of services like justice, we talk about access to justice. Here, we are talking about access to quality health. In order for us to

inbuilt this desire to have our people access health, we must look at how efficiently and how cost effective we to deliver it.

Madam Temporary Speaker, Information Communication Technology (ICT) makes it very accessible. It can shorten the distance between results in one laboratory with advice, diagnosis or prescription that you receive from a doctor who is miles away. That is likely to save life, money and so many things. That way, we will reduce these endless queues and the hospital beds which are occupied by sick and suffering people can be used for other reasons.

Madam Temporary Speaker, my county has only one person I would call a physician. We have four general medical practitioners in the entire Migori County with 1.1 million people. We have only one specialist, a gynaecologist, and he has to be in touch with everybody. I assure you that in our county, we are very active, because we keep on giving birth to many children, and that is a blessing to us. We are yet to deal with things called family planning, because we still need many children.

Madam Temporary Speaker, with the limited number of specialists we have, tele-health, tele-medicine or virtual health is a must. If we walk this path and ensure this is done, I assure you that our people and all Kenyans will feel the effects of devolution and access to services of the highest standard. They will then feel that they are part of a healthy nation.

Without building a healthy nation, all these developments that we talk about are theoretical and of no use. That is true until we assure every Kenyan that should anything happen or threaten to happen to them in the medical sense, our Government is available electronically and physically to service and attend to their needs promptly and effectively.

With those many remarks, I congratulate my sister, Sen. Pareno. She is my party leader, and I hope that she will grow to a better office when the time comes. The year 2022 is on the way, and I wish you and Sen. Pareno well. I am more comfortable being led by ladies than men.

Thank you.

(Laughter)

The Temporary Speaker (Sen. (Prof.) Kamar): Senator, remember that this is 2019.

Proceed, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker, for giving me an opportunity to add my voice to this important Motion. I also congratulate Sen. Pareno for coming up with this Motion, which will help the entire nation. She is a focused lady and I know that because we have worked together in the Committee on National Cohesion, Equal Opportunity and Regional Integration. She is a very committed lady. When she was moving her Motion, I saw in her commitment to serve her people and Kenyans. Congratulations, Senator.

Madam Temporary Speaker, I support this Motion because of the potential it has. Health is very central in what we do, as a nation. We also know where we are coming from, especially those of us who come far from the Nairobi City. We come from remote

areas of this country where we do not have good roads, communication networks and many other facilities.

Many of our people have suffered in the past. I am referring to my own County of Marsabit. Many Kenyan patients go to India to get good medical care, support or attention. However, for people from Marsabit and other parts, Meru County is the furthest we can go. Even for those who travel to Meru, it is only those who have money or a few cows that they can sell in order to get money to go there.

Madam Temporary Speaker, this is a very good idea that can bring equal opportunity to all Kenyans. It means that wherever you are, you can get the support or services that you need. With the President's UHC, this is the best way to go, so that he can have that legacy that he wants to leave behind.

Kenya is one nation and we need to promote that oneness and togetherness so that we can see how best all Kenyans can receive that equal opportunity to different services that we can give them. A unified health system promotes inter-relationship between the national and county government health system. This is very important because we currently do not have that in place. We have seen that even as patients travel from one place to another, sometimes even before they get the attention they need, some lose their lives. However, if this is done, it means that you can be in Marsabit County but still get that best services that you want.

If this is done, then that means that even if you are in Marsabit, you can get the best service that you want. So, this will connect one county to another and also all the counties in the nation to our national referral hospitals. However, what is needed is investment from the Government.

Sometimes we cry for good health and good facilities so that our people can have better health care but unfortunately, we do not want to invest. It is important for us to propose that our Government invests enough in equipping facilities that already in place and making sure that we have proper systems in place so that all the patients can be served well.

Lots of lives have been lost in the past and we cannot continue that way as a country. We know that when this is implemented, then diagnosis of different diseases can be done. We can have professional doctors who are specialized in different areas providing their services from wherever they are. In fact, I believe even when they are outside the country, they can continue providing services.

This is something that we need to support so that we can improve the lives of our people. In order for us to have a healthy nation, we must invest in healthcare. In order for us to have a growing nation, as a Government, we should be prepared so that we can have qualified personnel, good infrastructure and make it possible for our people to have accessibility to the facilities that we have.

Madam Temporary Speaker, with those few remarks, I support this Motion and congratulate Sen. Pareno.

Sen. Mwaura: Thank you, Madam Temporary Speaker. I rise to support this great Motion by Sen. Judith Pareno, who has just been conferred with the title of party leader. I want to say that that is fairly futuristic because we know that party leader may mean any party leader but in our jurisdiction, party leader means the leader of the party.

In this regard, I am not sure whether she would want to rival the hon. Raila Odinga, but certainly it is the wish for the---

Sen. Pareno: On a point of order, Madam Temporary Speaker. I am sure Sen. Ochillo-Ayacko, who has always referred to me as one of the leaders of the party, knows that I am a party leader as far as the elections of the party are concerned, being the National Chair of the Election Board. I am sure that is what he meant and not that I am now hoping---

Maybe in future, I can be the party leader. However, for now, we have a very able party leader. So, I am only a leader in as far as the elections are concerned.

Madam Temporary Speaker (Sen. (Prof.) Kamar): Good correction, although you have been wished well for the future.

Proceed, Sen. Mwaura.

Sen. Mwaura: Thank you, Madam Temporary Speaker. I think the idea is futuristic and even the Mover was very optimistic; we reminded her that we are in 2019 and it was all about 2022. Anyway, it is about women's power. I have just come from the requiem mass for the late hon. Ken Okoth and hon. Pareno was there. It reminded me of my days in ODM with the Chair; *nafikiri Chama bado iko imara*.

Madam Temporary Speaker, I strongly support this Motion. If the Chair could allow me to also - because I have not had that opportunity - to pay my tribute and condolences to the two fallen leaders of our country; hon. Ken Odhiambo Okoth and hon. Joyce Cheron Laboso, both of whom I was privileged to serve with in the Eleventh Parliament.

Governor Joyce Laboso was the first lady Deputy Speaker having been with her in the Orange Democratic Movement (ODM). I remember seeing her coming to life together with hon. Beatrice Kones when they were introduced after the two by-elections due to the death of the husband of hon. Beatrice Kones; hon. Kipkalia Kones, and the late hon. Lorna Laboso. She was like a mother to us. In fact, when she was in the Chair, like you are, we used to joke a lot like children because the mother was around. She was articulate.

Madam Temporary Speaker, when I spoke to her last year, she expressed her desire to join the Senate. However, this was not to be. We eulogize her for proving that women can be elected as leaders. She won with a landslide and became the first woman governor for Bomet County. She was amongst the three elected governors. She was a trailblazer and we really honor her.

Madam Temporary Speaker, the late hon. Ken Okoth was a great leader that I met in the Eleventh Parliament. We were the young Turks of ODM. Hon. Zuleikha Juma Hassan, the current Member of Parliament (MP) for Kwale Constituency and myself are the ones who revived the Kenya Young Parliamentarians Associations (KYPA) after many years. Sooner than later, the late hon. Ken Okoth, Sen. Sakaja and other Members joined us. So, it is really painful to see a young man---

Madam Temporary Speaker, I do not know whether our Standing Orders allow me, but kindly allow me to read something here in his honor then I will go to the Motion.

"I am angry at you Ken Okoth. How could you just go like that? I thought we had a dream to transform Kenya together. Deep within, your death has robbed me of some hope. I have never seen a young man so committed to transform his own community that

he was brought up in. In you, Kibra had its own mirror to look into. The children of the ghettos knew that they too could amount to something for they saw themselves in you. You gave them hope and invested in their future. Education, the great equalizer was your hallmark.

You are a true embodiment of resilience of the people of Kibra. You talked and thought of them. You were a charismatic young leader with brains and a vision. You were fought hard by the powers due to your projects like Kibra High School. People coveted your sit right into your presence. You kept your calm and cool and the brainy you connected with your people. God on your side, you played your cards well and because of your emotional intelligence *viola!* You got a second term when others thought you are done and dusted.

I will forever remain grateful to your perspectives and words of wisdom. We would have many lunches we would share together for months on end as we try to bring together the human rights agenda into the ambit of Parliament through the human rights caucus and our work, as we tried to revive and strengthen the KYPAs in order to improve the representation of young people. The times we debated on both television and radio and your wonderful advice towards me that you do not address the panelists but your audience, will remain true to my way of doing politics.

Hon. Ken Okoth, you are a great leader. You kept your calm even when there were a lot of temptations. I will forever remember the many lunches and debates that we had, when we travelled to far-flung places like Maasai Mau in Sierra Leone where we were to hear and seek justice for the downtrodden and our support for the women's agenda and the strategy to prosecute our agenda on the Floor after 5.00 p.m when other had left.

These are many more Ken. I feel a deep sharp pain in me. For others in the public domain, it could be some sense of acquaintance but you are close. We shared, agreed and disagreed. We were always the future and the silver lining in *azure* horizon. Today, I took the phone to call you but, *alas!*, it downed on me that it would not be so forever. What a diamond gone too soon? You are warrior in the fight against cancer, in the same manner that we both fought together on inclusive education.

Fare thee well Hon. Ken Okoth, the child and the father of the children of Kibra”.

Hon. Ken Okoth was a great man. If he was in this House, he would be one of the first people to support this Motion. We have lost a very intelligent man.

Telemedicine is important to our country. The internet connectivity will play a key role in ensuring that this dream becomes a reality. I am reminded of the Big Four Agenda. We once debated about a young man called Juma, a brother to Hon. Aisha Jumwa, who died in Cuba.

If you read about the culture of abattoirs, you will see how people behave from one country to another and you will get culture shock. If we had telemedicine, we did not have to go through all those things because the doctors would freely work from wherever they are.

It would also justify the reason as to why we are spending Kshs6.2 billion on the medical leasing equipment. It is a facilitative model but we also need to look at the rudimentary practices that we have. Safaricom used to have M-Tiba that would allow a patient to have consultation with a doctor but it was truncated. I think it was expensive.

Today if one falls sick, the first thing that they will do is to search in Google. However, Google gives all the symptoms which make one to think that they will be dying the following day. Telemedicine will help to leverage on the many deaths that one has to die before they realise that it is not as bad as it looks because it interfaces text but the actual confirmation from human knowledge. This practise is there.

When I was a student in Leeds University, I could see the doctors consulting via computer. I have also seen it at Nairobi Hospital at the Paediatric Clinic. You will always see the young doctors trying to get some information online. This is a practice that should be taken to the public hospitals.

Sen. Pareno: On a point of information Madam Temporary Speaker.

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

Sen. Pareno: Madam Temporary Speaker, I want to inform my colleague Sen. Mwaura that the young man who died in Cuba was not hon. Aisha Jumwa's brother. He was a younger brother to hon. Mishi Mboko, the Senator for Likoni. He needs to correct that.

The Temporary Speaker (Sen. (Prof.) Kamar): That is good for the records. The correction is accepted.

Sen. Mwaura: Thank you, Madam Temporary Speaker. She is the Member of Parliament for Likoni. She has said that she is the Senator for Likoni. However, I thank her for the correction. I do not know the reason as to why I confuse the two. I could be confusing them because they are the two women supremoes from the coast region.

The private hospitals are already doing telemedicine but the problem is our public institutions. The doctors in public hospitals should also get these services. Neo-natal care is very important. I draw this from my personal experience. My babies came prematurely and my wife and I went through a lot of challenges. I am a privileged Kenyan because I could access neo-natal care from a good hospital but what happens to the people in the villages? Telemedicine will ensure that we increase neo-natal care in the rural areas.

Tele-medicine will also help in local knowledge management, especially in Africa. The question is; how do you apply this knowledge with limited resources to a certain locality that is remote? Therefore, it is not just a question of expertise from abroad but also local knowledge in terms how to handle such a situation with limited resources. It will also help in terms of reducing consultancy fees because that is a deterrent to people who would want to see doctors. People will not have to pay dearly for a qualified professional.

Madam Temporary Speaker, as I support, I strongly condemn Governor Sonko for embarrassing the late hon. Okoth during the funeral service. Leaders should have decorum. Those are not things you discuss in a funeral. Justice should take place. There should be a mediator. It is embarrassing and Monica the wife of the late hon. Okoth should be respected.

I support.

The Temporary Speaker (Sen. (Prof.) Kamar): Order, Sen. Mwaura. You know you are not supposed to name somebody who has no powers to come and respond. Please do not sneak in something like that.

Proceed, Sen. Wario.

Sen. Wario: Asante sana, Bi. Spika wa Muda, kwa kunipa nafasi hii ili nchangie Hoja iliyoletwa na Sen. Pareno.

Kabla sijafanya hivyo, ningependa kutuma rambirambi zangu kwa jamaa na marafiki wa waliotuacha. Miongoni mwao ni marehemu mhe. Ken Okoth na aliyekuwa Gavana wa Bomet, mhe. Joyce Laboso. Tuko pamoja nao wakati huu mgumu.

Bi. Spika wa Muda, teknolojia ni kitu muhimu hasa katika sehemu ninakotoka. Huko kuna hospital chache sana na ni vigumu kuzipata. Watu wengi hupata shida kupanga foleni hospitalini ili wapate matibabu.

Tukitumia teknolojia ya kuunganisha mgonjwa na daktari, itapunguza foleni ambazo wagonjwa wengi hulazimika kupanga ili kupata matibabu. Kupitia matumizi ya teknolojia, wagonjwa wataweza kuzungumza na daktari popote alipo.

Pia, kuna malipo mengi ambayo mtu hulazimika kufanya kabla hata hajapata matibabu. Katika hospitali kubwa, mgonjwa anapoenda kumwona daktari, yeye hulazimika kutoa pesa nyingi. Kufikia wakati unapopata matibabu, mtu huwa ametoa pesa nyingi licha ya kuwa kupata pesa ni shida. Kupitia teknolojia, wagonjwa wataweza kuwasiliana na madaktari katika sehemu zingine.

Kuna wakati mgonjwa huenda kumwona daktari kisha akaruhusiwa kwenda nyumbani. Wakati mwingine, mtu hutakikana kurudi hospitalini ili kuchukua majibu ya uchunguzi uliofanywa. Baadhi yao huwa wametoka mbali. Itakuwa rahisi kwa sababu haitamlazimu mtu kuabiri gari ili kuenda kuchukua majibu yake. Hii ni kwa sababu teknolojia itaunganisha wagonjwa na madaktari. Itakuwa rahisi mtu kuzungumza na daktari ili kujua hali yake.

Wakati mwingi, tumo katika dunia ya mtandao, na unaweza kuingia kwenye *Google* na uangalie. Hata hivyo, wakati mwingine *Google* itakufanya ukate tamaa, kwa sababu ukijua shida yako, utadhani dunia yako imeisha. Lakini ukiongea na daktari wako moja kwa moja, wakati mwingi madaktari wanakutia moyo. Mgonjwa anatakikana kupata heri njema kwa daktari moja kwa moja.

Bi. Spika wa Muda, katika hali hiyo, ninaunga mkono Hoja hii ya teknolojia, ambayo sasa hivi imenawiri katika dunia nzima.

Asante, Bi Spika wa Muda.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you very much. There being no other person wishing to contribute, I ask the Mover to respond. Bear in mind that you have three minutes now, and you can continue if you do not conclude.

Sen. Pareno: Thank you, Madam Temporary Speaker. I thank all those who have contributed to this Motion. It is really a touching one, as it touches on the lives of the people and the core of humanity, because without health, there cannot be a nation. That is what Sen. Seneta said. We cannot even have proper services and move forward as a country without proper health.

Madam Temporary Speaker, I have taken note of all the contributions by Sen. Farhiya, Sen. Halake, Sen. (Dr.) Musuruve, Sen. Ochillo-Ayacko, Sen (Rev.) Wako, Sen. Mwaura and, lastly but not the least, Sen. Wario.

Of course, I have taken note of some of the issues that have come out, like how we can preserve our local knowledge and management. I have also noted how we can

ensure that we also take the cue from private hospitals, because they are already running some e-systems.

Madam Temporary Speaker, this touches on the livelihoods and these contributions will help us to ensure that, at the end of the day, we have a better system.

I do not have to add more. I beg to reply.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 6th August, 2019 at 2.30 p.m.

The Senate rose at 6.30 p.m.