

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 14th July, 2020

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

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

PRAYER

MESSAGES FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE MEDIATED VERSIONS OF SENATE BILLS

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, I have two Messages to communicate. The two Messages are from the National Assembly.

Hon. Senators, I wish to bring to the attention of the Senate that, pursuant to Standing Order No.41 (3), a Message has been received from the National Assembly regarding the approval by the National Assembly of the mediated versions of The County Governments (Amendment) (No. 2) Bill (Senate Bill No. 7 of 2017) and The County Governments (Amendment) Bill (Senate Bill No. 11 of 2017).

Pursuant to the provisions of Standing Orders 41 and 149 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly: -

“WHEREAS The County Governments (Amendment) (No. 2) Bill (Senate Bill No. 7 of 2017) and The County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) were referred to a Mediation Committee on 23rd July, 2019, pursuant to the provisions of Article 112(2) (b) of the Constitution and Standing Order 148(b) of the National Assembly Standing Orders;

AND WHEREAS, the National Assembly considered and approved the mediated versions of the said Bills in the form developed by the Mediation Committee on Tuesday, June 30th, 2020;

NOW THEREFORE, in accordance with the provisions of Article 113 (3) of the Constitution and Standing Order 150 (4) (b), I will present the two Bills to His Excellency the President for Assent.”

Hon. Senators, for your information, the Speaker of the National Assembly, indeed, forwarded the two Bills for Assent as required and were assented to by His Excellency the President on 16th July, 2020.

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Further, following approval by the Senate of the National Assembly amendments to The County Attorney Bill (Senate Bills No. 3 of 2018) and The Petition of County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018), the two Bills were also forwarded to His Excellency the President for assent and he assented to them on 9th July, 2020.

I thank you.

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

The second Message from the National Assembly is on the Passage by the National Assembly of The County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018).

Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order 41 (3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of The County Outdoor Advertising Control Bill (Senate Bill No.19 of 2018).

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

“WHEREAS, The County Outdoor Advertising Control Bill (Senate Bill No.19 of 2018) was passed by the Assembly on Wednesday, 19th June, 2019 with amendments and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly passed the said Bill on Thursday, 25th June, 2020 with amendments attached herewith;

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

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

In that regard, I direct the Standing Committee on Information and Technology to deliberate on the National Assembly amendments and report to the Senate.

Further, pursuant to Standing Order No.159(1) of the Senate Standing Orders, I direct that the National Assembly amendments to The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018) be circulated to all Senators and listed in the Order Paper for consideration on Tuesday 28th July, 2020.

I thank you.

Let us move on to the next Order.

Sen. Mutula Kilonzo Jnr.: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Deputy Speaker. I now appreciate the fact that a lot of this work was done in the last Senate. Would I be in order to propose that now that you have a very good working relationship with the Speaker of

our neighbouring jurisdiction, request that similarly, a sort of a progress report on the 28 or so Bills that are pending in the National Assembly be given to the good Senators here, who have put in so much work, so that we can appreciate the progress? We are happy that some of those Bills - the ones that we proposed here like The County Outdoor Advertising Control Bill and the two County Governments (Amendment) Bills - are products of the last Senate. There is very little to celebrate, although, it is good progress.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Well noted. Yes, we will take advantage of the very good, warm and cordial relationship between the two Houses to make sure that we expedite. A progress report can be availed to all Members.

Thank you. Let us move on to the next Order.

(Loud consultations)

Sen. Murkomen: On a point of order, Madam Deputy Speaker. I am just making a request without taking you back. I know that you have made a very good Communication. I was lining up to get my card and heard Sen. Mutula Kilonzo Jr. saying something about the Message you gave. I do not know at what point, with your own discretion under Standing Order No.1, you will give me one minute to just clarify the fact that the law this House passed----

This is particularly on the misrepresentation that is out there that the Senate passed a new law on recall of Members of County Assemblies (MCAs). That is total misrepresentation of facts and the law itself, particularly knowing that the amendment we passed here had nothing to do with the detailed procedure provided for already under the County Governments Act, on recall of MCAs, except that when the Katiba Institute went to court in 2016 and a decision was made in 2017, that only invalidated a few sections of Sections 27 and 28 of the County Governments Act.

Actually, the Committee on Justice, Legal Affairs and Human Rights, in its wisdom, suggested that in the Bill that I was sponsoring, we need to provide grounds for removal of MCAs, to protect them from frivolous and fictitious processes of removal. This House actually made the amendments to protect our MCAs. However, because of a newspaper report that never understood the recall procedure in the law and what happened in the court and what we did here, our MCAs are panicking that this House sat down, provided procedure and colluded with the Executive for their removal. That is not true.

Madam Deputy Speaker, I hope that at some point, you will give us a chance or maybe, I should come with a brief statement to clarify that position, so that the Senators here will ventilate on that issue. In fact, for the comfort of MCAs, it is easier to remove a Member of the National Assembly than an MCA because the percentage required is 15 per cent in half of the wards in their constituency. The removal of the MCA is not just collecting 30 per cent of signatures of the ward. There is a long procedure provided for by the County Governments Act that protects the MCAs.

In this House, I have been a consistent champion of protecting the interests of the MCAs. I want to tell them to read the judgement of Katiba Institute and the law as it is in Sections 27, 28 and 29 of the County Governments Act, and the amendments that came

through me in this House, that protect our MCAs, and not putting them in trouble. I just wanted to request that.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Murkomen, you have taken advantage of “love your neighbour as you love yourself”. Just because he is my neighbour---

What you have suggested is the right way to go, but bring a Statement. The Bills have passed. They have already congratulated us for the good relationship between the two Houses and we are okay with that. Bring your statement, so that it can be ventilated on.

Thank you.

Sen. Dullo, kindly, proceed.

NOTICE OF MOTION

EXTENSION OF MANDATE OF SELECT COMMITTEE ON THE MANAGED MEDICAL EQUIPMENT SERVICES

Sen. Dullo: Thank you, Madam Deputy Speaker. I wish to give notice of the following Motion:

THAT, AWARE that the Senate resolved to establish a Select Committee comprising nine Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING, that the mandate of the Select Committee lapsed on 4th April, 2020;

REGRETING, that due to the COVID-19 pandemic and in view of the World Health Organization (WHO) and the Ministry of Health guidelines on social distancing and staying safe, the Committee has been unable to meet with key witnesses who would provide crucial information that would inform the Committee’s recommendations, thus the Committee requires more time to include its inquiry into the matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of 23 days to enable the *Ad Hoc* Committee to conclude its work and table its report in the House on or before 4th August, 2020.

I thank you.

Sen. (Dr.) Langat: Point of Order!

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Langat, what is it? This is a Notice of Motion; you cannot debate yet.

Next Order.

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, we have a number of Statements before us. I want to inform you of the decision of the Senate Business Committee (SBC) today.

The SBC, concerned of the fact that we have a backlog of Bills at various stages of processing, has made a very strong decision that we must go back to what we call the “Statements Hour”. The Statements Hour should not exceed 4.00 p.m.

We have six Statements under Standing Order 47(1) and another eight Statements under Standing Order 48(1). I would like us to go by the resolution of the Senate Business Committee and stop at 4.00 p.m.

To be fair to yourselves and your colleagues who have Statements listed in the Order Paper, I will allow only four comments on each of the Statements. I will give the four Members a chance to speak on a first-come first-served basis. The four Members who will be given a chance to speak should only speak to the content of the Statement without overriding. Each Member will have three minutes each to speak. I would like us to spend less than 10 minutes on a statement. We have 80 minutes before 4.00 p.m. That means that we can deal with at least eight Statements. I am aware that there are some Statements where we will need less than four Members to comment on them.

Hon. Members, I appeal to you to go through the Order Paper and choose wisely which statement you would like to make a comment on. We shall have four Members speaking on each Statement, but in the very best intentions, I may reduce the number of Members to speak, from four to two depending on the Statement.

What is your point of order, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Madam Deputy Speaker, I was going to propose that if there are eight Statements to be dealt with and each takes five minutes, we have 40 minutes in total. If you allow four interventions, we shall only deal with five or six Statements. Perhaps, you can revise your ruling to two interventions per Statement, to make them 16 interventions.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Members, can we settle on two interventions per Statement?

(Loud Consultations)

What is your point of order, Sen. (Dr.) Ochillo-Ayacko?

Sen. (Dr.) Ochillo- Ayacko: Madam Deputy Speaker, the Statements vary in weight. Some statements are of local interest, while others are of national interest. If you draw a straight line, we will not get anywhere. Certain statements require many weighty comments. We will be in trouble if you draw a straight line.

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

Sen. Wetangula: Madam Deputy Speaker, Sen. (Dr.) Ochillo- Ayacko has said what I wanted to say.

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

Sen. Cheruiyot: Madam Deputy Speaker, kindly use your discretion. If you want to keep the number of interventions at four, then you should reduce on the time, so that every Member has a minute or two.

The Deputy Speaker (Sen. (Prof.) Kamar): The first Statement is from Sen. (Dr.) Mbiti, the Senator for Trans-Nzoia County, who has delegated the two statements he has on the Order Papers to be read by Sen. Kinyua.

ATTAINMENT OF IDEAL URBAN WASTE MANAGEMENT

Sen. Kinyua: Madam Deputy Speaker, I rise, pursuant to Standing Order 47(1), to make a Statement on a matter of general topical concern, namely, the attainment of ideal urban waste management.

Madam Deputy Speaker, as you may be aware, the industrial revolution and existence of informal businesses have caused a lot of waste generation in urban centers, which has resulted to challenges in waste collection and management. Suitable ways to dispose urban waste could include frequent and timely collection of waste to avoid scattering in undesignated areas. This should actually be the initiative of the national Government in partnership with county governments, and it can be achieved through provision of adequate transportation of waste to dumping sites.

Madam Deputy Speaker, minimizing waste by reducing, reusing or recycling and adopting cleaner production technologies is of paramount importance in the attainment of the goal of ideal urban waste management. This can be done by segregating waste generated by communities and the County governments providing or causing the provision of colour-coded bags or bins as per the National Environment Management Authority guidance for the segregated waste.

(Loud Consultations)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, kindly consult in low tones. Sen. Kinyua is reading a very important Statement.

Kindly, proceed.

Sen. Kinyua: Madam Deputy Speaker, the County governments should embrace public-private partnership with organized groups to enhance waste collection within informal settlements and low-income areas. The national Government should aid in designating specific land within the counties, where waste should be taken for disposal after collection.

Madam Deputy Speaker, the people with homes in urban centers or those living in estates or even in rental houses should be educated on the need to have a pit dug in their homes for disposing biodegradable waste from their households and farm manure, which can be used in their home gardens. Waste management is not only a Government initiative or duty, but also the duty of every citizen to keep the environment clean.

A clean environment is beneficial to our health and the opposite is the root of infections like Cholera and air pollution. We must, therefore, rise to occasion and take responsibility to ensure our environment is intact.

I thank you.

Madam Deputy Speaker, allow me to read the second Statement.

DEVELOPMENT OF RESILIENT YOUTH AGRIBUSINESSES
UNDER THE COVID-19 PANDEMIC SITUATION

Sen. Kinyua: Madam Deputy Speaker, I rise, pursuant to Standing Order 47(1), to make a Statement on an issue of general topical concern, namely, the need to develop resilient youth agribusinesses under the COVID-19 pandemic situation.

(Loud consultations)

Kindly protect me from my colleagues who are consulting loudly

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, kindly consult in low tones.

Kindly proceed.

Sen. Kinyua: Madam Deputy Speaker, the COVID-19 pandemic has undoubtedly meted unequivocal and unprecedented negative impact on agriculture and food systems the world over. Due to the rapid disruption of the systems that sustain food chains, agricultural livelihoods are at risk.

Recently, the World Bank predicted a potential reduction of 1 per cent on the 2020 economy if effects of COVID-19 will continue to persist. For an economy that is almost 30 per cent agrarian, this outlook paints a grim picture on the vulnerable segments of the population, part of which includes those that depend on farming. Arguably, this is a hard hit on the livelihoods of youth in agribusiness, who are about 10 per cent of the total employable youth population.

The Kenya Private Sector Alliance (KEPSA) recently reported that about 350,000 jobs had been lost in the agriculture sector as a result of COVID-19. Climate change, dysfunctional markets, low productivity, policy lapses and a perennial poor perception of agribusiness are some of the pre-pandemic bottlenecks that are now being compounded by the contagion, an interplay that directly subjects the agricultural youth fraternity to a grim future as the virus continues to spread.

Madam Deputy Speaker, Kenyan youth in agribusiness exemplify a situation that did not factor in such potential mega disruptions and is, therefore, bereft of measures for preparedness, response and recovery for these youth. In the absence of a precedent, listening to the voice of the youth is essential and co-creation of remedies is critical in order to confer the much needed resilience.

The pathways for resilience should address a trajectory that seamlessly interconnects three core aspects; mitigating further infections, keeping agricultural services running and addressing long-term recovery within and around youth agribusinesses. The youth in agribusiness should be encouraged to understand that good health and work productivity co-relate positively. Any quarantine, isolation or hospitalization of young men and women in agribusiness will inevitably result in agribusiness downtime, with attendant effects on incomes and even closure of their ventures.

Madam Deputy Speaker, the Government has put in place infection containment measures such as washing hands with soap, using hand sanitizers, social distancing and wearing of masks, but there is still an over-arching need by the Government and other

actors to re-strategize on how to effectively package a more youth-oriented behavior change messaging. Ensuring that the essential services which bolster youth Agri-enterprises and keeps these enterprises running is an important element. Apart from this, the Government should also consider provision of incentives that accelerate access to hygiene services by agribusinesses run by youth, in order to reduce operational costs.

Madam Deputy Speaker, with controlled movement of population and demand for social distancing agricultural production, transport and manufacturing outputs have been adversely affected. Post-harvest transport and manufacturing losses are now a reality. This is very devastating for youth agribusiness, most of which predominantly operate at low volumes due to resource constraints.

In some way, e-extensions should come in handy, where county governments should move in swiftly to continue supporting organized youth procedure groups. At the same time, e-marketing using specifically designed digital *Apps* or social media platforms, should further help them while slowly catalyzing change within the greater small-hold farming communities, with the main objective of connecting youth procedures and agro-input suppliers to end consumer and exchanging marketing trends.

I thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The only comment I have registered is from Sen. Wambua. Sen. Wambua, please, come in. I am told that he is standing outside in the extended Chamber.

Sen. Wambua: I thank you, Madam Deputy Speaker for this opportunity. It must be noted that the distance we have to cover to make a contribution is long. I wanted to comment on the second Statement by Sen (Dr.) Mbito, touching on the establishment of agribusinesses, especially focusing on the youth.

In support of that Statement, it should focus on youth empowerment in general beyond the COVID-19 situation. This is because the rate of unemployment among the youth in this country is a ticking bomb.

Madam Deputy Speaker, I appreciate that the Government has come up with a programme under a fund created by the President, to engage young people in urban centres in the counties under the *Kazi Mtaani* initiative. This initiative will take six months and the youth will be engaged for 11 days in a month. I urge the Senate and the leadership of this country to move beyond these stop-gap measures in engaging our youth.

The Statement by Sen. (Dr.) Mbito is very timely because it generates a national conversation as to what we need to do to give effect to our statement to the youth that they are the 'leaders of tomorrow.' The statement is so vague that nobody takes it seriously anymore. In support of the Statement, even as we discuss allocation to counties; that a serious permanent fund be created to enable youth to be involved in agribusinesses and beyond agribusinesses initiatives. That would create jobs and opportunities for them to come together and be engaged meaningfully. Otherwise, we are sitting on a time bomb.

I thank you, Madam Deputy Speaker. I support.

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

The next Statement is from Sen. (Dr.) Milgo.

FINANCIAL INTERMEDIARIES FOR BOOSTING
FOOD AND NUTRITION SECURITY

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker. I rise pursuant to Standing Order 47 (1) to make a Statement on an issue of general topical concern, namely, financial intermediaries as key in boosting food and nutrition security.

As you are aware, the COVID-19 pandemic is a health and human crisis that has caused food and nutrition insecurity to millions of people globally, Kenya included. Measures to mitigate the pandemic are already affecting global food systems. Border restrictions and lockdowns, for example, in some parts of the world are leaving millions of seasonal workers without livelihoods as well as constraining transport of food to markets.

Actors in all parts of the food systems are affected by this pandemic and deep global economic shift caused by COVID-19 will impact the cashflow and financial liquidity of producers; small and medium agribusinesses to financial institutions due to inhibited production capacity, limited market access, loss of remittances, lack of employment and unexpected medical cost.

Madam Deputy Speaker, as countries continue to roll out sizeable relief and stimulus packages, the needs of food system actors deserve attention to ensure food security post-COVID-19. In response to this, the microenterprises support programme trust; a development organization mandated to support the growth and development of small-holder farmers cooperatives, small and medium enterprises for improved business competitiveness and poverty reduction in Kenya, has embarked on building resilience of the small-holder farmers and financial intermediaries to respond, recover and thrive past the COVID-19 crisis.

It is, therefore, of paramount importance that financial institutions and partners restructure loans for farmers to ease their struggles amidst the devastating impact of COVID-19 according to directives by the national Government in respect to moratorium and extension of loan tenures.

Over half of the world's population who are living on urban areas, depend on food market sources of affordable food. However, such markets have been associated with major outbreaks of diseases such as cholera, severe acute respiratory syndrome, avian flu, influenza and COVID-19. This raises alarm about emerging food safety concerns within the food production system. What markets sell affordable locally produced fresh food, which include produce like meat, fish and eggs and what markets are there for a major component in the informal market sector? These markets are essential for economic growth and livelihoods of millions of people, especially in rural areas, which include smallholder farming households, small traders, vendors and consumers. These markets are also popular tourist destinations as they become attributed to regions' cultural presence.

Madam Deputy Speaker, I would, therefore, urge the Micro-enterprise Support Programme Trust to work in partnership with the county governments to ensure proper management of ward markets, by ensuring that enabling policies and legislations to support enactment of food safety and management of markets are put in place.

I thank you, Madam Deputy Speaker. I do not know whether I will go to my next Statement or I do it later?

The Deputy Speaker (Sen. (Prof.) Kamar): No! The next one is completely different.

Sen. (Dr.) Ochillo-Ayacko, proceed.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, I would like to support this Statement. Many people think that unemployment can only be solved when they get employed in urban areas or institutions. The biggest solution to unemployment is to invest in young people, women and men in food production, which is agriculture.

In order to do so, agriculture must be supported at all times. More importantly, debt associated with agriculture, particularly debt that has been aggravated by COVID-19, needs to be addressed. What the Government needs to do all the time is to ensure that markets are available. Market is about money.

Kenyans in this COVID-19 period are unable to purchase food. There are many places with food, but nobody has money to buy it. We have a lot of fish in Migori County, in Mihuru, Sori, and Karungu bays. We have a lot of fish in Nyanza, but there are no people to buy it.

I urge the Government that besides engaging in financial institutions regarding debt forgiveness, it should avail money to *mashinani*, so that our people are able to support agriculture as purchasers of food items. It is important to encourage young people to farm and grow food, but it is also more important to give the consumers of the produce money. This is so that they can continue purchasing food wherever they are.

I thank you.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for giving me this opportunity to support this Statement by Sen. (Dr.) Milgo. She has brought an important Statement on the Floor of this House about food security. Honestly, food security is an issue that we should be concerned about every time, with or without COVID-19.

Internationally, Kenya is among the countries that ratified the Maputo Declaration that affirmed that 10 per cent of the national revenue will go to agriculture. So, there is need for us as a country to ensure that we support our farmers.

While doing so, county governments need to take the lead. They need to ensure that they support and help farmers get exit for their products. This is because there are parts of this country where farmers have a lot of food, but they do not know where to take it. Sometimes some farmers even give avocados to cows because they do not know where to take them. So, there is need for them to have an exit for their food.

When it comes to the urban population, the demand for food is met by the farmers in *mashinani*. So, there is need for them to be supported and encouraged in their endeavour, because they form a significant part of people in this country.

Sen. Wetangula: Madam Deputy Speaker, Sen. (Dr.) Milgo's Statement is very important. In this country, over 70 per cent of the people work in the agricultural sector. Our economy is supposed to be agricultural based, but every time farmers produce enough produce, they suffer even more. There are no markets, no communication, very difficult circumstances and very expensive inputs.

This country has fallen into the trap set by Western governments of leaving everything to the so-called market forces, when in their own countries they subsidise

farmers at every twist and turn. It is important that the Government takes serious steps to support farmers at every level; land preparation, inputs, markets, value addition and so on.

Lastly, Madam Deputy Speaker, since the matters concern COVID-19, allow me to send sincere condolences to two distinguished citizens of my county. Yesterday we buried the first medical doctor to die of COVID-19, Dr. Doreen Lugaliki, in Tongaren Sub-County of Bungoma. Last night, we lost one of the most distinguished professors in the Faculty of Engineering at the University of Nairobi (UoN), Prof. Maurice Kizito Mang'oli, who succumbed to COVID-19.

This disease is real and it is killing people. We need serious engagements and measures to protect people. If people at the level of doctors and professors are exposed and can succumb, you can imagine the status of the ordinary person.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): The last one to contribute to this Statement is Sen. Seneta.

Sen. Seneta: Thank you, Madam Deputy Speaker, for giving me a chance to also add my voice to this important Statement by Sen. (Dr.) Milgo.

I wish we could support the youth in our rural areas to invest in food security. Since agriculture is now a devolved function, I also wish our county governments invested in supporting smallholder farmers and youth carrying out agriculture. We need to encourage small and medium investors to boost agricultural systems, so that we do not lack food.

At this time when we have all our children at home, they need three meals a day. If a family does not have food to give to the children at home, then we shall have a crisis in our counties.

It is time that both the national Government and county governments supported agricultural systems through financial support and giving inputs to our farmers. Fertilizer subsidies, seeds and pesticides and herbicides should be given on time, so that our farmers can produce.

As I support this important Statement, I encourage the Committee that will look into the issues to go further and look at how we can give money to our youth, especially at this time when most of them are free at home, to buy food from producing areas and take them to the markets, so that they can get some little money in their pockets.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The next Statement is from Sen. (Dr.) Musuruve.

ESCALATION OF INCIDENCES OF VIOLATION OF CHILDREN'S RIGHTS

Sen. (Dr.) Musuruve: Madam Deputy Speaker, I rise pursuant to Standing Order No.47 (1) to make a Statement of general topical interest concerning the overwhelming escalation of incidences of violation of children's rights.

Children have specific rights as outlined in Article 53 of the Constitution, which are being flouted on a daily basis. Child abuse is manifested in various forms, ranging from physical, mental and emotional abuse, climaxing into abandonment and murder.

Article 53 (d) of the Constitution states that every child has a right to be protected from abuse, neglect, harmful cultural practices, all forms violence, inhuman treatment and punishment, and hazardous or exploitative labour. This right is infringed from evidence of children being subjected to rape by their own caretakers such as biological or step fathers, uncles, teachers, chiefs, religious leaders and other men of such repute and honour.

Madam Deputy Speaker, to highlight a few cases, not long ago, an American couple, Gregory Dow and his wife, Mary Rose, were accused of abusing children under their care in Boito, Bomet County. Gregory, 61, admitted during a federal court hearing in the United States of America (USA) to having committed the crimes in Kenya between 2013 and 2017.

Apart from this, there are also numerous cases of child abductions that have been going on for a while now, with several children being reported as missing, only to be found later having been abandoned in far-flung places. One of the cases is that of 15-year-old Linda Muuo Musyimi, who was abducted when she was on her way to the shop from their house in Ongata Rongai. She was found abandoned in Mavoko four days later, despite there being movement restrictions in place.

Madam Deputy Speaker, there have also been reports on the mainstream media regarding the murders of two children, Henry Jacktone and Alvina Mutheu in Kitengela. The two were abducted while they were playing outside their houses within an estate. After three months, the bodies of the two children were found in a car that was parked at a police station in Athi River.

Madam Deputy Speaker, the efforts of the parents of these two children to get the truth about the mystery surrounding their deaths have been futile as their concerns have not been addressed, and no one from the security team has reached out to them. I can only imagine the anguish those parents are going through as they think of the heinous act that was visited upon their innocent children.

Further to the above cases, around last month, a couple from Kiambu was seen in the mainstream media, both print and electronic, stating that they were looking for well-wishers to take care of their two children. The couple premised their action on the unbearable economic effects of the Coronavirus Disease (COVID-19). Article 53 (e) of the Constitution states clearly that every child has a right to parental care and protection.

It is unfortunate that the society is slowly losing its sense of social responsibility and moral fabric on children's issues. No amount of excuse is acceptable for being irresponsible. COVID-19 is no justification for parents to abdicate their roles. As a country, we should spare ourselves God's wrath that may be brought about by failing to appreciate the gifts that He gives mankind, that is, the gift of children, who become an invaluable inheritance.

Madam Deputy Speaker, again, most recently, a woman murdered her four children in Naivasha and blamed her actions on evil spirits within her. The four were interred at Kinangop. May the souls of these four innocent children, whose lives were cut short by none other than their own mother, rest in peace.

Harmful cultural practices and other forms of violence on children should not be condoned in any way. Perpetrators of such heinous acts ought to be brought to book in order to serve as a warning to people who may not care about respecting the rights of

children. Children are our future generation and we must ensure they are protected, nurtured and raised in a manner that guarantees a secure future.

Madam Deputy Speaker, there is also the plight of children who are sexually abused by their caregivers, relatives and people known to them or otherwise. Such children go through a lot of psychological trauma and mental anguish. They rarely find people who understand them with a view to helping them overcome the trauma. Children who have been abandoned by their parents, too, go through mental anguish. Children who are perpetually battered by their caregivers eventually end up suffering from low self-esteem. Such children rarely find a fully-fledged sustainable recourse that would help them get back to normal lives and live objectively. Most of these children are rushed away from the society and their families to rescue centers.

Madam Deputy Speaker, the root cause of child abuse, neglect and violation of children's rights may effectively be addressed from the family or societal level. Every human being is a social being and socialization begins from the family level. The ills in families and society need to be addressed to ensure that the environment is conducive for child nurturing, growth and development.

Children need to be encouraged to frequently engage in open communication with all significant people in their lives. Some children who fall victims to abuse could probably be introverts and those who keep too much information to themselves. Moreover, perpetrators of child abuse probably take advantage of their dominance in their victims' lives.

Madam Deputy Speaker, Kenya is among the member states that signed and ratified the United Nations Convention on the Rights of the Child. The Convention has 54 Articles that cover all aspects of a child's life and sets out the civil, political, economic, social and cultural rights that all children the world over are entitled to. These rights are enshrined in Article 2 and 53 (1) (a-f) of the Constitution of Kenya.

To this end, I would like to appeal to you to consider tasking the Standing Committee on National Security, Defence and Foreign Relations, to look into matters such as the abductions or kidnappings that I have outlined above, with a view to ensuring that the perpetrators of such heinous acts are brought to book and that justice is served, especially to the two families whose children's bodies were found in an accident-wrecked car parked at the Athi River Police Station.

Madam Deputy Speaker, I conclude by calling upon all the relevant organs in the society to take up the responsibility of ensuring protection of children's rights. Children are a gift from God and must be appreciated, groomed and nurtured for generational prosperity. I further call upon all Kenyans to endeavour to defend Article 53 of the Constitution as well as the Children's Act (Cap. 586 of the Laws of Kenya), which spell out the rights of the child.

Thank you, Madam Deputy Speaker, for giving me the opportunity.

The Deputy Speaker (Sen. (Prof.) Kamar: Thank you, Senator. You have taken the full ten minutes of the Statement. I will allow two minutes to Sen. Were.

Sen. Were: Thank you, Madam Deputy Speaker. Before I comment on the Statement on the abuse of children, I would like to say something about the Statement by Sen. (Dr.) Milgo on the financial interventions for food and nutrition security.

We have an organization called Agricultural Finance Corporation (AFC), so her Statement will not be operating in a vacuum. We expect that AFC, as an organization, should take up the suggestions from Sen. (Dr.) Milgo to ensure that some of those interventions are going down to the counties, agriculture being a devolved function. Therefore, it is not in a vacuum; there is a structure through which her interventions can be implemented.

Madam Deputy Speaker, I would like to thank Sen. (Dr.) Musuruve for her Statement on the abuse of children. Children are such innocent souls, and the role given to adults from God to take care of children is so sacred. Anyone who is abusing children; kidnapping, raping or killing them, has a mental illness. This begs the question: why is the Mental Health Bill taking some time in the National Assembly? They should clear with that Bill, so that it comes out as law that will help deal with the many mental issues in our society.

An adult who attacks a child is sick and is transferring that mental illness to children by abusing them. We have heard from Sen. (Dr.) Musuruve that these children transfer that mental illness to others and the cycle continues. A hurt person hurts people. Therefore, so let us make sure that we adhere to the law and protect children as much as possible, so that we reduce the number of---

(Sen. Were's microphone went off)

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, your time is up.

Sen. Farhiya, two minutes.

Sen. Farhiya: Thank you, Madam Deputy Speaker. I got distracted by Sen. Kihika and Sen. Wambua.

Madam Deputy Speaker, our society has learnt to take children to school, so that teachers can take care of them. We do not know how to handle children who are at home now and have absolutely nothing to do.

At least in my county, there is space for children to play outside. However, in places like Nairobi or other cities, there is not much space for children to play. Most children are, therefore, cramped up in small rooms.

In terms of abuses that Sen. (Dr.) Musuruve was talking about and all that, a girl who has been sexually abused will remain depressed for the rest of her life, unless she gets psychological support for her to get over the trauma. As a girl grows up into adulthood, the impact will continue.

Before I finish my two minutes, I wish to thank Sen. (Dr.) Milgo for her Statement. This is because it is not only the farmers who are suffering at this point, but even livestock keepers because there is no market for their livestock. Therefore, let us also extend the Statement to address the issue of livestock.

I wish to send my condolences to Sen. Wetangula's doctor, who was practicing at Nairobi South Hospital. Unknown to most of the communities that live around there---

The Deputy Speaker (Sen. (Prof.) Kamar): Your time is up!

Sen. Nyamunga, two minutes.

Sen. Nyamunga: Thank you, Madam Deputy Speaker for giving me this opportunity to support the Statement that has been brought by Sen. (Dr.) Musuruve.

When we talk about children and the suffering they have gone through not only in the recent past, but for a very long time, it pains all of us. What pains me most is the fact that two children were killed from wherever they were and then put in a motor vehicle in a police station. Up to now, nothing can be shown as to the origin and whatever happened.

Secondly, it is important to note that for such things to happen in a nation or a country like ours, there must be a sick society. Even before we solve the problem of child defilement, we should solve the psychosocial problems that we face in this country. If we try to solve the defilement problem without treating the society as a whole, it means that we shall be cutting the tree from up and not the bottom.

Madam Deputy Speaker, we cannot have enough prisons to arrest and lock up these people all the time we hear cases. However, we must solve the social problem that we face, and what mothers face. There are many mothers who are children and have children. We must solve this problem. It is unfortunate that a single woman had to lose three children, not in the fact that they died. Can you imagine your son impregnating two of your daughters? How do you live with that? Where do you take it? Can that be ever rubbed?

We have a problem and should find a proper and lasting solution to all the things that we read and see in our society.

Madam Deputy Speaker, I support the Statement.

Sen. (Dr.) Langat: Thank you, Madam Deputy Speaker. I thought you were almost becoming gender insensitive because you have given a number of ladies a chance, but thank you for giving me the opportunity.

(An hon. Senator spoke off record)

In fact, that is how I wanted to spend it.

I want to be specific on the issue of children who always become victims of circumstances. I think that the Government is one of the agents of abuse of children in this country. During evictions in Kariobangi and Mau Forest, children are not taken care of by the Government. They make them suffer because of their parents.

I tend to think that when there are evictions, the Government should, in advance consider the lives and welfare of the children. The Government should take the lead in protecting children, particularly in such circumstances.

Madam Deputy Speaker, the way we bring up our children at the moment determines what they will become in future. When we subject them to so much suffering, we are instilling bitterness in them that they will carry on to the future. The way we treat our children is what we expect them to become in the future.

The Government should be serious about this matter and take the lead in protecting our children. Even in the case that Sen. (Dr.) Musuruve was talking about in Bomet, we informed the Government in advance about what was going on. However, they did not take it seriously until the man went back to America only to be convicted there, yet nothing could happen here in Kenya. The Government should take a lead in protecting our children.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Kabaka from the extended Chamber, please, move very fast while Sen. (Prof.) Ongeru speaks.

Sen. (Prof.) Ongeru: Thank you, Madam Deputy Speaker, for giving me this opportunity to weigh in on a very important topic.

Children are a heritage to the society. The way we bring up our children will determine how the nation will move forward. Train the child in the way he or she should go so that in the latter days, he or she may never forget what you have trained them to be.

If you read in Proverbs 22:6, it says-

“Train up a child in the way he should go; and when he is old, he will not depart from it.”

What is happening today is that there is so much social impact that children are unable to absorb. Families are torn into pieces because of the COVID-19 pandemic and the socioeconomic disaster that we are witnessing in this country. Therefore, everybody is left on his or her own. It becomes very difficult.

Even normal people are committing suicide because of the inability to cope with the economic and social burden that has been placed upon them in the society. Therefore, the abuses that we are seeing is a symptom of a malady that may escalate and extend to a level where if it is not taken care of at this stage, we may see a lot of difficulties arising because we have failed to take stock of this situation in good time.

My suggestion will be that children belong to both the county governments and the national Government. However, the national Government has the responsibility of ensuring how their future population is going to grow. When you see abuses occurring, young people who are just---

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. I do not see Sen. (Dr.) Kabaka. He will contribute through the next Statement from Sen. Kihika from Nakuru County.

EVICION OF RESIDENTS OF MARIASHONI WARD, NAKURU COUNTY, BY KFS AND KWS

Sen. Kihika: Thank you, Madam Deputy Speaker. Pursuant to Standing Order No. 47 (1), I rise to make a statement on an issue of general topical concern, namely, the eviction of residents of Mariashoni Ward in Molo Constituency, Nakuru County, by the Kenya Forest Services (KFS) and the Kenya Wildlife Service (KWS).

Mau Forest is one of the most important water catchment areas in the Rift Valley and Western Kenya. The forest is the source of at least 12 rivers that feed into three lakes; Lake Victoria, which is the world's second-largest freshwater lake as well as Lake Nakuru and Lake Naivasha, which support millions of humans and wildlife in Kenya and beyond.

While forest conservation goals are laudable, the way KFS is carrying out the evictions while we are in the midst of fighting the COVID-19 global pandemic, raises serious concerns on the inhumane treatment and the use of excessive force to evict communities that authorities say have encroached the forest land.

Many families are out in the cold and the rain because they have nowhere to go. I visited that area two days ago and I was horrified when I left in the evening because

families are out in the cold. They had nowhere to go. In addition to that, they have nothing to eat given the circumstances and conditions that have been going on since the COVID-19 pandemic begun. Their homes have been destroyed. Most of the homes have been burnt to the ground and for other people, their crops have been destroyed.

Madam Deputy Speaker, what is going on is doing more harm than good. As much as we are here and we stand and support conservation, what is happening is against their human rights. These families are being left susceptible to diseases such as COVID-19, Cholera and Pneumonia. We saw so many small children out there in the rain. They had nothing, but their clothes on their backs.

Out of the four sub locations in Marioshoni Ward, two have been completely affected in the following areas; Segut, Kaplop, Block 10, Kapsinedet, Kikingi Tatu, and Daraja. The evictions by the Kenya Forest Service (KFS) started on 27th June, 2020 with no prior warning to the residents. No notice whatsoever was given considering the fact that most of the people have settled in this area from as far back as 1997. The area was gazetted as a settlement area at that time and has seen tremendous population growth of the community. Within that area, there has been construction of five primary schools, one secondary school, two health centers and the office of the chief.

Madam Deputy Speaker, we also cannot ignore the fact that the Mau Forest has been considered a home by the Ogiek Community who have lived in the forest for hundreds of years. They are indigenous hunters and gatherers. The Ogiek are considered to be some of the original inhabitants of these forests. The loss of their ancestral land would endanger their survival, culture and leave thousands of them with no place to go.

I wish to urge the Standing Committee on Lands, Environment and Natural Resources to intervene in this matter and-

(1) Seek to stop the ongoing evictions until the KFS has defined and demarcated the forest boundaries, and also shown the residents clearly where the cutline between the forest and human settlements lies;

(2) Cause residents being evicted to be given prior notification of at least three months published in the official Government Gazette and served to the affected people individually. Where that is not possible, pinned in an open area where everyone can see it; and,

(3) Compel the authorities to ensure that no one is left homeless and adequate consultation with the affected members of the communities is done to develop or communicate a comprehensive plan for resettlement and compensation.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. (Eng.) Mahamud, proceed for two minutes please.

Sen. (Eng.) Mahamud: Madam Deputy Speaker, I stand to support the Statement by Sen. Kihika of Nakuru County. Evictions are becoming a very dangerous phenomenon in this country at this time and era when we have COVID-19. You remember the evictions that were taking place in Kariobangi and the inhumane nature with which that took place. The Government blatantly throws out children and old people in the middle of the night, in the rain in this bad weather and conditions.

There are evictions from forests. Of course we are for conservation, but when it comes to evicting people inhumanely without notice, it is serious. Leaving people to stay

there for long and just coming one night and destroying their property and lives is very serious and not acceptable.

Madam Deputy Speaker, recently we heard the Cabinet Secretary (CS) for Environment and Forestry asking people living in Lang'ata to be evicted. This is traumatizing to Kenyans. It is very bad. There is something wrong in the way we manage our lives. Whereas we want to conserve our environment and forests and we want people not to grab public land, this must be done systematically and in a humane way.

Apparently we wait until everything goes very far, people invest then you suddenly come one night and destroy their property. I support the Statement. We must get to the root cause of problems of evictions in this country so that we safeguard the interests and lives of our people.

I thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Sen. Cheruiyot, proceed.

Sen. Cheruiyot: Thank you, Madam Deputy Speaker. I rise to support this Statement by our colleague Sen. Kihika. A government that has no regard for the poor and downtrodden has no business being in power. The current administration has continuously shown its total disregard and disdain for the poor, especially those who live along this region.

On many occasions, we have invited this particular CS to come to this House and give a justifiable explanation why the KFS continues to meet the kind of injustices that he passes on to these citizens. However, on all the occasions, times without number, there is no day that a committee of this House has responded. This is the fourth or fifth Statement that has come to this House yet no response has come.

Madam Deputy Speaker, I challenge our colleague, the Chairperson of the Committee on Lands, Environment and Natural Resources. I can see Sen. Mwangi, a gentleman that I hold in high regard, is seated here. Please, instead of conducting your business in this well air-conditioned offices here in Nairobi, visit these particular areas and acquaint yourselves with the disputes. This is so that you understand the pain that many of those young women and children continue to face in light of a Government that has completely lost its place and has no business being in office.

In fact, if there was to be a popular uprising against this current administration on account of what they are doing to the children of Mau, I would be among the people who will go to the streets. Yesterday we saw the CS appearing before a committee of Parliament saying, for the residents who live here in Nairobi, because they are rich people and they can afford lawyers, that they want to engage them. However, every time when it is the people of Kariobangi or Gikomba, they are evicted mercilessly because they cannot defend themselves.

I look upon our colleagues and plead with you. Please stand up for the poor. They have nobody else to speak on their behalf.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Olekina, proceed.

Sen. Olekina: Madam Deputy Speaker, I thank you. I rise to make the following comments on this issue. Eviction of people who have occupied our forests is a must. The biggest question we must ask ourselves now is how do we ensure that children do not suffer? We cannot continue to praise those people who have violated the law. Impunity is something which should not have any room in this era.

The biggest land owner in this country is the Agricultural Development Corporation (ADC). For a more progressive discussion on how to resettle these people, the key most important thing that we should do in this House is not to debate on how we continue encouraging people to destroy our forests or impunity. However, it is on how we can use these corporations, which have completely lost their purpose, and get the land to resettle the people who have encroached into the Mau Forest.

Madam Deputy Speaker, the problem we have, as leaders, is that sometimes we are all hypocrites. We know the importance of the environment. When the CS for Environment and Forestry is talking about the importance of conservation, we should be supporting that Government policy. Even if people occupied land in Lang'ata and they knew very well that from the onset they were committing an illegality, we should not sympathize with them. In fact, the only people that I care about are the little children who are suffering.

I would request the good Chairperson, the distinguished Sen. Mwangi, to pursue alternative ways of making sure that we resettle these people. There is a lot of land held by the ADC.

The Deputy Speaker (Sen.(Prof.) Kamar: Your two minutes are over. Sen. Murkomen is the final contributor to this.

Sen. Murkomen: Madam Deputy Speaker, as a son of a squatter and a person who went through the suffering that the people in Mariashoni are going through, first of all, I sympathize with them. I call upon the Committee to take this complaint that has come through their Senator, Sen. Kihika, very seriously.

There is something strange that is happening in this country. Sen. Sakaja was the one who captured it well; that it appears that the Government is at war with its citizens. Particularly this Jubilee Government, in its later years, is more vicious against those who voted for them both in Kariobangi in Nairobi, Nakuru, Narok and in Embobut in Elgeyo-Marakwet. They have been so vicious as though the votes they received, they want to settle a particular score against their own constituents and the people who voted for them.

It is very shameful to see evictions taking place in Molo in Nakuru County. Let us stop just talking of Mau Complex to confuse the people of this country. Molo is at the heart of Nakuru County. Those people have been living there for more than 20 years and beyond. I saw a 12-year-old boy who was questioning the Regional Commissioner, Mr. Natembeya, asking why they had gone to destroy their houses. What kind of violence is the Government trying to show its own children? Where will these children go?

The Constitution protects everybody. The Bill of Rights is meant to protect those people to have shelter and the right of those children to have a living. The right to life of the poorest in this country is being undermined and fought.

I hope Sen. Mwangi will have a session like the one in the National Assembly yesterday between the CS and the Members of National Assembly---

The Deputy Speaker (Sen.(Prof.) Kamar): Your time is up!

Sen. Madzayo: Asante Bi. Naibu Spika. Jambo la kwanza ni kwamba mambo haya ya---

(Sen. Mwangi rose to leave the Chamber)

The Deputy Speaker (Sen.(Prof.) Kamar): Order! Sen. Mwangi, you cannot leave the Chamber when we are about to direct this matter to your Committee.

Sen. Madzayo: Bi. Naibu Spika, taarifa ya Sen. Kihika ni muhimu, hasa tukizingatia kwamba wale wanaofurushwa katika maeneo yao wanamoishi ni watu lala holela. Jamblo la kwanza na la fedheha ni kuona kume bomolewa kwa nyumba za watu. Jambo hili si haki hata kidogo.

Katika Kaunti ya Kilifi watu wamewahi kutimuliwa kutoka mashamba ya ADC. Pia diwani wa huko amewahi kutiwa ndani kwa sababu alikuwa anatetea watu wake. Haya mashamba ya ADC yamekuwa kama kidonda sugu. Serikali imesema ile ardhi iliyoko Sabaki irejeshewe wananchi. Hata hivyo, tumewaona mabwanyenye amabao wamejitwalia ardhi na kuikatakata vipande vipande na kusema huko ni kwao. Tayari wako na stakhabadhi miliki mashamba hayo. Huo ni ukora mkubwa amabao unafanya Wakenya wengi kuhangaika.

Tukiangalia katika maeneo mengine kama Mtwapa, hivi sasa watu wanavunjiwa nyumba zao. Tumewahi kuongea hayo hapa ndani. Watu wamekuja na makaratasi na kudai hiyo ni ardhi yao na hali si yao. Watu wameishi hapo zaidi ya miaka hamsini. Sasa hao wananchi wote ni Wakenya. Wataenda wapi?

Mambo ya kufurusha wananchi bila heshima yakome katika Serikali hii. Kumekuwa na Serikali zaidi ya tatu---

The Deputy Speaker (Sen.(Prof.) Kamar): Hon. Senators, Sen. Kihika has chosen to make her Statement under Standing Order No.47(1), but cleverly crafted it to also have a portion that must be to Standing Order No.48(1). So, I grant her request and ask the Chairperson of the Senate Committee on Lands, Environment and Natural Resources to look at the three requests so that these answers can be brought to this House in the next 14 days.

Mr. Chairperson, can you stand and confirm.

Sen. Mwangi: Yes, Madam Deputy Speaker, I confirm. However, I would like to make a brief comment. Evictions in this country have become a way of life. We have had evictions in Kariobangi and now in Kuresoi---

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Mwangi, you have the opportunity to investigate and table a report before this House.

Sen. Sakaja: On a point of information, Madam Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kamar): What is the point of information, Sen. Sakaja? Are you informing or adding questions to the Chairperson of that Committee?

Sen. Sakaja: Madam Deputy Speaker, I do not want to add a single question. However, I want to inform him that we are dealing with a very interesting Cabinet Secretary because I saw him yesterday. I brought a Statement here on the issue of Lang'ata. I have seen the kind of responses he has given to the National Assembly. He is coming to the Senate tomorrow. I am informing the Chair that we will not take the kind of responses we saw him giving in the National Assembly. We will not take it because we must respect sanctity of title deeds and continuity of Government.

The same Government that de-gazetted that land and allowed people to get title deeds cannot come today and say that 20,000 residents of Lang'ata in Nairobi be evicted and he says that we negotiate. Government is Government. If it was done in 1998, it is

still the same Government where Sen. Wetangula was a Minister is still the same today. This is the Senate and not the National Assembly. We are welcoming him tomorrow.

The Deputy Speaker (Sen.(Prof.) Kamar): Chair, you are well informed. We have another point of information from Sen. (Dr.) Lang'at. Let it be information.

Sen. (Dr.) Lang'at: I also inform the Chair that during his investigation there is a cry from the Mau region that the evictions are discriminative. The rich with huge chunks of tea plantations are not being evicted. That should also be investigated so that the evictions may not be discriminatory.

Sen. (Dr.) Ochillo- Ayacko: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Is there a point of order from Sen. (Dr.) Ochillo- Ayacko?

Sen. (Dr.) Ochillo- Ayacko: Thank you, Madam Deputy Speaker. Before you told him to take this matter seriously, he had risen and said that evictions have become the order of the day. Would I be in order to tell the Chair that he should never speak like that? We can never condone evictions and it cannot be the order of the day. Let him take his responsibility seriously and ensure that evictions are stopped, so that he does not come here with a report that it is the order of the day.

Sen. Wetangula: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen.(Prof.) Kamar): We have another point of order from Sen. Wetangula. I cut him short actually. However, I will give directions on how---

Sen. Wetangula: Madam Deputy Speaker, you did, in fact, cut him short. I believe it is because my good friend, the Senator for Nyandarua, said something that is offensive.

In addition to what the Senator for Nairobi City has said, the distinguished Senator for Nyandarua, who has served in Cabinet in this country, must tell the Cabinet Secretary when he appears tomorrow that governments exist in perpetuity. The Government of 1963 and the Government of 2020 is the same Government of the Republic of Kenya and they must carry their responsibility regardless, anywhere and everywhere.

The Deputy Speaker (Sen. (Prof.) Kamar): More information, Sen. Mutula Kilonzo?

Sen. Mutula Kilonzo Jnr: Madam Deputy Speaker, it cannot be right. It will never be right that the law can appear suspended. For purposes of the Chair, the question of the Nairobi Lang'ata, if he is investigating; that is not the first time that it is being investigated. There are people who have been charged and acquitted for de-gazetting some of those forests.

It is important, for purposes of the Committee, that, in fact, the legal process be confirmed first because the person who purchased, including Sen. (Dr.) Musuruve who is here, is a purchaser for value without notice, which is also part of the law.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Musuruve, are you on a point of order or information? The Chairman is getting a lot of information.

Sen. (Dr.) Musuruve: On a point of order, Madam Deputy Speaker. When the Chair of the Committee on Lands, Environment and Natural Resources rose to make his Statement, he actually stated that issues of evictions have become the order of the day.

However, it was a hanging Statement. He was not given time to complete the Statement. Nonetheless, what I know is that the Chair of the Committee on Lands, Environment and Natural Resources should be able to fix the Cabinet Secretary (CS) so that the CS does not intimidate Kenyans.

Sen. Pareno: On a point of order, Madam Deputy Speaker. I saw in our Orders today that we have over 10 Statements. I requested for a Statement two weeks ago on how the COVID-19 funds were being distributed and I felt that it was really unfair and oppressing. You gave the *Ad Hoc* Committee on the COVID-19 Situation in Kenya one week to respond and tell us how this money was being distributed, and why it was distributed in such a manner.

Up to now, I have not heard from the Committee and I feel like we are doing Statements for the sake of it with no response from the relevant departments. Can we know why we request for Statements and no responses are given? I have given my own Statement as an example.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. I wanted that---

(Loud consultations)

Sen. Cherargei, what is out of order now?

Sen. Cherargei: On a point of order, Madam Deputy Speaker. My issue is to the Committee chaired by my good friend, Sen. Githiomi. Since we came from Senate *Mashinani* in Uasin Gishu, the Petition of Karebe Goldmine in Chemase, Nandi County has never been reported; there is not even a supplementary Statement on the same. Those people have been waiting for around two years now.

Secondly, the issue of Mau; the Chair of the Committee on Lands, Environment and Natural Resources must look into that issue to bring it to a conclusion. What we are seeing in Molo, Nakuru is happening silently in Mau as we talk today.

It is fair that when the Cabinet Secretary comes in tomorrow, I request that we have the entire Plenary where all Senators can participate.

Thank you.

(Sen. Pareno remained up standing)

The Deputy Speaker (Sen. (Prof.) Kamar): Can we respond so that she goes back to her seat? Although again, that one was away from the question, but go ahead and respond.

Sen. Sakaja: Madam Deputy Speaker, I want to thank Sen. Pareno for bringing up that issue. Indeed, her question was answered and it is in the Report that we brought to this House.

I have now brought eight reports so far. Possibly, I think that the issue is that the Secretariat should have told us a specific response. All the Statements have come and I have even given a schedule of all responses to Statements to the *Ad Hoc* Committee on the COVID-19 Situation in Kenya, which is pending.

The response to her was that the formula that was used to give counties the money for COVID-19 response was the formula for giving counties money, generally. We said

that that is a wrong way to do it. We have even given our proposal, but they had already done it and the money had gone to counties. Since there is no money coming, we said that when you are giving money to counties on COVID-19 response, it needs to be based on which counties are more vulnerable or more exposed.

That response is in the House and I will ask the Secretariat to highlight that portion and share it with the Senator.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Sen. Milgo, you still have---

(Loud consultations)

I wanted to wind up with Sen. Kihika so that I can give directions to the Chair. Please, let us be brief because we are past 4.00 p.m.

Sen. Kihika: Madam Deputy Speaker, I was going to ask if it is possible, because I know that you gave the Chair of the Committee 14 days. However, as we speak, they are continuing with the destruction and evictions of the people. My request is, if you can make it shorter than 14 days; perhaps seven and if possible, if it can be addressed tomorrow because it is something that is live right now.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker, I also want inform the Chair of Committee on Lands, Environment and Natural Resources that the investigation should also include; why the National Land Commission (NLC) gave out the title deeds and then went out and ordered the demarcation of forest land, and then right now they are calling the titles papers? That is a form of confusion and that is why people are being evicted.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Chair, as I give you a chance to say something in one minute, I would like to direct that you consolidate all your issues with the Cabinet Secretary tomorrow. This is a Cabinet Secretary whom everybody complains does not honour appointments to come to the Senate and answer questions. So, if he is coming in tomorrow, we would like Sen. Kihika's Statement to be taken care of, including the issues raised on Nairobi and all Statements. As was raised by Members, it may be better; I do not know whether you are going to do Zoom—Will it be a Zoom meeting? If you could invite the Members who are affected as friends of the Committee, then they should be able to give you supplementary questions.

Sen. Mwangi: Thank you, Madam Deputy Speaker. I would like to state that I had not finished my Statement. I did not want to mean that evictions are the order of the day. I wanted to add something else to qualify that. Members should not blame me for that.

I will do exactly what Sen. Kihika wants me to do. Unfortunately, we have not communicated to the Cabinet Secretary because we are here now. We are not sure that he will be having the answers tomorrow because he needs seven days to be informed, so that he can prepare himself to come with answers before this House.

On the Nandi issue, I want to answer him. We have a case together with the Senator for Nandi; we have not been able to move because---

(Sen. Cherargei spoke off record)

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Cherargei, the Chair is addressing--- No, you are asking for a point of order when he is addressing you.

Sen. Mwangi: I am addressing you. Let me finish first.

The Deputy Speaker (Sen. (Prof.) Kamar): Do not deal with the Nakuru one first; listen to what he has so that you can consolidate what you want.

Sen. Cherargei: I just wanted to rectify what he was saying about what the Cabinet Secretary can do now.

The Deputy Speaker (Sen. (Prof.) Kamar): No; just go ahead. Hold on, he is talking about Nandi; finish the Nandi one.

Sen. Mwangi: We have an issue in Kericho that two committees are supposed to deal with; the Committee on Justice, Legal Affairs and Human Rights and the Committee on Lands, Environment and Natural Resources. Whenever we had wanted to meet the Committee on Justice, Legal Affairs and Human Rights, it has never come and it was being headed by the Senator for Nandi.

I would wish that the Committee on Justice, Legal Affairs and Human Rights avails itself so that we can solve that problem.

Thank you.

Sen. Cherargei: Madam Deputy Speaker, on a point of information. I am the people's Chair of the Committee on Justice, Legal Affairs and Human Rights. I am no longer the substantive Chair of the Committee on Justice, Legal Affairs and Human Rights. What I am saying is that I am not aware whether that matter was to be handled by the Committee on Justice, Legal Affairs and Human Rights or Lands, Environment and Natural Resources.

The Cabinet Secretary for Environment and Forestry cannot do anything now. However, he can order suspension of eviction of people in Molo. That is what we are requesting. As he prepares his answers, he can order the Kenya Wildlife Service (KWS) to stop evictions now and allow this matter to be handled and resolved by the necessary agents.

The Deputy Speaker (Sen. (Prof.) Kamar): Well noted.

Sen. Wetangula, what is your point of order?

Sen. Wetangula: Madam Deputy Speaker, my point of order relates to decorum in the House. Our Standing Orders are very clear. The distinguished Senator for Nandi County was raising something very important, but in a very chaotic manner.

Madam Deputy Speaker, when the Speaker is speaking, the House is obligated by Standing Orders to remain silent. It cannot be business as usual that the Speaker is talking and a Member is shouting, another Member is on his feet and the whole situation does not conform to the Standing Orders.

Secondly, Madam Deputy Speaker, I want to encourage you to enforce the rules of information. Information can only be given to a Member on the Floor with the consent of that Member. You cannot come up to give information to a Member who has finished and sat down. In fact, when you seek for information to a Member, the Speaker will always ask the Member on the Floor: "Do you want information and do you accept that information?" That is when information is given. We want this House, as a House of wise people, to be also a House of order.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. We are going to be very strict on that one. This is because many Members are using points of order, digress and say anything they feel like saying.

Thank you very much. Chair, you are so informed and ordered to inform the CS that you would like bring additional questions. By the end the day, try to communicate to them, and then tomorrow, you will figure out on how to deal with those other issues. He may be having answers.

Hon. Senators, I had said at 4.00 p.m. we will be out of Statements. I want to stick to that. We have---

Sen. Malalah: On a point of order, Madam Deputy Speaker. I want to be guided. I am alive to the fact that you made an earlier ruling on Statements Hour. However, there is a Statement of national importance, which might be overtaken by events, if we do not read it right now.

Madam Deputy Speaker, how I wish that you allowed me ---

The Deputy Speaker (Sen. (Prof.) Kamar): Hold on. I know where you are going. You can hold on for a minute. I know your Statement is next in order, and that is why you are feeling that it must be done.

I had said that I want to stick to the rules of the Senate Business Committee (SBC). Otherwise, we will never get to the business of the House.

If we are going to read the Statements that are being directed to the committees, we will not allow much interaction from Members. I want to say that clearly, so that the Member who will read the next Statement knows very well that no Member will contribute to it. Are we clear?

I have a Statement from Sen. Malalah, and it goes to the *Ad Hoc* Committee on the COVID-19 Situation in Kenya. COVID-19 is alive, and so, it is possible to read and nobody else contributes to that.

The Statement on the emissions of Nairobi will attract a lot of debate. I would like to defer it to tomorrow because you have a very good chance of having it debated. Sen. Kwamboka, it will be the first Statement tomorrow.

POLLUTION OF THE ENVIRONMENT
BY INDUSTRIAL EMISSIONS

(Statement deferred)

On Sen. Halake's Statement to the Committee on Lands, Environment and Natural Resources, I would also like to defer it to tomorrow because it will attract good debate.

STATUS OF AUTOMATION OF LAND REGISTRIES
AND GENERAL LAND RECORDS

(Statement deferred)

Senator for Kakamega, Sen. Malalah, the Statement to the Standing Committee Finance and Budget goes to the next sitting.

PROPOSED INCREASE OF EXCISE DUTY ON BEER
MADE FROM SORGHUM, MILLET AND CASSAVA

(Statement deferred)

Senator for Taita/Taveta, Sen. Mwaruma's Statement, Sen. Halake's second Statement, Sen. Faki's Statement and the Sen. Sakaja's Statement to the County Public Accounts and Investments Committee (CPAIC) will go to the next sitting.

STATUS OF VOI POINT LIMITED, L.R. NO. 28683

PROVISION OF TRAINING OPPORTUNITIES FOR PERSONS LIVING WITH
DISABILITIES SERVING IN THE PUBLIC SERVICE

ONGOING RECONSTRUCTION OF THE MAKUPA
CAUSEWAY – DIGO ROAD- JOMVU AREA

SOURCE AND UTILIZATION OF FUNDS ON BEAUTIFICATION
AND "NGARISHA JIJI" PROGRAMME BY NAIROBI CITY COUNTY

(Statements deferred)

The only Statement I will allow is the one from the Senator for Kakamega on the COVID-19 pandemic. That will be taken back so that it comes back with the discussions. The final Statement, please.

Sen. Malalah: Thank you, Madam Deputy Speaker. Just before I read the Statement, it is important to note that Statements are very important components of our business. This is the only opportunity we have to exercise our mandate of oversight as enshrined in the Constitution.

ROLE OF THE NHIF IN COVID-19 TESTING FOR HOTEL AND
RESTAURANT STAFF IN THE COUNTRY

Madam Deputy Speaker, I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Chairperson of the Senate *Ad Hoc* Committee on the COVID-19 Situation in Kenya concerning the COVID-19 testing charges for hotels and restaurant staff and the role of the National Hospital Insurance Fund (NHIF).

In the statement, the Chairperson should-

(1) State the reasons why the NHIF is not covering the costs for mandatory testing of the hotels and restaurant staff who are registered as members of the scheme; and,

(2) Expound on what the Scheme needs to do so that it starts covering the said costs, now and in future, since one of the NHIF's features states that it has no exclusions for all medial conditions except cosmetic procedures.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. I will only give one Member an opportunity to contribute.

Sen. Were, kindly, proceed.

Sen. Were: Thank you, Madam Deputy Speaker, just a brief comment. I know that we have little time for Statements. However, Sen. Malalah's Statement on the role of NHIF in the testing of hotel and restaurant staff is very crucial.

Madam Deputy Speaker, the NHIF established a task force to conduct NHIF reforms to deal with the Universal Healthcare Coverage (UHC). The UHC has never been as important as it is now during the COVID-19 pandemic. That report that has already been released and submitted should be used by the NHIF in the implementation of NHIF reforms within the UHC, to ensure that it takes care of the costs related to testing for the hospitality industry.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you.

Sen. (Dr.) Ochillo-Ayacko, one minute.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Deputy Speaker. This is an urgent and important matter that I am glad you have given me a chance.

Madam Deputy Speaker, everybody or the majority of citizens in Migori County and in all other counties are covered by the NHIF. It is no longer a rumour. It is known largely to many people that NHIF could be in financial trouble. When we are expecting a response on the issues that have been raised by Sen. Malalah, it would be important for the Chair of the Committee and the entire Committee to come up with a report assuring us that the NHIF is in sound financial state. My father, grand father and everybody in my family, in Migori and Nairobi, need assurance that they will get treated and the NHIF will cover the cost of that treatment. That should be part of the report that we are awaiting for, as a Senate, and as the people of Kenya.

I thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, very much. The Statement, therefore, stands committed to the *Ad Hoc* Committee on the COVID-19 Situation in Kenya, whose Chair is here. We expect that response when you will be giving your next report. So that Members can always get their responses, please, be distinguishing the responses from the questions when you are presenting your report.

Are we okay?

Sen. Sakaja: Madam Deputy Speaker, the issue that is being raised is with respect to testing. We will bring that response together with the ninth progress report. I have consulted the HANSARD on the statement raised by Sen. Pareno and I can confirm that the response was given in the Chamber as directed. The matter was deliberated on by the Senators only that Sen. Pareno was absent on that day. I have asked my secretariat to be highlighting the specific concerns raised in the House and present to the specific Senator.

Sen. Malalah's Statement is urgent because hotel owners are required to pay for COVID testing for their employees every two years. The hotel owners are being asked to pay cash yet they have been paying premiums to the NHIF for their staff. We will look into this matter urgently and bring a response soon. We will bring the ninth progress report next week.

Sen. Wetangula: Madam Deputy Speaker, on a point of information.

The Deputy Speaker (Sen. (Prof.) Kamar): Would you like to be informed by Sen. Wetangula?

Sen. Sakaja: Madam Deputy Speaker, certainly, I accept to be informed.

Sen. Wetangula: Madam Deputy Speaker, thank you, my distinguished nephew, the Senator for Nairobi City County.

I would like to inform Sen. Sakaja that as he deals with that matter, he should remember that the Cabinet Secretary for Tourism and Wildlife has been announcing to anybody who cares to listen that he has a tranche of Ksh4 billion to cushion the hotel and tourism sectors from the shocks of COVID 19.

What else can the Government do than to help the impoverished and suffering staff members of hotels, restaurants and tourism establishments? We do not want to see the Kshs4 billion being used by officials in the Ministry to parade themselves wearing cowboy hats in game parks and on beaches. I would like to see real Kenyans who turn the wheel of the economy of this country; the young mother and boys or single parents who work, toil and moil to make money for the country being supported by the Government. It is the duty of the Government in a pandemic situation to cushion everybody more particularly in the testing aspect.

I went to the Kenya Medical Research Institute (KEMRI) two weeks ago for COVID 19 testing and I was tested for free. Why would they want to charge the people who cannot afford even a shilling?

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Sakaja, Sen. Wetangula was on a point of information so you do not have to respond.

Sen. Sakaja: Madam Deputy Speaker, I would like to respond to the information. I would like to inform Sen. Wetangula that our second round of stakeholder engagements include meetings with the Cabinet Secretary in the Ministry of Tourism and Wildlife to tell us how he will use the Ksh4 billion. We do not want to hear that the money had been given to two big hotels yet I have hundreds of DJs, bouncers, waiters and waitresses in normal mid-level restaurants and establishments across the country who need cushioning. If we are not vigilant, we may find that the money was given to two big hotels each receiving Kshs2 billion. Part of the Kshs4 billion should be used for testing so that we are vigilant. We shall publish to the House the next schedule of stakeholders who are coming before the Committee. We have a six months' mandate and we have done the first three months.

I thank my distinguished uncle, Sen. Wetangula, for that information. He is always on point.

The Deputy Speaker (Sen. (Prof.) Kamar): The last statement is pursuant to Standing Order No.52(1). The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 21st July, 2020.

Kindly proceed, Sen. Dullo.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 21ST JULY, 2020

Sen. Dullo: Madam Deputy Speaker, pursuant to Standing Order No.52(1), I hereby present to the Senate, the business of the House for Tuesday, 21st July, 2020.

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

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

On Tuesday, 21st July, 2020, the Senate Business Committee (SBC) will meet to schedule the business of the Senate. On that day, the Senate will consider Bills scheduled for Second Reading and those at the Committee of the Whole stages. The Senate will also continue with consideration of business that will not be concluded in today's Order Paper, in addition to Motions, Petitions and Statements.

Madam Temporary Speaker, a total of 19 Bills are due for Second Reading. In addition to those in today's Order Paper, others are –

(1) The Election Laws (Amendment) Bill (Senate Bills No. 3 of 2017) (Sen. Fatuma Dullo);

(2) The Constitution of Kenya (Amendment) Bill (Senate Bills No. 40 of 2018) (Sen. Aaron Cheruiyot);

(3) The Government Contracts Bill (National Assembly Bills No. 9 of 2018) (Senate Majority Leader);

(4) The Constitution of Kenya (Amendment) Bill (Senate Bills No. 2 of 2019) (Senate Majority Leader);

(5) The Constitution of Kenya (Amendment) Bill (Senate Bills No. 16 of 2019) (Sen. Farhiya Ali Haji and Sen. Mutula Kilonzo Junior);

(6) The Public Finance Management (Amendment) Bill (National Assembly Bills No. 63 of 2019) (Senate Majority Leader);

(7) The County Allocation of Revenue Bill (Senate Bills No. 7 of 2020) (Chairperson, Standing Committee on Finance and Budget);

(8) The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 4 of 2020) (Sen. (Dr.) Agnes Zani);

(9) The Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bills No. 52 of 2019) (Chairperson, Constitutional Implementation Oversight Committee); and,

(10) The Investment Promotion (Amendment) Bill (Senate Bills No. 8 of 2020) (Sen. (Dr.) Alice Milgo).

Another 20 Bills are at the Committee of the Whole Stage. In addition to those in the Order Paper today, others are –

(1) The County Governments Retirement Scheme Bill (Senate Bills No. 6 of 2018) (Chairperson, Standing Committee on Labour and Social Welfare);

(2) The Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bills No. 2 of 2018) (Sen. Ledama Olekina);

(3) The County Hall of Fame Bill (Senate Bills No. 39 of 2018) (Senate Majority Leader);

(4) The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 10 of 2019) (Chairperson, Standing Committee on Tourism, Trade and Industrialization);

(5) The Establishment of Children's Homes Bill (Senate Bills No. 12 of 2019) (Sen. (Dr.) Agnes Zani);

(6) The Registration of Persons (Amendment) Bill (Senate Bills No. 14 of 2019) (Sen.(Dr.) Isaac Mwaura);

(7) The Kenya Sign Language Bill (Senate Bills No. 15 of 2019) (Sen. (Dr.) Gertrude Musuruve and Sen. (Prof.) Margaret Kamar);

(8) The County Licensing (Uniform Procedures) Bill (Senate Bills No. 17 of 2019) (Sen. Mercy Chebeni);

(9) The Elections (Amendment) Bill (Senate Bills No. 18 of 2019) (Sen. Ephraim Maina);

(10) The Alternative Dispute Resolution Bill (Senate Bills No. 19 of 2019) (Sen. Sylvia Kasanga);

(11) The Fisheries Management and Development (Amendment) Bill (Senate Bills No. 22 of 2019) (Sen. Moses Kajwang');

(12) The Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bills No. 13 of 2018) (The Senate Majority Leader);

(13) The SACCO Societies (Amendment) Bill (National Assembly Bills No. 1 of 2018) (The Senate Majority Leader); and,

(14) The Lifestyle Audit (No. 2) Bill (Senate Bills No. 21 of 2019) (Sen. Farhiya Ali Haji).

Madam Temporary Speaker, the SBC will prioritize these Bills accordingly.

(Loud Consultations)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, kindly consult in low tones. Your conversations are affecting the proceedings.

Sen. Dullo: Madam Temporary Speaker, in this respect, I urge the relevant Standing Committees to use the available opportunity on Mondays, Wednesdays, Thursdays and Fridays, and the various electronic or virtual means of holding committee meetings, to expeditiously conclude consideration of these Bills and table reports pursuant to the Standing Orders. The reports will enrich debate at the Second Reading stage and will also enable the Senate to effectively navigate amendments during the Committee of the Whole stage.

Individual Senators who may have amendments to Bills are encouraged to file the same in good time to allow the SBC to schedule the Bills. Allow me to take this opportunity to urge respective Movers of Bills, Standing Committees and respective Senators that have already filed amendments, to be in the House whenever the Bills are scheduled. This will facilitate speedy consideration and smooth transition to the next stage.

Before I conclude, I wish to draw the attention of the House to the 59 Petitions pending before respective Standing Committee as follows-

(1) One is pending before the Standing Committee on Agriculture, Livestock and Fisheries;

(2) Two are pending before the Standing Committee on Devolution and Intergovernmental Relations;

(3) Two are pending before the Standing Committee on Education;

(4) Four are pending before the Standing Committee on Finance and Budget;

(5) Five are pending before the Standing Committee on Health;

(6) Seven are pending before the Standing Committee on Justice, Legal Affairs and Human Rights;

(7) Five are pending before the Standing Committee on Labour and Social Welfare;

(8) A number of 25 are pending before the Standing Committee on Lands, Environment and Natural Resources;

(9) One is pending before the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration;

(10) Three Petitions are pending before the Standing Committee on National Security, Defense and Foreign Relations;

(11) Two are pending before the Standing Committee on Tourism, Trade and Industrialization; and,

(12) Three are pending before the Standing Committee on Roads and Transportation.

I take this opportunity to urge the Standing Committees to expeditiously conclude with the Petitions and to table reports pursuant to Standing Order 232(2).

Madam Temporary Speaker, I thank you and hereby lay the statement on the Table of the House.

(Sen. Dullo laid the document on the Table)

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Let us move on to the next Order.

MOTIONS

PROVISION OF CEMETERY, FUNERAL PARLORS AND CREMATORIA IN ALL COUNTIES

THAT, aware that under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlors and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlors and crematory facilities.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, on this Order, we do not have the numbers. Therefore, we cannot prosecute it.

(Motion deferred)

The Temporary Speaker (Sen. Nyamunga): Let us move on to the next Order. Proceed, Sen. Dullo.

EXTENSION OF MANDATE OF SELECT COMMITTEE ON
THE MANAGED MEDICAL EQUIPMENT SERVICES

Sen. Dullo: Madam Temporary Speaker, I beg to move the following Motion for extension of the mandate of the Select Committee on the Managed Equipment Services (MES) -

THAT, AWARE that the Senate resolved to establish a Select Committee comprising nine (9) Senators to investigate and establish the facts surrounding the leasing of the Medical Equipment, in the now 119 beneficiary hospitals country wide;

APPRECIATING that the mandate of the Select Committee lapsed on 4th April, 2020;

REGRETTING that due to the COVID-19 pandemic and in view of the World Health Organization and the Ministry of Health guidelines on social distancing and staying safe, the Committee has been unable to meet with key witnesses who would provide crucial information that would inform the Committee’s recommendations, thus the Committee requires more time to include its inquiry into the matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee by a further period of twenty-three days to enable the *Ad Hoc* Committee to conclude its work and table its report in the House on or before 4th August, 2020.

Madam Temporary Speaker, the Committee has done substantive work in terms of its responsibility. Apparently, we were unable to conclude this report simply because the COVID-19 pandemic came and the conditions that were set during the early stages of

the disease. We were unable to continue and we were told to step down. This matter came before the House and the Senate Business Committee (SBC).

Now that the situation has improved, we are requesting if we could be allowed to proceed and conclude this matter. We have about five key witnesses in this investigation. One of the key witnesses is an ambassador somewhere out of the country. We are facing a challenge because he might not be able to come physically and give evidence. We are trying to fast track the process because Kenyans are looking forward to this report, the same way the Senate is eager to get this report and the findings from the Committee.

Madam Temporary Speaker, we will push what is remaining within the period that we have requested, if granted to table the report on 4th August, 2020, before we go on recess. I wish to confirm to this House that we are committed to the job as a Committee and we will not let you down as far as the report is concerned. If we are given the 23 days, although a bit too short time, we will burn the midnight oil and make sure the report is tabled before or by 4th August, 2020 before we go on recess. Without much ado, I will request the House to approve the 23 days, so that we conclude the report.

I beg to move and request Sen. Wetangula to second the Motion.

Sen. Wetangula: Thank you, Madam Temporary Speaker. My distinguished colleague from Isiolo is the Chairperson of the Committee and I am her Vice Chairperson. In my view, we have done an extremely commendable job in carrying out this inquisitorial investigation. Our Members, Sen. Seneta, Sen. (Dr.) Lang'at and Sen. Mwangi from Nyandarua, are here. These Senators have put in their all in carrying out this complex and thorough investigation into a serious scandal in the Ministry of Health.

One of the critical witnesses was a Minister at the time all the contracts were varied, shifting the figures from Kshs28 billion to Kshs63 billion. It is very critical that such a witness must be interrogated.

We have two Principal Secretaries left to be interrogated, the former Attorney-General, Prof. Githu Muigai who has been invited and is quite eager to come and explain what he knows about these contracts because the Office of the Attorney-General must approve all contracts executed by Government Ministries and departments.

Equally important, we have some witnesses, a company called 'Esteem' where we did not finish cross-examining and have to get to the bottom of his engagement in this affair.

Asking for an extension is borne out of the complication that came with the COVID-19 pandemic after the last extension. Parliament suspended all sittings until a later date when they allowed sittings and proceedings through electronic means, via Zoom and sometimes in a better placed environment like sitting in this Chamber.

I urge the House to support this request by the Committee because this is a Procedural Motion and the SBC has already processed and approved it to come to the Floor. As our rules require, it cannot take effect unless the plenary sanctions the decision of the SBC. This morning we had a meeting where we had scheduled our meeting to table our report by the 11th August, 2020. However, now we have been truncated to 4th August, 2020. We will accept that. It means we have to work even harder to make sure that the remaining hearings are done, evidence collected and collated. Above all, the report is written in a manner that conforms with the expected standards of this House.

I have urged the Committee that they borrow a leaf from the Committee that investigated the maize scandal, that brought a report which received acclaim from each and every Member of this House, including yourself. We promise the House that we will leave no stone unturned in trying to bring to the fore these extremely scandalous engagement in the Ministry of Health by the former Ministers who have occupied that position. This is so that we stop any future similar transgressions against the national public purse. We do not want this country to repeat mistakes in creating avenues that pilfer public resources against the expectations of the head of State, the people of Kenya and everybody else, including the Houses of Parliament.

I urge Members to support this extension. We promise that we will do our very best to bring this matter to the House by 4th August, 2020. Thank you, Madam Temporary Speaker.

I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Nyamunga): There is a lot of interest. Kindly go straight to the exact points you want to make, so that we give as many Members as possible time to make comments on this.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity. I support Sen. Dullo's Motion that the *Ad Hoc* Committee be given more time to come up with a report. That report must be valid, verifiable and its contents be authentic.

We have the issue of social distancing because of COVID-19 and physical visitations are restricted. It is fair that the Committee's time be extended, so that when the report is brought, we are able to defend Article 43(a) of the Constitution.

We, as a country, should support the Government's agenda on health. For us to do so, there is need to ensure that all scandals in the Ministry of Health are unearthed, so that we have a healthy citizenry.

I support.

Sen. (Dr.) Ochillo-Ayacko: Madam Temporary Speaker, those who are against parliamentary oversight and committee work have always claimed that it is shabbily or shoddily done. Therefore, I am happy that Sen. Dullo, the Chairperson of the Committee, together with Sen. Wetangula, have sought for more time. As we grant the time sought, they should use it to make supportable and verifiable report; a concrete report that will pass the test of objectivity and bring to the stoppage this kind of caviller behaviour by the people we suspect to have misused their offices by taking away what belongs to the counties and the public.

Madam Temporary Speaker, I am in support of the extension of time. It is normally said that when you assume such responsibility, you should give it all your time, all your effort and all your skill, and you should leave no stone unturned. If the Committee is requesting us for time to apply all their skills and use all the time and all their energy, I am sure such generosity is abundant in this House.

I, therefore, lend my support to this request. I hope that by the time the report comes to this House, we will look at it, unveil and undress those who are shadowy and

those who are known to have diverted public resources mend for treating and saving Kenyans.

We are operating at such a time when most Kenyans cannot afford treatment and when many of them are invaded by COVID-19. The facilities that ought to have been availed to them are not available. In my own county, we do not have beds and many other things, including ICU equipment. I am told that the money was given out a long time ago.

So, I yield that time be granted. They should bring a good report which we shall debate robustly when it is tabled here.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for giving me this chance to contribute. Sen. Dullo and Sen. Wetangula for bringing forth this particular Motion. The Committee is dealing with a very important matter that has affected our country. In fact, if the implementation of MES was taken seriously, the fight against COVID-19 could not be a problem as such.

I want to add something by saying the following. There are many committees that have conducted various investigations and came up with wonderful recommendations. However, we have not seen them being implemented effectively in various Department of the Government.

I would like to request this House to consider putting in place a sessional committee to check on implementations. This is because we end up doing a lot of investigations and come up with good reports. There should be a committee to track the progress of implementation of various recommendations that we make.

I support the Motion by Sen. Dullo that we give the Committee enough time so that we get a good report.

Sen. Kwamboka: Madam Temporary Speaker, I rise to support the Motion by Sen. Dullo on the extension of the Committee's time. Indeed, the Committee needs more time, especially now that we have COVID-19. We know that the health sector is important to this country.

The Committee comprises some senior people. We have people like Sen. Wetangula and Sen. Dullo who are experienced. If they say they need extension of time, they mean it. I am sure they will not come up with shoddy, but a report with substance.

Sen. Mwangi: Madam Temporary Speaker, I support this Motion by Sen. Dullo. We have done a lot of work as a committee to try to unearth all the evils associated with MES. However, even after doing all that work, we have not been able to write a report. We need time so that we write a report that will be credible; a report that will help this country eradicate corruption; a report that can be associated with this Senate.

The COVID-19 has disrupted a lot of activities in this country. One of the activities is the work of the Committee. We could have completed writing the report long time ago, but due to COVID-19, sometimes we could not come to this House. Therefore, we were unable to complete the report.

We realised that if we left the report incomplete, there is a lot Government funds that will go to waste. We have gone up to The Hague to get information from the Philips and other companies regarding the way the machines were supplied to hospitals.

Madam Temporary Speaker, it is only fair that we get an extension of time. If I had talked to Sen. Dullo, we would have sought for more than 23 days. This is because we do not want to write a report that will not meet the standards of this Senate.

I beg to support.

The Temporary Speaker (Sen. Nyamunga): Thank you. Proceed, Sen. (Dr.) Zani.

Sen (Dr.) Zani: Thank you, Madam Temporary Speaker. I stand to support the extension of time for this particular Committee to complete its work. As other Members have said, their work is very critical because they are dealing with the health issues.

Sen. Wetangula and Sen. Dullo are very distinguished Senators in this House. For a long time we have been doing a lot of work brought to this House by various *Ad Hoc* committees. Through them, we have been able to extensively engage with various sectors in the country. Even when we were in Kitui during the Senate *Mashinani*, the work of this particular Committee was very critical to our engagement. It is one way of engaging with the people on a very close range for them to understand what we are doing to help them meet their various needs.

They have asked for an extension of 23 days and they have given the circumstances for seeking it. One of them is the COVID-19 pandemic. They might have requested for more days, but let them get the 23 days. As a House, we are really looking forward to their report.

Sen. Omogeni: Madam Temporary Speaker, I am very reluctantly to support this Motion to extend time to this Committee. It was our expectation that by the time we approve the County Allocation of Revenue Act (CARA), we would have unearthed this scandal. We wanted to see whether there is justification or not in continuing to give Kshs6.2 billion to counties to support a project that remains a mystery to many of us. However, the COVID-19 pandemic has been cited as the main reason why the extension is being sought. I support the Motion by Sen. Dullo.

I would also like to note to this *Ad Hoc* Committee that I serve with super Senator of Nairobi City County, Sen. Sakaja, in another *Ad Hoc* Committee that deals with the COVID-19 situation in Kenya. We have held more than 98 meetings via the Zoom video conference platform. Therefore, the fact that there is COVID-19 should not derail the work of the Committee.

As they continue with their investigations, I want to urge Members of the Committee to also be innovative and adapt to technology, so that they complete this work as soon as possible and table this report before the House. When I look at the team, we have every hope that we will not suffer any less of our expectation because they are very experienced and we trust them. Having seen what judges in Malawi did three weeks ago, we now have hope that men and women of Africa can demonstrate courage in making decisions that are in the best interest of their country.

I hope that they will spend the 23 days to finalize the task that was given to them by this House. We look forward to receiving this report. I also hope that on this one, we will have a committee that will oversee the implementation. It is sad. I served with Sen. Wetangula in the *Ad Hoc* Committee on maize. We made fantastic recommendations to the House, but to date, they have never been implemented. Therefore, I hope that on this particular one, we will see some fruits from the good work that this Committee will do.

With those very many remarks, I support the Motion.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker, for allowing me to support this Motion that the *Ad Hoc* Committee be given an extension of time to

complete their work. Initially I thought that 23 days were few, but I know that they can think outside the box and use other methods of meeting like has been employed by the other Committees of this House. These health issues are so critical in our country. I hope they will bring to this House a report that will help us mitigate challenges in health sector.

In the past, we have had medical machines purchased for counties by the national Government, but they are lying idle because we do not have skilled personnel to operate them. This MES was a way of siphoning money from our counties. A lot of money is being channeled to address the COVID-19 pandemic in the county. If we are not careful to unearth what went on in the past, we will continue losing money and our people will continue suffering.

I hope Sen. Dullo and Sen. Wetangula will bring a very great report to this House. I have always called upon this Senate to set up an implementation committee. Also remember we had the *Ad Hoc* Committee on maize and tea, respectively, but their recommendations were not implemented. I hope we will establish an implementation committee so that reports by Senate Committees come to fruition.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. First, we should thank this Committee for remaining steadfast on this very important investigation. Many of us, even then in Kitui, were skeptical that we would make some progress because of the big players involved. Just to inform you, because of the various interests, they have been spreading all sorts of rumours everywhere, which I shall not repeat here.

More importantly, it would be unfortunate if we did not finish this work at least before we go on recess and table the report irrespective of the recommendations. Let us deal with it. Let us just deal with these cartels, once and for all. If these machines were working as anticipated, the problems that we have seen about COVID-19 pandemic would have been addressed in counties. Counties are largely unprepared for this pandemic yet we have spent billions of shillings on ICU facilities.

I have never had so much faith in Senators like in Sen. Dullo and Sen. Wetangula to ensure that we do the right thing. I read a statement by Cabinet Secretary (CS) Eugene Wamalwa this morning. He said that it is quite unfortunate that counties are unprepared and this time of COVID-19 is the time to check whether it was the right thing to devolve health.

We are hoping that we can show that the national Government should never procure for counties in the manner that they did. We have to prove that Gov. Ruto was right all along and the rest were wrong. We are counting on Sen. Dullo and Sen. Wetangula who are distinguished lawyers. They should tackle all the legal issues, whether it is breach of contract or whatever it be. There is nothing that we cannot handle.

It is far much better than that case we lost in the International Criminal Court (ICC), where we ended up paying money because of negligence through the Attorney-General's Office. The Attorney-General like Pontius Pilate has washed his hands on this matter two months down the line.

I propose that we come earlier because the 4th is a Tuesday and we normally have one sitting every week. If they can, they should table their report during the previous week and give it to us to digest, so that when we come here, we will be armed to the teeth to deal with the cartels.

I support the extension.

The Temporary Speaker (Sen. Nyamunga): Finally, Sen. Farhiya.

Sen. Farhiya: Thank you, Madam Temporary Speaker, for giving me an opportunity to support this Motion.

From the few times that I watched the proceedings of this *Ad Hoc* Committee, the kind of questions and the engagements they were involved in shows that they were in the right direction.

We cannot be talking about corruption all the time, yet it has no mothers or fathers. We must give them the same. Given the kind of issues that they were tackling and the interests, it involves how procurement was done on behalf of the counties. With COVID-19, business has not been usual because there is a lot of disruption. I request that they are granted this extension.

I have no doubt that this team will make us very proud as the Senate and in terms of enhancing our oversight mandate as envisaged by the Constitution of Kenya and the Kenyans who elected us in different positions.

Thank you, Madam Temporary Speaker.

Sen. Sakaja: Thank you, Madam Temporary Speaker. This is a discussion that we have had in the SBC, and we agreed that there is need for this Committee to have some more time to wind up.

I want to point out two things, first is that the depth of the mess in the MES is more vividly visible because of COVID-19. I chair the *Ad Hoc* Committee on COVID-19, we have gone around counties where we have received reports.

We cannot have a situation where the national Government has been spending money on MES for years. Counties are charged more than Kshs200 million. They were being charged Kshs90 million, but it went up to Kshs200 million, yet we have 27 counties without a single ICU facility. We need to know where this money has been going to. We need answers.

I support that extension.

Secondly, I have heard Sen. Omogeni raising the issue of implementation. After this, I assure you that we will not ask for any extension again. We work hand in hand with the substantive committees such that once we have dealt with an issue at a preliminary stage, we hand it over to the Standing Committee of Health or the Standing Committee on Finance and Budget Committee such that they do not start from the scratch after six months, or after we are done. This is because that is where we get the problem.

In the maize issue, for example, if you were dealing with it for a long time and then you suddenly bombarded the Committee with everything, they may have been able to have the same institutional memory or thoughts on the issues that you are handing over to them.

I would encourage this *Ad Hoc* Committee to continue and to carry along the substantive committees as you deal with this. I am sure that some Members are in both the *Ad Hoc* Committee and the Standing Committees, including CPAIC, not just the Standing Committee of Health. You can give them in small bits and doses such that by the time your mandate is over, they are not starting from scratch.

I know one of the issues is that one of the witnesses says he cannot travel due to COVID-19. Just summon them online because our Standing Orders allow for that. We

have held more than 90 meetings as *Ad Hoc* Committee on COVID-19 online. The Government has had to make decisions based on our online discussions.

If you expect somebody to come from Europe to attend this meeting, of course, they will not. They will say that there are no flights because they know what they are hiding and it must come to light. We wish you all the best.

I support and we expect to get a good report.

(Question put and agreed to)

ADOPTION OF THE SEVENTH AND EIGHTH PROGRESS REPORTS
OF THE *AD HOC* COMMITTEE ON COVID – 19 SITUATION IN KENYA

THAT the Senate adopts the Seventh and the Eighth progress reports of the *Ad Hoc* Committee on COVID-19 Situation in Kenya, laid on the table of the Senate on Tuesday, 16th June, 2020 and on Tuesday, 7th July, 2020, respectively.

(Sen. Sakaja on 7.6.2020)

(Resumption of Debate interrupted on 7.6.2020)

The Temporary Speaker (Sen. Nyamunga): We have a resumption of debate on that Motion.

Sen. (Dr.) Zani was seconding and there is a balance of 13 minutes.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker.

I was seconding this Motion and I had just started. I was commending the work of this Committee. This is the Seventh and the Eight Report; we still expect other reports to come.

From the meetings that have been held by this Committee, we see that they have been able to extensively engage with various stakeholders across various key issues related to health issues. They have done a very good categorisation of the issues.

I have also been looking at the Eighth Report. In the Eighth Report, they are focusing on access to food, water and other basic commodities. What I am seeing is that for each theme, a lot of intensive effort has been put into extract the specific issues that are of concern.

Right from health issues, economic and financial issues, social-public order in human rights, access to food, water and other basic commodities which fill up the 8th Progress Report. Moreover, there are support services and cross-cutting issues are instrumental issues that this Committee is putting in place to ensure that specific answers have been given.

The broad angling of what this Committee sought to identify even in detail and you can see that this *Ad Hoc* Committee on COVID-19 is cross-cutting. We are talking about medical supplies and the issues of health and services.

By yesterday, we had 10,294 people infected with COVID-19. The number keeps increasing. The reality of what is happening makes us have to fast-track to ensure that we

can protect, create safety and well-being of the citizens of Kenya and also of those in the frontline.

Madam Temporary Speaker, we are now beginning to experience a situation where we are losing some of the healthcare workers within the hospitals and various institutions. We are also experiencing a sense of fear because these are the frontline warriors who have to deal with this.

Issues such as protection, wearing of Personal Protective Equipment (PPEs), ensuring that they are well protected and their needs are taken care of becomes very critical.

Another key area that this Committee has dealt with is the area of education and its institutions. Recently, we had the Cabinet Secretary of Education, Hon. (Prof.) Magoha giving the way forward. There have been different reactions from Kenyans. Some people think that we should have tried to proceed like other countries have. However, Kenya has made a position. Many Kenyans are supporting that position because we cannot put our children at risk. We cannot allow them to go to school without the proper mechanisms.

The current situations is that Technical Vocational Education and Training Institutions (TVET) and colleges will start operating in September then the other institutions will start later. However, the policies and the processes to ensure that as they begin that they can be protected is very important.

Other issues that this Committee has dealt with are measures to protect employees, retrenchment and losses of work. There are areas do with provision of isolation centres and ICUs, as has been mentioned here. We find that we have up to 27 counties which do not have ICU beds. Some of the reports that were coming through are that we now have some of these ICU beds being put in private homes.

Madam Temporary Speaker, maybe these are the new challenges that are facing this Committee. It is clearly stated in this Report that these are the challenges. As the issue continue to get worse, then they have more work to do in terms of identifying how to go about it.

Referring to the Seventh Report, at that time, certain Cabinet Secretaries (CSs) had not honoured their invitations. However, looking through the Seventh and Eighth Reports, this seems to have improved immensely. For example, CS, Hon. Munya, gave his comments directly regarding the food sector and reserves and very insightful ideas about exactly what is happening.

Madam Temporary Speaker, even when it comes to other stakeholders and memoranda, one of the greatest strength of this Committee is that they have really maximized. Despite the COVID-19, they have ensured that through each of the specific questions they were asking, they have been able to get various memoranda to answer those questions. They have put this in a systematic way.

In the Seventh Report, we also note fact-finding visits to Isiolo and Meru counties. They held meetings with National Emergency Response Committee on COVID-19. I do not want to use a bad name, but I know we have armchair sociologists. So, I will borrow. We had 'armchair' Senators going to the counties and crosschecking what is happening within the specific Ministries. This is key.

Madam Temporary Speaker, the Report also gives us the progress on The Pandemic Response and Management Bill. This is soon coming to the Committee of the Whole and we will complete that. As we have said, for the other committees and issues that will come, implementation will be key. I have already looked at The Pandemic Response and Management Bill. It is very extensive and sets various committees.

As the Senate, we need to speed-track on that Bill, so that we can have those specific structures that are stipulated within that Bill quickly put into operation. This is so that we can practically assist the situation on the ground.

Madam Temporary Speaker, in the Seventh Report as well, statements that were sought from the various Senators have well been answered. That is very clear. One of the things that will be critical moving forward is on Page 7 of the Report. It where we have a total of 190,000 COVID-19 cases and 5,200 cases that have been reported in Africa. It will be to begin to think about a comparative analysis.

This Report correctly projected that the level of casualties from the pandemic that had been expected in Africa did not reach the proportions that was expected. This Report aptly cautions that. As a result of that, it does not mean that we relax.

Madam Temporary Speaker, it would be good for research to look at Uganda, Kenya, Tanzania, and Rwanda as a learning experience. Let us see what was done right, which factors were put into consideration. How we were able to best combat this pandemic. Moving forward, we could, probably, consolidate regional mechanisms and strategies to handle this.

This will enable us help each other. We can look at Rwanda. What did they do? We can look at Kenya. We have our neighbour, Tanzania, where they have gone on a different tangent in terms of how they address the pandemic. That is something that can be infused.

Madam Temporary Speaker, I request the Chairperson, Sen. Sakaja, that moving forward, we could infuse some of those experiences so that it can help us consolidate and have a regional strategy which may be very effective for the future. So far, we do not have medicine and people are just suggesting different things.

One of the things that this Report also talks about is the packaging of the reports and the communication that is given, especially to the youth and through the media. Some of these have to do with issues, for example, about procedure; washing hands and accurate wearing of the masks, especially in the public space. Also, how to manage within that specific space. That was important to infuse that so that it is clear.

Madam Temporary Speaker, through the Chair, we could make those messages even more concrete. Sometimes there is confusion in the way people respond. Sometimes you will walk through some places and find masks have just been thrown. These lessons need to be conceptualized.

Can we also have a model of the communication that we will be giving, for example, to the primary school children when they proceed? What sought of masks should they wear? How should they handle them? How do we handle, for example, cases like North Korea that opened and had to close down? How do we make sure that we do not get to that particular space?

Madam Temporary Speaker, in the Seventh Report, there is a very important issue about the healthcare workers. I have just mentioned it. The Community Healthcare

Services Bill is also coming up for a Second Reading in this House. It also tries to strengthen. Without a strong healthcare force, especially at the county levels, COVID-19 renders a big challenge for us.

Allow me to quickly go through the Eighth Report. It has 165 submissions. Shall I say excellent! I do not think we have reached these numbers before. It shows the sort of interest that Kenyans are taking and the fact that we Senate put such a committee in place to capture this, we were in the right place doing the right thing at the right time.

(Applause)

Yes, you can clap for that.

Madam Temporary Speaker, there were site visits, where various stakeholders were engaged. In this particular Eighth Report, there was more focus turning to the issues of access to food, water and other essential services. The CS gave some insights. What is important, which is mentioned here, was the need for continued production and distribution of food commodities across the country.

As we focus on COVID-19, there is the issue of agriculture and ensuring that agricultural production does not halt. We do not want to have a food crisis after the COVID-19 pandemic. The Report gives reassuring figures about the food reserve; that we do not have a decline, for example, in the pricing of maize. However, this is the current situation.

Madam Temporary Speaker, we need to ensure that the Committee continues to engage with the stakeholders to ensure that these prices remain where they are or better still they can come lower remembering that most Kenyans have also lost their jobs. What might have been a standardized pricing as per now, probably, does not apply anymore for many households that have lost their employment and have to look into that.

Among these and very important, is the creation of food security wall room through the Ministry of Agriculture, Livestock and Fisheries by continuously monitoring farm inputs and ensuring that the supply and emerging issues are taken care of. It is important and imperative for this Committee to continue that oversight.

Madam Temporary Speaker, some of the risks are also mentioned in the Report in terms of food production. What can we do about them? There is flooding, desert locusts and all other issues that are coming. How are we able to circumvent that? These are critical issues and they have to be looked at. We have addressed this many times in terms of disaster management. This claws back the efforts that have been done within agricultural sectors.

One of the other issues that are critical through various engagements was protocols and guidelines that have been put into place. This was to ensure that the producers, traders and consumers of the crop can continue in business, while taking precautions for the spread of COVID-19. This is critical. It does not mean that sectors must stop.

Madam Temporary Speaker, this Committee can go further, even now as we begin to think about how we can begin to open up. Could this Committee take the leadership and through the various sectors begin to engage with the transport sector? A lot of discussions and discourse are taking place about places of worship opening up.

These are some of the issues we can infuse as we continue responding to this pandemic. We are getting to a point where we are saying that we must continue. We are saying this is the new normal, but we must continue with a lot of caution.

Madam Temporary Speaker, the Committee also urged the national Government and county governments to put in place interventions to support continuous production and operations in the Water Services Providers (WSPs).

We know that it is important to have the mechanisms of ensuring that we keep our hands clean and the level of hygiene high.

With regard to water supply, the Committee commends the measures taken by the Nairobi Metropolitan Services (NMS) to drill boreholes. We have seen what the NMS has been doing. The progress is there by given and observed.

The Report moves on to talk about support services and crosscutting issues, for example, the issues of connectivity. This is ensuring that people understand what is going on and communicating that being infected by COVID-19 is not a death sentence neither should it be a source of stigmatization. That has been dealt with at various forums practically. The Committee has also talked about that in detail.

There is the issue of quarantine, how it happened and how it was dealt with over time---

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

Sen. (Dr.) Zani: Madam Temporary Chairperson, I kindly request for three minutes to wind up.

The Temporary Speaker (Sen. Nyamunga): Senator, you know you had only 13 minutes. We have already given you another 10 minutes, but I can add you another two minutes.

Sen.(Dr.) Zani: Thank you. That will allow me to wrap-up.

The appropriate media messages have been talked to; we can talk one on one. When I was seconding this Motion, I thought I would second and finish in two or three minutes, but there is a lot. I have just got up to chapter one. There is also chapter two: Access to Food, water and Basic commodities that I have just briefly touched on. That has been put in place very well.

Madam Temporary Speaker, let me wind up by saying that as Kenyans, let us remember who we are. We know that 80 per cent of us reside in the rural areas. Let us come up with appropriate ways of monitoring the food market and also introduce social and economic audits at both national and county levels. This will help us to create a measure and understanding of exactly where we are and what we need to do.

I wish this Committee the best as it progresses with other issues. This is in order for them to continue to keep abreast both the Senate and the country at large about the efforts of this House. I congratulate the Committee for the work they have done.

I second.

The Temporary Speaker (Sen. Nyamunga): Well-spoken, Senator.

(Question proposed)

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Temporary Speaker for giving me an opportunity to make a few appropriate remarks regarding this matter.

Migori County is one of the most adversely affected. We are a county that is vulnerable and affected by many incidents of COVID-19 infection, poverty, unemployment, poor harvest and general absence of money attributable to COVID-19 invasion. This kind of report is good. I am happy the House, in which I am a Member, regularly and promptly generates reports regarding COVID-19 because that is the single most intrusive invasion that we are experiencing as a county and as a nation.

Madam Temporary Speaker, if it was not for COVID-19, I am sure the lives of many of my electors in Migori would be a little better than they are now. We would be having our children in school and farmers going about their business since we are a farming county. They would be particularly going to markets to get *riziki ya kila siku*. I am sorry for using Kiswahili. I should not mix two languages in my contribution, but I think for those farmers, it is important for them to hear. They are tobacco, sugar cane, maize, cassava and all the farmers we have in Migori County.

We also have fishermen and women; the fishmongers who are the equivalent of Billingsgate Fish Market. We have them in Migori, Kisumu and other places. All these people are affected.

They are happy that the *Ad Hoc* Committee that we have put in place is vigilant and is listening to their cries, advising the Government and receiving feedback from the Government as to what is being done in their situation. This is good news.

Madam Temporary Speaker, I urge this Committee that we have tasked with the responsibility of COVID-19 to try as best as they can, to avail hard copies of this report. Most Members here are analogue; few of us are digital and it is still important for us to access the reports because the content has serious advice that we need to internalize. I ask the Senate, through the Committee, to avail as many hard copies as possible because some of those digital equipment is, probably, also affected by COVID-19, if you know what I mean. The hard copies would be more readable and easily usable by us.

Madam Temporary Speaker, looking at the way COVID-19 is behaving; it is not in a hurry to go anywhere---

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

The Temporary Speaker (Sen. Nyamunga): Do you need information from the “Super Senator”?

Sen. (Dr.) Ochillo-Ayacko: Yes, Madam Temporary Speaker.

Sen. Sakaja: I would like to inform Sen. (Dr.) Ochillo-Ayacko that while we greatly sympathize with the analogue Senators who might have challenges with technology, one of the protocols in dealing with COVID-19 that has been established here in Parliament is reduction of paper from one hand to another because that is a way of transmission.

These reports are very important. If you go through them, they will give you a lot of details and in a timely way. The Personal Assistants of the Senators can print for the Senators in their offices. From here, part of the protocol we have is that we have as little paper as possible to prevent the passing on of COVID-19 in case it is in this House.

Sen. (Dr.) Ochillo-Ayacko: I appreciate that piece of advice that my brother and cousin has given. I hear we have uncles here, but he and I are cousins. Do not take that

lightly. I also belong to the Abawanga Clan of Mumias through the Sakwa Clan of Luo. So, I am your cousin.

Those who are digital, and I am one of them, we tend to consume information through our phones. The fonts in our phones are small and our laptops and other gadgets are gathering dust wherever they are. So, hard copies would be more convenient.

I do not know if we are saying we have COVID-19 here and we are asking our support staff to print these things. That is also a way of opening a window or door for COVID-19 to come here. Perhaps, there will be a better way of ensuring that we get the copies and read them.

Madam Temporary Speaker, I was saying that COVID-19 is not in a hurry to go anywhere, it is around. If you look the happenings in the United States of America (USA), the United Kingdom (UK) and other countries, COVID-19 is spiking. It is likely to spike in Kenya in view of the fact that some of the lock down rules that were imposed on Nairobi, Mombasa and Mandera have been lifted and the time for curfew has also been reduced.

The *Ad Hoc* Committee that is dealing with this matter should look in the future. How are we going to live with COVID-19 disease because it is not going away? It is a visitor that is of obdurate and which does not want to leave any house, village or county. It is here to stay and it is very obstinate.

We must start being innovative and advising the Government on how to put up with this obstinate or obdurate visitor. For instance, two of my children were about to graduate and they have been anxiously mark-timing, not graduating. They are so stressed. When I talk about my children, I talk about all our children in the nation who have been waiting for graduation. Graduation in life for the first time is a very exciting opportunity.

There are children in high school, primary school, Class Eight and Form Four, respectively whose lives have stopped. We must find a way of living with COVID-19 disease and doing what we must do as human beings. I want to urge the Committee to think out of the box; how are we going to live with it and live as human beings whose lives have not been stopped? We thought it would disrupt our lives and disappear quickly just the same way it came, but it appears that it is here with us. It looks like the original sin called death. We have been hoping that we will vanquish death, but it keeps on popping in every home. Now death and COVID-19 have partnered to multiply in numbers that we cannot count.

Madam Temporary Speaker, if our good Committee can find a way of ensuring that we live with COVID-19 as a visitor whose invitation has expired, but has refused to leave, the better for us.

The impact of COVID-19 disease, particularly regarding economic matters is the greatest threat to life. In fact, health has been managed and is being managed, but what do we do when our earnings are shrinking? What do we do when our productivity is declining? What do we do when our space is shrinking?

I want to conclude by urging the super Senate who is my good cousin; and after this, we should have a drink and toast to the discovery that we are related to do something about our shrinking economy, space and freedom, so that we can live until COVID-19 disease is tired of staying among us.

Thank you very much, Madam Temporary Speaker, I wish to support this Report and appreciate the good work of the Committee.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. I do not know what to think because Sen. Ochillo-Ayacko is the good cousin of Sen. Sakaja. He is everybody's cousin and relative. Sen. Sakaja must disclose his paternity very well. I will check.

I will also support this Report. From the onset, this Committee led by Sen. Sakaja has proved that there is no reason why we should not get regular Reports from any other Committee about matters that they are handling.

Secondly, allow me to say that while we thank Sen. Sakaja for a good job, we rarely thank our support staff. They are the people who are taking risks; coming to the office, preparing these hard copies and doing other things, but rarely do we congratulate them. I would urge Sen. Sakaja that your good Committee finds it important to issue recommendation Reports of the support staff who have helped this Committee have 70 sittings and as many as eight Reports. I think that it is only fair. I am told that Mr. Charles Munyua is a very efficient gentleman.

Madam Temporary Speaker, it goes without saying that COVID-19 disease has disrupted our lives. I think that it should bother Sen. Sakaja that there appears to be apathy with it. We seem to have given up or have thrown caution to the wind on it in terms of infections and *et cetera*.

When the good lady, Dr. Lugaliki, may her soul rest in peace, passed on at the age of 38 years, there was a lot of hue and cry about her. I am surprised that there was not as much hue and cry about others. I think that every person who has lost their lives to COVID-19 matters; whether you are doctor, child or a person out there in the village---

The reality of this disease has come. Two Members of Parliament have lost their parents. Our condolences to the Women Representative of Baringo for losing her spouse to COVID-19.

Madam Temporary Speaker, it surprises me a little and I want to propose to Sen. Sakaja that I am not certain whether these reports are shared with the various multi-agencies that are dealing with the COVID-19 once we are done with them. We rarely see the good work that Sen. Sakaja and Sen. Kasanga are doing in the briefings or in the things that these Committees are doing. Can these Reports be sent to them? Can we as a Senate spare some money and advertise our recommendations in daily newspapers?

We spend a lot of money advertising our public participation sittings. I think that Sen. Sakaja, through the Clerk, can find some little budget that we can spend on half a page or even a full page; half a page is good enough on some of the progressive recommendations that we have made on COVID-19 so that this becomes useful.

To advise Sen. Sakaja, it appears that at the onset, we thought that COVID-19 would be something of the past in September. It is obvious that it is not going to happen. In fact, in September, we are going to have the worst of cases on it in the counties. First, Sen. Sakaja and team, in addition to the good work that you are doing, we must continue sensitizing the public that the worst of COVID-19 disease has not happened yet.

Secondly, the Governor of the County of Murang'a said he was going to construct a hospital in 21 days. This Senate must continue talking about county preparedness. We are not prepared. Recently when cases were reported in Makueni County, the isolation

centre was full within a day. I am informed that when they heard that *Waziri*, Mutahi Kagwe, was going to Mombasa through Makueni, they went and collected beds from other hospitals just to demonstrate that they have an isolation ward. It is actually a very serious issue. If we had a method of confirming to the country where these isolation wards are, whether we have ICU beds and ventilators, it would be very helpful to us.

The case of Robert Burale which *Waziri* Mutahi had to respond to, and I was surprised that he did not know him---. We had seen what he was doing, it is also a sad story because Kenyans have vilified this young man. We do not know what the truth. I cannot tell you that I know. However, the story is out there in the public that he was not in an ICU wearing a hat and taking a video of himself. Some of these communication issues that are coming out in the public should be communicated properly.

Kenyans are tired of watching the Chief Administrative Secretaries (CASs) Rashid and Mwangangi talking about how many people are infected; reporting the same thing, over and over again. They are becoming like a broken record. Kenyans want to hear different things. Sen. Sakaja, you have an opportunity of communicating a different message. Kenyans are suffering out of COVID-19, what are we doing to help them?

It surprises me, Sen. Sakaja that the Government has still not communicated on giving out of masks. A policeman got into trouble in Mombasa recently for penalizing somebody for not wearing a mask. The same case happened in the case where somebody was injured at Lessos in Rift Valley. It is the same thing yet we have not seen active Government participation in distribution of masks. What happened to the masks that were supposed to be produced in Kitui? What happened to the masks that were supposed to be produced by the National Youth Service (NYS)? I got somebody to produce 4000, 5,000 and 10, 000 masks within two weeks and they did it. We have not seen the Government facilities do that. I hope for heaven's sake, that for the first time, somebody in the administration is not using this opportunity to sell the masks and sanitizers. Why have we not produced the sanitizers?

On access to food and water, these are very good proposals. I know there was a directive about not disconnecting electricity. Sen. Sakaja and team, up to what extent, have these been implemented? How far have we waved some of the tariffs? Sen. Sakaja, as you go along, please, acknowledge this good landlord who has extended his waiver on rent. It has been on the news. Some recognition will not harm anybody. That is a person who has been magnanimous enough not to evict his tenants because of the effects of COVID-19. This is because Kenyans are really suffering.

In terms of your thematic areas and cross cutting issues, we cannot stop the idea of making sure that people are educated about COVID-19 and its effects. Somebody mentioned - and I think it is Sen. Sakaja - this morning when we had a meeting, that the people who are affected by COVID-19, even though they may recover like we have been receiving the news, there appears to be an effect of COVID-19 beyond recovery. That has also not been communicated. It appears as if the functions of the brain are affected largely by COVID-19. Therefore, the communication about this disease must continue in earnest.

The regulations that were published by the Ministry should receive--- I must confess that the Committee on Justice, Legal Affairs and Human Rights has been unable to tackle these regulations. My Chairman is here. Since you have been progressive, can

we find out the effect of the regulations on COVID-19? The policing on COVID-19 is not happening very well, particularly in Nairobi. If there are violators of COVID-19 regulations, it is in Nairobi. The police have given up on curfew and roadblocks have been opened. Therefore, I am not sure whether we are actually saying that we leave Kenyans to the gods. It appears that that is the case. That is very dangerous.

Madam Temporary Speaker, I support this report. I think the cross-cutting issues and the things that are very important on COVID-19 should be addressed very seriously. The reports as to whether our hospitals have no capacity should find a way in this report. Progressively, you must tell us whether we have capacity or we do not have capacity; so that we prepare for the coming of Christ. If we do not have capacity, let us tell Kenyans, you are on your own, if you get sick, pray, look for your Priest because you are either going to hell or heaven. We cannot cure you.

Those reports are important as you handle the questions of economy and questions that are coming to you regularly. However, I think the Government itself has slackened on COVID-19. There appears to be some *laissez-faire* by the Government on this matter, which should not happen. It should not happen because it is a very serious issue. We hope that we can tackle COVID-19 in future.

Lastly, everybody talks about the cure for COVID-19 all over the world and you know a friend of ours who has been taking Chinese medicine everyday about COVID-19. You and I know him. He takes a dose. The question fundamentally is--- This medicine was provided to him by a high-ranking Ambassador. You know that, Sen. Sakaja. So, can we begin creating hope in the country by Kenya Medical Research Institute (KEMRI) reporting that we are making some progress in tackling COVID-19, so that we do not consign Kenyans to graves and very ugly scenes about coffins wrapped in polythene bags and people wearing Personal Protective Equipment (PPE) units.

Sen. Sakaja, it is sad to report and to hear that in your County Pumwani Hospital has 17 cases of COVID-19. What does that mean? Does that mean that the doctors in Pumwani are treating COVID-19 patients without protection? Or is it that COVID-19 is being spread in the air? This is because those are also sentiments that are being spoken about. How did we get 17 people in Pumwani getting sick? Lastly, how did we get 17 people in St. Andrews School, Turi getting sick in one institution? Does that mean that they have locked up students and staff in that school? Some of these things must be addressed so that proper sanctions can be taken where necessary.

Lastly, commendations to you. Do not forget the support staff who are preparing these reports for you. Please make sure that there is a paragraph in this report thanking the support staff of the Senate. This is because we forget to thank these people for writing reports on the impeachment, in the case of Sen. Halake and in your case, eight progress reports in such record time.

I thank you.

The Temporary Speaker (Sen. Nyamunga): Sen. Halake, kindly, proceed.

Sen. Halake: Thank you very much, Madam Temporary Speaker. I rise to support the report of the *Ad Hoc* Committee on the COVID-19 Situation in Kenya. I am a Member of this Committee and I congratulate all of us, as Senators, our Chairperson for the great job that he has done to steward the team, my colleagues and teammates who have done a great job. 75 meetings are not a mean feat. More importantly, it is not just

the number of sittings but the quality of the work that has gone into this COVID-19 Committee. That is something that this Senate should be proud of. We also thank our Secretariat. We have one of the best Secretariats. It does not matter where we sit; each day, they do amazing work for us.

That said, Madam Temporary Speaker, I wanted to just add to this debate and to assure this House and the country that we will do everything that is required to make sure that as we go forward, we do not drop the ball on this COVID-19 issue, not economically, in terms of the disease and other things, but also to just say that going forward, we are going to go to the long-term issues on education for our children. As you know, right now our education has gone digital, but the access, participation and the opportunity are so disconnected and disparate between different counties. Therefore, as the Committee, with support of other committees as well, we are going to make sure that we highlight the issues for our education disparities and the other things like the digital rights of our children, our communities and citizens.

Madam Temporary Speaker, right now, everything is going digital, low touch and online. However, we find that our communities are being left behind. COVID-19 which we thought was equalizing in a certain sense whereby in terms of infection, but also is laying bare the disparities and the socio-economic segregation and discrimination that we face in this country.

Madam Temporary Speaker, colleagues have raised concerns about preparedness of our counties. We have already been to two counties. My county of Isiolo was one of them. I know the Chairman will allude to that because we will be meeting the Governor. We have met other stakeholders within the county. We cannot bring our report until after we have given a chance to the Governor.

That said, we are very worried and concerned, not just for Isiolo, but for our counties. We are being told now that nobody should bring their COVID-19 patients to Nairobi. I do not know what will happen because those that have money are already buying and installing their Intensive Care Unit (ICU) beds in their bedrooms, but most Kenyans who are not able and cannot afford- forget the ICU beds- even a meal to boost their immunity are going to be in big trouble.

Madam Temporary Speaker, the Cabinet Secretary (CS) in the Ministry of Health recently said that each county should bear its burden. That statement takes me back to the issue of the formula on revenue sharing where some of our counties are starting from minus. It is not just the 50 years of being left behind but an eternity. Some of our counties have been marginalized from the colonial times. What the over 50 years of Independence has done is to entrench the policies of the colonial era. Does the directive by the CS in the Ministry of Health mean that if one resides in one of the marginalized counties, they should go to hell or heaven to die depending on what they have been on earth?

The Committee on COVID-19 Situation in Kenya will have to deal with the narrative that is coming from the Ministry of Health that sick persons should not be brought to Nairobi to receive advanced treatment. The health sector is a niche in the humanitarian sector. We should never allow humanity to be removed from the health sector. We should never remove humanity from our response and recovery because of the COVID-19 pandemic. I appeal to our country to make sure that---

The Temporary Speaker (Sen. Nyamunga): Sorry to interrupt you, Sen. Halake. Would you like to be informed by Sen. (Dr.) Ochillo-Ayacko?

Sen. Halake: Madam Temporary Speaker, I would like to be informed.

Sen. (Dr.) Ochillo-Ayacko: On a point of information, Madam Temporary Speaker. I wish to inform my friend, Sen. Halake, that the CS's pronouncement that patients or sick Kenyans should not come to Nairobi is unconstitutional, illegal and should be disregarded because the right to quality treatment belongs to all Kenyans and Nairobi is part of Kenya. Freedom of movement is guaranteed in the Constitution. If you know of any sick person who has been prevented from coming to Nairobi, my colleagues and I are ready to offer free legal representation to defend their rights.

The Temporary Speaker (Sen. Nyamunga): Would you also like to be informed by Sen. Sakaja?

Sen. Halake: Madam Temporary Speaker, I would like to be informed.

Sen. Sakaja: On a point of information, Madam Temporary Speaker. I would like to inform Sen. Halake not just as the Chairperson of the *Ad-hoc* Committee on COVID-19 Situation in Kenya but as the Senator for Nairobi City County. I welcome any patient who needs treatment in Nairobi. As much as we want our counties to be prepared, we cannot stop anyone who feels that their loved one can get the best quality of treatment in a certain place. That directive is unconstitutional as Sen. (Dr.) Ochillo-Ayacko has said. I know that hon. Mutahi Kagwe, the CS in the Ministry of Health made a clarification on that issue but we will get an official clarification from him when he appears before our Committee.

The Temporary Speaker (Sen. Nyamunga): Kindly proceed, Sen. Halake

Sen. Halake: Madam Temporary Speaker, I thank both Sen. (Dr.) Ochillo-Ayacko and Sen. Sakaja. That said, we confronted CS in the Ministry of Health when he appeared before our Committee of Information and Technology and he said that nobody will be barred from coming to Nairobi. The CS, hon. Kagwe said that all he wanted to do is make sure that the counties are taking the COVID pandemic seriously.

Forget Nairobi, as much as most Governors are saying that they are ready in the counties, Isiolo County for instance takes many of its patients to Tharaka Nithi and Meru Counties for treatment. We need to sensitize the Governors who have been very philanthropic to not close their borders. That said, I know that Kenyans are very kind and humane but this is a wakeup call for Governors who have been sitting pretty and putting the burden of their counties on neighbors. It is about time that the counties started sharing in the burden of not just the COVID-19 but all the other diseases and ensure that the residents of their counties do not end dying. I thank the country for what has been done so far.

I printed a report from "*The Economist*" today because we as a country sometimes do not celebrate ourselves. The report is on the African Continental exposure. The report has plotted the map of Africa and indicated the areas where one would be hit the hardest by the COVID-19. I am happy to report that Kenya records low. That is not to say that we should be complacent. We have done a lot as a country so we should be proud of the efforts of the Ministry of Health, legislators, private sector and citizens for heeding the call to maintain social distance, putting on the face masks and staying home.

I congratulate all Kenyans for the efforts they have made in the fight against COVID-19. We should all do whatever it takes to maintain the low status of the COVID-19. This report is from a trusted source and it shows that individuals visiting counties such as Egypt, Tanzania, Congo and the entire west Africa are at a high risk of being hit hard by the COVID-19.

Madam Temporary Speaker, we need to pat ourselves on the back and not just concentrate on the negatives. Our Committee will look at this report from “*The Economist*” and analyze what it is that we are doing right so that we can do more of it and mitigate on whatever we are not doing right.

With those few remarks, I would like to state that I am proud to serve in the *Ad-hoc* Committee on COVID-19 Situation in Kenya. I assure this House and the country at large that we will do everything that is at our disposal to ensure that we maintain the good practice and the outcomes that we have had for our country.

Madam Temporary Speaker, I thank you and beg to support this Motion.

The Temporary Speaker (Sen. Nyamunga): Kindly proceed, Sen. Shiyonga.

Sen. Shiyonga: Madam Temporary Speaker, I thank you for giving me the opportunity to support the Motion on the Adoption of the Seventh and Eighth Progress Report of the Ad Hoc Committee On COVID -19 Situation in Kenya.

I would like to congratulate the Chairperson and the members of the ad-hoc Committee for the excellent work that they have done in a short period. The Committee has purposed to inform the House on the progress made on the COVID-19 situation in Kenya through the progress reports that they have been submitting on the Floor of this House.

The Ad Hoc Committee on the COVID-19 Situation in Kenya has dealt with various issues that pertain to the COVID-19 pandemic. I would like to speak to how the pandemic has affected the education sector. The Ministry of Education has been largely affected by the COVID-19. The CS in the Ministry of Health once said that “If we continue to behave normally, this disease will treat us abnormally”. True to the words of the CS, this disease is treating us abnormally.

There is a group of children in this country who are assisted by the “Wings to Fly” programme which is run by the Equity Bank in partnership with other corporate organizations. Many children from poor backgrounds benefit from the “Wings to Fly” programme. Now that all school going children are at home, I wonder whether the Ad Hoc Committee on COVID-19 Situation in Kenya can liaise with the Ministry of Education to assist the children who come from poor backgrounds especially those that are supported by the “Wings to Fly” programme whose education has stagnated until next year when schools will reopen.

Many Senators have raised Statements on this issue, but mine is more of the input to the Committee; that they look at the children at home and suffering. What system can this particular Ministry put in place in future to assist the children who are now at home, especially the girl-child? Which programmes and systems have they put in place to assist the children during this time that they are at home? They should also look into the issue of the support staff in future.

Since we do not know when this pandemic will end, which special programmes are there for the support staff, who are attached to the schools that have closed, especially

from private schools? They have been affected, and I can hear my colleague saying that even the teachers have been affected. Instead of us bringing this as a Statement, they should look at it wholesomely to make sure that the teachers and support staff are comfortable, other than them sinking into depressing and wondering what to do until January. This group of children and people should be supported, so that they can continue living comfortably as they await the COVID-19 pandemic to end, which we cannot predict when.

Madam Temporary Speaker, I would like to congratulate the Committee for the Report they have laid on the Floor of this House. The interaction they are doing and the time they are putting in has been spent well. When the Motion is adopted, this country will be in a better place.

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

Sen. Dullo, proceed.

Sen. Dullo: Thank you, Madam Temporary Speaker. I wish to join my colleagues in congratulating this Committee that is headed by none other than the “super” Senator for Nairobi. We gave him the responsibility as the Chairman knowing that he would do a thorough job as far as the responsibility is concern.

I am the first beneficiary of the work of this Committee, since there was a Statement that we raised on the Floor of this House. As a result of that, the Committee went down to Isiolo County for a fact-finding mission, which gave Isiolo people a lot of hope. As Sen. Mutula Kilonzo Jnr. has said, it is like Jesus has come down to Isiolo, where they will get a solution to the challenges they are facing.

Having said that, I know that the Committee has done a lot of work, especially in terms of looking into issues of economics, education and unemployment. They have summoned various witnesses and done a great job within a short time. Every week they give us reports in terms of the progress and how we have prepared ourselves.

A lot has been done by the country, and especially the Government, in terms of financial input in preparing ourselves for the COVID-19 pandemic. To start with, there was the Kshs5 billion that was allocated to the counties, which the Chairman has raised. Those who were sharing the Kshs5 billion were using the Commission of Revenue Authority (CRA) formula. For example, my county only received Kshs16 million out of the share of Kshs5 billion.

Nevertheless, of course, it is something that is worth supporting. So, we are not going to condemn the Government because of that. However, in future, they need to look at the dynamics of the counties and the challenges they are facing. They should look at those issues other than just looking at the formula for sharing money, especially in terms of the pandemics.

As far as preparedness is concerned, a lot Public Relations (PR) has been done especially through the media. However, in as much as a lot of money has been used, what is on the ground is minimal for most of the counties. I know that even the national Government is giving relief to support the counties and communities affected by the current hardship. That is not helping Kenyans because the demand is too high and they might not handle it.

When the Senate Committee went to Isiolo, most people asked why the Senators went there and what they were going to do. They did not know that the role of the Senate

is to carry out the oversight responsibility. It brought a lot of hullabaloo. There was heated debate in the whole county; many people wondered why Sen. Dullo took Senators to Isiolo to investigate and what my role is. They want projects. Up to now, Kenyans do not know the role of the Senate. It is really unfortunate.

By the Committee going there, it helped a lot because when people go to check what is being done, people step up their game and make sure they correct wrong things. I will request the Chair to stay *kidogo* until I finish if he does not mind.

The Senate Committee going there has really helped. It is a therapy in itself. It is actually a relief in most counties that are affected, more so, Isiolo County.

Madam Temporary Speaker, after the Committee visited Isiolo County, the kind of questions that the Committee sent to the county government made them run around like headless chicken, trying to gather information that was never there before. They even requested the Committee to give them extra time before they were ready with the information. When the real questions came, they asked for two more weeks as usual. You can imagine if the Committee did not go to Isiolo, all the records, correction, accountability and all that could not have happened.

The Committee Members did a lot of work. They gave a lot of listening to what members of the public had to say. They visited the hospital and saw what they saw. Whether it is true or not, it is up to the Committee to come up with a report on its findings, which I do not want to talk about.

In terms of preparedness for 300 ICU beds in most of the counties, we also went to Mombasa to check their ICU facilities and they are doing very well with MES equipment. Their ICU facilities are working and they have done a lot. They are doing with the little they have because it is not enough.

Madam Temporary Speaker, we have a lot of challenges as a country. If I have to talk about my county, right now, people are facing a lot of challenges as far as hunger is concerned. The day before yesterday, they called and asked me to talk to the Government and see how they can be given relief food because they are really suffering.

I had to speak to the Cabinet Secretary Eugene Wamalwa who told me that they do not have anything because of the closure of the financial year but he asked me to check next week. That clearly means that we are not prepared in as much as we have done a lot.

I hope that with time, we can look into all these issues and make sure that our people are safe. In Isiolo, people are not even bothered about wearing masks or keeping social distance. Every day, you will see people greeting and hugging each other with no masks. Life is normal for them. I might say that God is protecting them, but if we had finances, we should have been able to assist them so that they can adhere to the rules that govern COVID-19.

The first COVID-19 patient in Isiolo County is in court, simply because when his tests came out, the medical staff at Garbatulla Sub-County Hospital took his photographs and released them all over social media. This is how informed Kenyans are. Today, he is in court trying to sue the County Government of Isiolo for violating his rights, which means that Kenyans are really informed. He is even asking for Kshs25 million. I hope that he will be able to get something out of it.

(Applause)

Madam Temporary Speaker, I do not want to take a lot of time. I know that the Committee has done a lot and they have even held national Government institutions accountable, and they are on their toes, especially in giving information to the Committee every day. I, however, request the Committee to make sure that they should not stop at visitation on the issues that they have found on the ground. They should make sure that Kenyans get their rights as far as issues affecting them are concerned.

As the Senator for Isiolo, the people of Isiolo are really anxiously waiting for the report of the Committee as far as the visitation and the findings are concerned. I hope that we will be able to see how we can solve the issues that are effecting Kenyans in various counties.

I support the report.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I want to reduce the talking time to three minutes, so that we are fair to all of us who still need to say something.

Sen. Omogeni, proceed.

Sen. Omogeni: Thank you, Madam Temporary Speaker. First of all, I want to make a disclosure that I am a member of this able Committee that is chaired by Sen. Sakaja. It has really been a joy serving under him. I want the House to know that when we were selected to serve in this Committee, we elected Sen. Sakaja unopposed because we believed in his ability to lead us, and he has not disappointed.

Madam Temporary Speaker, I want to give a word of reassurance to Kenyans after my good friend, Sen. Mutula Kilonzo Jnr. has spoken and painted a picture of hopelessness in this country. We really need to remind Kenyans that so far, we have over 3,000 Kenyans who have fully recovered from COVID-19. This includes about 199 cases that have effectively been managed by our healthcare workers in our Intensive Care Units (ICUs).

As we speak, we have over 90 people who were admitted and taken into ICUs, but recovered and left hospital. As of today, we have another 36 that are undergoing management in the ICU. Of course, we wish to pass our condolences to families of about 78 patients who never made it out of the ICU, but there is hope. In the statistics that we have the world over, our rate of fatality is one of the lowest. Our fatality rate is 1.9 percent, while countries that are famed with very good medical care systems and facilities, like the United States of America (USA), are at over 12 per cent. Despite the challenges that are posed by COVID-19, there is still hope for Kenyans.

Madam Temporary Speaker, if you give me a minute, I want to pick out one of the success cases that we saw as a Committee. This is what the Nairobi Metropolitan Services (NMS) has been able to do.

Madam Temporary Speaker, with a population of over 4.7 million people, the NMS has been very innovative in trying to ensure that water is made accessible to the citizens of Nairobi. When we had a session with that team, they told us that they supply over 200 metric tonnes of water to the residents of Nairobi for free. They have managed to drill 93 boreholes in Nairobi City County. These include 20 of them in Mukuru Kwa

Njenga slums with elevated steel tanks that enable the vulnerable people of our society to access water.

How I wish our chief executives in our counties, our governors, can borrow a leaf from what the Nairobi team is doing. They have even purchased 20 bowsers to take water round the city. Imagine the impact we could have if my governor in Nyamira with a population of 605,000 people could set aside money to drill boreholes, buy water bowsers and take water to people because we are living in difficult times.

I want to commend this Committee. I hope that when we come back with the ninth progress report, we will be able to give you more reports, including the initiatives we had---

My time is up.

Sen. (Dr.) Mwaura: Thank you, Madam Temporary Speaker.

I rise to support this Committee and its Members led by Sen. Sakaja because they had done a good job. I am saying so because I do not want to belabour the point. However, there is something that Senators may have noticed. Let me put it across that the visibility and the stature of the Senate in matters public domain has increased during this COVID-19 pandemic. That is a fact.

The Senate was seen to provide leadership, during this crisis through this Committee. When it looked like the preserve of the intervention was with the Executive at both levels of Government; the Legislature only came alive through the COVID-19 response Committee. This is very commendable.

The traction and the momentum that has been gained by the Senate as a result of this intervention has made the Senate be the centre of the politics of this country, the core politics of COVID-19, if you like it. That is commendable. That speaks to the low rates of death.

The other thing that the Government has done very well is what we call signalling in communication. This is because what we are dealing with was; do we have to protect the lives of Kenyans, or do we have to protect the economy? When we began, there were only 115 ICU beds in this country, which has since changed. As it is said, necessity is the mother of invention. However, it shows that we are not prepared because countries all over the world could not expect COVID-19 as it were.

Madam Temporary Speaker, going forward because I can see the yellow light even before I execute my thinking is that we need to do a lot more because our vulnerability has been exposed due to this pandemic. As I was sitting here, I received a text from somebody telling me that they have not eaten. I am sure that many of us have done so.

I have gone to so many households trying to distribute food, sanitisers, masks and others. Yesterday we launched the *Kazi Mtaani* programme in Githurai which will benefit more than 1,500 youth. We are a hand to mouth economy. Therefore, the economy has been really hit by this.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, thank you very much for giving me this opportunity to support this Motion. I start by commending Sen. Sakaja and his team. Indeed, I have worked under Sen. Sakaja when I was in the Committee of Labor and Social Services. He was my Chairperson and I know that he is equal to the task.

I also commend the secretariat or support staff that have been working with them. They are doing a good job. At this particular time as Kenyans, we need to know how we can ensure that the economy is flowing.

Madam Temporary Speaker, when it comes to the economy, it has been wrecked by the Coronavirus disease (COVID-19) pandemic. There are so many people who are not employed. Sometimes even couples in a family are not employed. They have children who have to eat. They have rent, water and other bills to pay.

I agree and support the Committee's recommendation that when it comes to basic necessities, the price should just remain as it is. There are so many families that are trying to hustle to survive.

Madam Temporary Speaker, during this COVID-19 time, many sectors have been affected. A major sector that has been affected is education. Education cannot wait. We have to see as a country how we are going to support this sector. How are we going to ensure that education continues? This is because there are so many teenage pregnancies and wrong things happening to children because they are not in the confines of teachers. Education is important and it helps people in many ways. It helps us even think about the future. There is need to see how exactly education can be revived.

Also, when it comes to the protocols that pertain to opening organizations, churches, tourism industry and all that, they must be adhered to completely. There is need to oversight and see whether the protocols that have been put in place to ensure that people are not getting COVID-19 are being followed to the latter. If they are not followed, then as a country, we are just in big problem.

The Temporary Speaker (Sen. Nyamunga): May I now call upon the Mover to reply. Sen. Sakaja, proceed.

Sen. Sakaja: Madam Temporary Speaker, thank you very much. I beg to reply and mention just a few things that have come out from the contributions from the Members. First, I am grateful for the encouraging words of support that Members have offered to our Committee. I assure all the Members that we will not relent. We will keep doing out work as best as we can because we are doing this in service of the people of Kenya and God.

I thank Sen. (Dr.) Zani, Sen. (Dr.) Ochillo-Ayacko, Sen. Mutula Kilonzo Jnr., Sen. Halake, Sen. Shiyonga, Sen. Dullo, Sen. Omogeni, Sen. (Dr.) Mwaura, Sen. (Dr.) Musuruve and all those who have contributed to this Report. It is the Eight Report. We have done 72 meetings. This is a rapidly evolving situation that we are dealing with as a country.

Madam Temporary Speaker, allow me also to take this opportunity to pass my sincere condolences to the family of Dr. Doreen Lugaliki. She is the first doctor to die from complications arising out of COVID-19. As soon as the death occurred, I spoke to the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) Secretary General for Nairobi and for the country. I gave them assurances of the Senate's support in making sure that our frontline health workers remain protected, they have quality protective equipment and their welfare package is looked at seriously., and that their occupational and safety package is looked at seriously.

I have listened to the comments by the Members. I respond to Sen. Mutula Kilonzo Jnr. that as a matter of practice, I always thank and take note of the work and the

contribution done by our secretariat. I always say that we have the best secretariat. I have never failed to mention that. I will repeat it for as long as I can.

Our team led by Mr. Charles Munyua, Ms. Clare Kidombo, Dr. Sagini, Mr. Philemon Okinda, our Serjeant-at-Arms. Ms. Lucianne does a billion job with the media; the Parliamentary Budget Office (PBO) team that we work closely together us; the Directorate of Legal Services led by Dr. Okello and Mitchell, are always at hand and in our meetings.

The turnaround and success so far can be attributed 90 per cent to them and 10 per cent to the rest of us. The Secretariat, you make us look good. Thank you for the work you do. I also have my Members, including my Vice-Chair is extremely able. In fact, I am disappointed that in this recent realignment, she did not become a Chair. Sen. Kasanga is an exceptional Vice-Chairperson and does a very good job.

Sen. (Dr.) Mbitio is the Chair of the Senate Committee on Health, but still comes to this Committee without fail. We also have Senior Counsel, Sen. Omogeni. Sen. Halake is always at hand in our meetings with very useful contributions. She sees things in a very different perspective from the many of us because of her background, and it is very useful. We also have Sen. Linturi and, Senator 001, Sen. Faki.

I thank my team and tell them that in as much as this is a rapidly evolving pandemic and our Committee has gone past the halfway mark, we will not relent. We have more work to do. We will not slow down. In Kiswahili, they say *mgema akisifiwa tembo hulitia maji*. We will not “*tia maji*” on our work, but exert ourselves more.

We are doing a second round of interactions with the National Emergency Response Committee with all the Cabinet Secretaries. I think more than 10 have attended before this Committee. We are doing another round to see the status of what we had agreed upon by the time we last met with them.

I sincerely thank the Senate of the Republic of Kenya. We have shown leadership by swinging to action. We have published and passed The Pandemic Response Management Bill that is now in the National Assembly. I Urge the Members of the National Assembly to fast track it. I have spoken informally to the leadership of the House there. They need to fast track it so that we pass it while the pandemic is still--- It will be of no use having a framework to deal with a pandemic during a pandemic.

Madam Temporary Speaker, there are many things we will discuss moving forward. I cannot address them all now because of time, and we need to put the question on the Motion.

We are rethinking a lot on what is going on. We have got 199 Kenyans who have gone through the Intensive Care Unit (ICU). Of those, 73 have died. That says that 36 percent of Kenyans who have gone through ICU have died. There are many questions we will need to ask ourselves as a Committee.

I assure the country and this House that the Committee is able to keep Government in check and accountable in dealing with the COVID-19 pandemic.

Madam Temporary Speaker, I beg to reply.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, this Motion does not concern counties. So, I will now put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until Tuesday, 21st July, 2020, at 2.30 p.m.

The Senate rose at 6.30 p.m.