

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 11th July, 2019**

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

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

PRAYER**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM RUTH KIPTUI
GIRLS HIGH SCHOOL, BARINGO COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Ruth Kiptui Girls High School in Baringo County.

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

I thank you.

(Applause)

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, on behalf of the people of Baringo and the Senator of Baringo County, being my neighbouring county, I welcome the students from Ruth Kiptui Girls High School. I was aware that they were coming because their teacher had notified me that they would be here today.

I welcome them to this august House and assure them of our serious support in their education endeavours through the efforts of the county government and the national Government in developing Baringo County which is one of the most expansive counties. Part of it is semi-arid while the rest is arable.

These students need no reminder about political and leadership inspiration because the second President of the Republic of Kenya came from Baringo County having been in Parliament and leadership for over 50 years. I encourage them that they have a great future in whatever they want to do whether in leadership or matters of political leadership, economy, science, education or legal practice like some of us here.

Mr. Speaker, Sir, I welcome the students once more and assure them that when their Senator is not in this House, the interests of Baringo County are ably represented by

my colleagues who are here and particularly myself as a person who has extreme interest in the wellbeing of Kerio Valley counties particularly my neighbours in Baringo County.

I thank you.

Sen. Were: Mr. Speaker, Sir, I thank you for giving me the opportunity to join you in welcoming the students from Ruth Kiptui Girls High School to the Senate. I encourage them to continue working hard and live up to the spirit of the owner of the name the school that they are in, Ruth Kiptui. She was a very hardworking person and inspiring. In setting up that school in her name had a meaning, so, they should live up to it. I encourage the girls to follow their leadership steps if they have them and we look forward to having them in this House.

I thank you.

Sen. Olekina: Mr. Speaker, Sir, I join you and my colleagues in welcoming the students from Ruth Kiptui Girls High School. I would like to state that Baringo is a beautiful County. If the students learnt on how to plant trees, it will really help.

(Loud Consultations)

The Speaker (Hon. Lusaka): Order, Senators! Kindly consult in low tones.

Sen. Olekina: Mr. Speaker, Sir, I thank you for protecting me from the loud consultations from the Members from the Rift Valley who should be listening to what I am saying.

The future of these young women depends on the environment that we have today and how they continue to protect it. I therefore stand here to encourage the students to continue planting trees on a daily basis while in school and at home.

I thank you.

Sen. (Dr.) Zani: Mr. Speaker, Sir, I join you in welcoming the girls from Ruth Kiptui Girls High School in Baringo County. This is the Senate of Kenya where we make laws for this country especially laws that affect the county level and enhance the development of counties in the devolution system that we are in now from the Constitution, 2010.

We debate various issues in this House and we have various delegations. We have 47 delegations from the counties as well as 20 nominated legislators. We come up with Motions and Bills to ensure that everything runs very well in the counties. If they sit in the Chamber long enough, they will listen to the various debates including Motions that are on the Order Papers on some of the progress on mediation committees that have been done which is one of the specific processes to end up with specific laws on staff rationalization in the counties having to do with how counties are run and how to make them know efficient creation of support services for disciplined forces, among other topics.

Mr. Speaker, Sir, there are broad topics that we discuss here. I take this opportunity to inform them that a lot is expected from them as women. In future, we expect more women to take up leadership roles in this country. This is the time to start. They should start to cultivate a culture of working hard and paying attention to their studies. They should have a vision and not let anything come between that vision so that they succeed in whatever they endeavour to do.

I thank you.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I join you in welcoming the students to the House. It is good practice for schools to bring students here to interact with leaders of this nation. It is in interacting with leaders in this nation that they will pick some leadership qualities. Some leadership qualities are inert while some are acquired. As they us debating in the House, there are those who will pick a leaf from how we debate.

I commend the school for bringing both boys and girls. When we talk about girl child empowerment, it has to be from the school environment. When the girls come here, they will see that even women debate on issues that are of national importance and this will inspire them to become leaders. It is good to see the girls in the House today. I would like to encourage them that they are future leaders. I see Senators, governors, doctors and many other professionals among them. These girls have the capacity to become whatever they want to be. However, their dreams cannot be achieved if they do not follow the school rules. There is need for the students to take their studies seriously and listen to their parents.

Mr. Speaker, Sir, without good morals, it will be very difficult for our children to make it. When children listen to the teachings of their parents and religious leaders---

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Malalah?

Sen. Malalah: On a point of order, Mr. Speaker, Sir. The essence of us issuing a statement with regard to welcoming students is so that the students can listen. The speed at which the hon. Senator is speaking, the students cannot get anything. How I wish the Senator would reduce her pace and rendition because she looks like she is reciting a poem.

(Laughter)

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve should summarize her contribution so that the students can have an opportunity to listen to the debate.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I thank the Senator for Kakamega County for his concern.

When I was a lecturer at the Jomo Kenyatta University of Agriculture and Technology, I was told that was my weakness. The students complained that I was too fast.

In summary, I encourage the students to listen to their teachers and parents. They should work hard in academics because our future lies in their hands.

I thank you, Mr. Speaker, Sir.

Sen. Boy: Asante sana Bw. Spika kwa kunipa fursa hii ili niweze kuchangia na kukaribisha wanafunzi kutoka kaunti ya Baringo. Sina mengi ya kuwaambia wanafunzi hawa bali kuwakumbusha kwamba sisi maseneta tuko hapa kuwakilisha kaunti zetu 47. Nawatakia kila la heri na kuwashawishi wasome kwa bidii ili waweze kuwa viongozi siku moja. Tunaomba kwamba Mungu awajalie waweze kuwa wabunge, wawakilishi wa wodi na magavana.

Kwa hayo machache, asante sana kwa kunipa fursa hii.

The Speaker (Hon. Lusaka): Next Order.

PAPERS LAID**REPORT ON THE FINANCIAL STATEMENTS OF KIRINYAGA
COUNTY ASSEMBLY CAR LOAN/ MORTGAGE FUND**

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday 11th July, 2019 -

Report of the Auditor-General on the financial statements of the County Assembly of Kirinyaga Car Loan Mortgage Fund for the year ended 30th June 2018.

(Sen. Murkomen laid the document on the Table)

**REPORT ON THE 6TH GLOBAL SUMMIT
ON OPEN GOVERNANCE PARTNERSHIP**

Sen. Cherargei: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday 11th July, 2019:-

Report of the Parliament of Kenya Delegation on the Proceedings of the Open Government Partnership Summit held in Ottawa, Canada, from 29th to 30th May, 2019.

(Sen. Cherargei laid the document on the Table)

The Speaker (Hon. Lusaka): Next Order.

NOTICE OF MOTION**NOTING OF REPORT OF THE 6TH GLOBAL SUMMIT
ON OPEN GOVERNANCE PARTNERSHIP**

Sen. Cherargei: Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate notes the Report of the Parliament of Kenya Delegation on the Proceedings of the Open Government Partnership Summit held in Ottawa, Canada from 29th to 30th May, 2019, laid on the Table of the Senate on Thursday, 11th July, 2019.

I thank you.

The Speaker (Hon. Lusaka): Next Order.

STATEMENTS**ISSUANCE OF CERTIFICATES OF GOOD
CONDUCT TO EX-PRISONERS**

Sen. Halake: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.48(1), I stand to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding challenges faced by ex-prisoners in acquiring certificates of good conduct in our country.

In the Statement, the Committee should-

(1) Explain the reasons former prisoners, including those convicted for petty offences are rendered ineligible to acquire a certificate of good conduct until after 20 years from the time they are released from prison even if they have served their term and paid their dues.

(2) Establish why despite re-integration being the goal of the Kenya Prison Service (KPS), ex-prisoners cannot be facilitated to access services that would help them to transition into the society and contribute to its development and welfare as law abiding citizens.

(3) Outline the measures the Government is putting in place to reduce the period within which criminal records can be expunged from the records; particularly for petty offenses.

(4) State the measures that the Government has put in place to ensure that ex-prisoners acquire certificates of good conduct on time to enable them not only to effectively re-integrate into the society, but also to utilize the skills they have acquired while under incarceration.

Mr. Speaker, Sir, while I do not wish to execute my Statement, it is really sad. I visited the prisons during the month of Ramadhan and most of the people in prisons are youths. Once incarcerated, even if you pay your dues, you cannot get a certificate of good conduct for the next 20 years.

This means that you are totally excluded for the next 20 years from re-integrating into the society. Therefore, I would like the Committee to really look into this issue and see what constitutes an offense that can lock you out of the society generally and out of any livelihood for the next 20 years.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. (Dr.) Ali, you may now proceed.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. I wish to commend Sen. Halake for bringing this Statement. It is true that most of the people who are in prison or who get in prison possibly for six months up to three years are the youth and petty offenders while the people who should be rotting in jails are the people who steal billions of shillings, killing others and the corrupt.

Mr. Speaker, Sir, those people, whenever they want to do something, they get the certificate of good conduct without any problem while these petty offenders who have served their terms in prisons continue to suffer. Sometimes, because of discrimination or they have minor mistakes, they do not get these certificates. They do not have lawyers because lawyers also want a lot of money. So, they suffer.

Mr. Speaker, Sir, I ask the Committee to seriously look into this issue and help these Kenyans.

Thank you.

The Speaker (Hon. Lusaka): Sen. Ochillo-Ayacko, you may have the Floor.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. First, I would like to take this opportunity to applaud my colleague, Sen. Halake, for raising this harsh issue.

The purpose of any prison or sentence is reform. The penal system is intended to reform wayward members of the society. In finding answers to the questions that have been raised, I would like to urge the Committee that is looking into this matter to come

up with a clear and proper explanation as to how they are intending to achieve the issue of reform.

We do not want jails or penitentiaries that actually are death penalties to people who are incarcerated there; economic, social or any form of death. We want to know what the penal system is doing to ensure that there is rehabilitation, reform and normalization of life, for any of us who may be wayward and who intend to be re-integrated into society.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Dullo, you have the Floor.

Sen. Dullo: Thank you, Mr. Speaker, Sir, I wish to thank Sen. Halake for this Statement.

It is true that after the inmates have served their sentence, they normally go through a very disturbing process in their lives. In certain cases, they are actually rejected by their own families.

I remember, in the last Senate, we had an *ad hoc* Committee that looked at the issues of prisons in terms of reforms. That report is with us somewhere, although, we had challenges with the National Assembly saying that this is a money Bill. In reality, the Act has not been amended to make sure that it is in tandem with the current Constitution.

The inmates face many challenges, especially when they are arrested, their finger prints are taken. However, after they have served their sentence, those finger prints are not removed from the system.

Mr. Speaker, Sir, inmates face many other problems, including the meagre wages they earn of 20 cents per day. The programmes within the prisons are not geared towards rehabilitation. It is like a punishment. The criminal justice system, they are not working together. The prison is like a dumping ground where most of the prisons have inmates exceeding their capacity. For example, I do not know the number today, but over the years, if you look at a place like Kamiti Maximum Security Prison, it has a capacity of 500. The inmates who are serving there are over a 1,000 which means, they are congested and do not have facilities to entertain them.

I believe, apart from the Statement, prisons are all over in this country. At the county level, as Sen. Halake said, there was a prison in Isiolo. That is why she ended up going there just to look at the plight of inmates.

Mr. Speaker, Sir, I wish we can re-constitute a committee that can look at that because one time, the same committee went all the way to Sweden and we looked at the prisons there and some other parts of the country, which were doing very well. We can draw example from it. Maybe, one of us should come up with a Motion or a Petition where we can constitute a committee that can look into this. Prisoners are also human beings, but the way they are treated in our prisons is unbelievable.

Thank you, Mr. Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. This is a very important issue. Sen. Fatuma Dullo was the chair of the *ad hoc* committee. I have the report. Sometimes I feel that we were afraid of the land grabbing issue which was very sensitive in order to bring the issues that concern prisons. Possibly, Sen. Dullo can move so that, that report can be adopted because we did a lot of work. We spent some time with very hardened criminals in Sweden and proposed reforms in borstal institutions including one

in a place called Shikuza Prison in Kakamega which has 400 boys and no girls. They gave us very harrowing stories about their cases.

When Sen. Halake's issue is being handled, we can do this holistically. We need to reform our prisons and the way people are being treated there because instead of this being a reform institution, this is a place where young people-like the ones in Industrial Area where we visited a month ago, they are taking a lot of pleasure in being in prisons.

We even have a band called *Zangalewa* in GK Remand Prison where they are making money from just being in prison. I do not think this is the objective of having a remand like that.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir, for also allowing me to add my voice in support of this important Statement from Sen. Halake.

Surely, 20 years after serving in prison is a long time taking into consideration that some people are jailed for a long time. By the time they come out, some are 50 or 60 years old. Staying out there without a certificate of good conduct for 20 years is a very long time.

This reminds me about issuance of various important documents in our country. For example, right now, there are many students who are unable to access loans from the Higher Education Loans Board (HELB) and they come from very poor families. Issuance of Identity (ID) cards in this country also takes a long time.

The Committee concerned should look into this Statement and other issues affecting our citizens like issuance of ID cards to young citizens. They should ensure these issues are addressed to enable citizens access all the required services as expected.

I congratulate the Senator for bringing this important Statement to this House.

Sen. Olekina: Mr. Speaker, Sir, day after day, year after year, imagine having no space to call your own and no choice of where to stay or what to eat and after you have paid your debt to society and you are rehabilitated, you come out and you are punished. I thank Sen. Halake for this Statement.

Mr. Speaker, Sir, as you commit this Statement, the Committee should also take its time to see how it can advise the Kenya Prisons Service (KPS). Yesterday, in our Committee, when we were dealing with the issue of Information, Communication and Technology (ICT), we found out that we knew things that even the Ministry did not know.

I know this is a Committee that is headed by very distinguished and intelligent Senators in this House. I request them to come up with proposals on how once these people are rehabilitated and are leaving jail or penitentiary, they can be given their certificate of good conduct. What is the point of saying you are rehabilitating them? We might as well change our prisons to calling them a death bed. There is no point.

Mr. Speaker, Sir, this is a very important Statement, which I hope the Committee on National Security, Defence and Foreign Relations will take seriously.

(Several Senators walked into the Chamber)

I am happy because I see all my colleagues coming in.

(Laughter)

The Speaker (Hon. Lusaka): Order, Members. I do not know why hon. Senators are very excited at the entry of fellow Senators.

Proceed, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, it is very encouraging because they are the mothers of this nation. We want them to listen to what we are saying in terms of this country taking care of its citizens well.

I do not want to repeat what I said, but the Committee can now seize this moment to introduce ways in which when people leave prison, they can be given a good life. They can be given their certificate of good conduct as part of their parting shot. There is no point of keeping somebody for 20 years. I mean, seriously?

Thank you, Mr. Speaker, Sir.

Sen. Sakaja: Thank you, Mr. Speaker, Sir. A few things come to mind and we will need your guidance. If you look at the contents of this Statement, indeed, prisons fall under the Committee on National Security, Defence and Foreign Relations. However, the fundamental questions being asked are about our criminal justice system, which is legal. The following is the reason.

What is the philosophy around correction? With this Constitution of Kenya 2010, we changed the name from prisons to correctional facilities. As it is today, the case is that there are certain crimes that if you commit, you go to prison and serve your jail term, they are removed from the record. Actually, the petty offenders are supposed to get certificates of good conduct.

There is a category of crimes today, whether it is rape, murder, robbery with violence or treason that even once you serve your term, they remain in your record. That is the current policy. I see that more of an issue of the justice system, which our Committee on National Security, Defence and Foreign Relations can look at how prison facilities are being run and so on. It is a very sorry state.

Recently, Mr. Speaker, Sir, I was at the Langata Women's Prison and found mothers with babies who had been kept there for months because of a fine of Kshs2,000 or Kshs3,000 that they were unable to pay. The cost of keeping these people in prison is more expensive than the actual bail terms if their cases are going on and they are in remand. It is even higher than the actual fines they are supposed to pay. Those questions go to the heart of what our criminal justice system needs to address.

Whereas my Committee is always ready, willing and capable to deal with issues, I would ask that you consider that this matter be dealt with by the Committee on Justice, Legal Affairs and Human Rights. If you rule otherwise, we will be ready to deal with it.

We have seen people in remand for years. I know of many in Nairobi City County, who for more than six or seven years, because of a fine of Kshs10,000 or Kshs5,000, are in remand. It is just that I cannot help all of them. I kindly seek your indulgence on that so that we can make sure that once you have served your term in prison, that you can be re-integrated into our society to be a productive member of the Republic.

The Speaker (Hon. Lusaka): There is still a lot of interest and there are many statements. For the Senators I will give an opportunity, I will limit the time to two minutes.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for giving me the opportunity to comment on this Statement.

The Statement has come at the right time. I urge Sen. Halake to consider enhancing this Statement to a Motion because the state of affairs in prisons and what happens to prisoners after they serve their term is a serious matter across this country.

One of the biggest problems that we are facing is that once a person has been incarcerated, even the process of re-integration to society becomes a challenge. They become almost spurious and not very easily acceptable back in society.

It sometimes gets worse. Once your fingerprints are taken by the law enforcement officers and you have served your jail term, it becomes a problem to get those fingerprints removed from the system of offenders. The intention of serving a sentence is to correct wayward behaviour and be reintegrated back to society to continue serving it.

Mr. Speaker, Sir, I agree with Sen. Sakaja that this is more of a legal issue than a security issue, that we do not condemn people for life. Once you have served your sentence, then it should be assumed that you are reformed, you get back to society and serve it. If there are gaps in law, they need to be addressed.

I thank you, Mr. Speaker, Sir.

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

Sen. Linturi: Thank you, Mr. Speaker, Sir. I agree with most of the comments that Members have made with regard to this Statement. I personally speak about these people that are in our correctional institutions all over this country. As a Vice Chairperson of the Senate Committee on Justice, Legal Affairs and Human Rights, I have had an opportunity to move around this country in most of these institutions. We have had serious engagements and interaction with the prisoners. It is true that they wanted us to address how we can work out a system whereby after leaving their correctional institutions, they are easily assimilated into society. This is so that they are not seen as outcasts.

This aspect of certificate of good conduct is one of the ways that would easily make the people aware even as they leave prisons to show the public that they have reformed and are remorseful and fit to go back to society.

Mr. Speaker, Sir, depending on what kind of crime one has committed, probably even for those very serious offences, one has to look at the offence on its own merit. If I remember some bit of defenses in criminal law - and Sen. Mutula Kilonzo Jnr. will agree with me - one of the defenses on murder was the defense necessity. You may kill not just because you want to, but the circumstances require you to do exactly that. For this matter, we would not want to condemn that person completely because you must understand the background under which the crime was committed---

(Sen. Linturi's microphone went off)

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

Sen. Malalah: Thank you, Mr. Speaker, Sir. I join my colleagues in congratulating Sen. Halake for bringing this very noble Statement.

The issue of punishing people who have already served a prison term is something we need to look into. This is what our legal friends call double jeopardy. It is unfair for somebody who has already served in prison and is coming out not to access

services from the Government or employment opportunities just because he or she has been denied a certificate of good conduct.

Mr. Speaker, Sir, this is one of the issues that has contributed to insecurity and high crime rates in our country. The same people who come out of prison, once they are denied that opportunity to interact with the society and to have equal opportunity like any other Kenyan, they delve into criminal activities.

It is, therefore, important that this leadership ensures that we cushion such people and ensure they access Government services without discrimination.

I thank you, Mr. Speaker, Sir.

Sen. (Dr.) Kabaka: Thank you, Mr. Speaker, Sir. I was consulting my colleague on a different matter.

(Sen. Cherargei consulted with other Senators loudly)

With regard to this very important subject, this is purely legal. I pray that the Senator for Nandi County, who is not listening, but is engaged with the Senate Majority Leader---

The Speaker (Hon. Lusaka): Senator for Nandi County, they are saying that you are not listening.

Sen. (Dr.) Kabaka: Senator, I need your ears. This matter is purely legal. I would want to help you by telling you to refer to the National Police Service Act, the Evidence Act Cap.80 and the Criminal Procedure Act Cap.75. Look at the relevant provisions with regard to the subject matter being debated so that basically---

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

(Several Senators stood up in their places)

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

Sen. Poghio: Mr. Speaker, Sir, is it on order for so many Senators to be upstanding at once? You can see so many Members standing when one Member is contributing.

The Speaker (Hon. Lusaka): Order, Members. These are hon. Senators who know the rules and the Standing Orders. Please, try to go by the rules.

Proceed, Sen. (Dr.) Kabaka.

Sen. (Dr.) Kabaka: Mr. Speaker, Sir, Chairperson of the Senate Committee on Justice, Legal Affairs and Human Rights, I would plead with you to bring those substantive amendments so that we can cure the defects in that regard. I think this is not a question of bringing a Motion. We can have it amended outrightly.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity to comment on this important Statement. I thank Sen. Halake for coming up with it. Prison is a place where people are rehabilitated. When people go to prison, there are a number of educational activities that tend to take place so that people can reform. This is because some people go to prison simply because they robbed or got money illegally. However, through education, teaching and the programmes that go on in prison, it is possible for someone to reform and realise that it is possible---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members. There is some notoriety around that corner on my right.

Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir. When people go to prison and are rehabilitated, they get to realise that there are various ways of getting money without necessarily getting it unfairly. When they are in prison, some of them reform and think upon themselves that when they are out of prison, they will do the right thing and become good citizens.

Mr. Speaker, Sir, when people get out prison, sometimes they feel as if they are social misfits. This should not be the case. There is need for county governments to come up with centres that will ensure that ex-prisoners are reintegrated into the society. There are various ways through which this can be done if county governments can take it upon themselves to ensure that these returnees are productive members of the society.

Sen. Ndwiga: Thank you, Mr. Speaker, Sir. I congratulate Sen. Halake for this important Statement. Part of the reason we have congestion in our prisons, and that is perhaps one of the issues the Committee to which this Statement will be committed to, is because most of those prisoners, a majority who are young people, are repeat offenders. Once they are released from prison, they are not assimilated into society. The reason is obvious. When a young man is released after serving his jail term, he gets out into society and fails to secure a job. If he has a driving licence, he cannot be employed as a matatu driver because he has no certificate of good conduct.

Mr. Speaker, Sir, it is pretty serious. If we want to rehabilitate most of our young people who are in prisons and to reduce congestion in our prisons, we have to find a way of giving them a certificate of good conduct once they are out of prison. Some of them are not quite reformed. However, we should have a system where they can get a conditional certificate of good conduct or something else. If we deny them these certificates, we will create more criminals.

Mr. Speaker, Sir, I beg the Committee which will look into this matter to delve deeper into causes---

(Sen. Ndwiga's microphone went off)

Sen. Shiyonga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Statement by Sen. Halake.

It is true that when prisoners are detained, they undergo corrective measures in their respective prisons. However, as much as we say that we should give them certificates of good conduct after a period of time, we need to remember that immediately some of them come out of prison, they commit murders which make them to return to those prisons.

Therefore, I agree that when prisoners come out, they should be given a document that shows how they have behaved while in prison. That way, when they come back to the society, they will continue to be monitored. The community will rely on that certificate to award them the necessary documents for them to continue with their lives. If

any prisoner who walks out of prison is given a certificate of good conduct, some of them will deliberately cause more harm to the society than they did before.

Some prisoners are detained for crimes that they did not commit. Therefore, they should get the certificates---

(Sen. Shiyonga's microphone went off)

The Speaker (Hon. Lusaka): Order. You must learn to operate within the given time. I will give you half-a- minute to summarize.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir. We should assess our prisoners who come back to the community before awarding them the certificate of good conduct that will enable them to continue with their lives.

Sen. Kihika: Thank you, Mr. Speaker, Sir. I also rise to support this important Statement by Sen. Halake. In any community, a person may commit a crime, serve their jail term, and pay the society by being imprisoned. However, at the time when they get out of prison, it is important for the community to have ways to rehabilitate the offenders so that they can become good members of the society.

Mr. Speaker, Sir, 90 per cent of the jobs that they will apply for requires the certificate of good conduct. Essentially, if they cannot get the certificate, they will not get employed. In that case, we will have a whole population of ex-offenders who will be forced to commit crimes and go back to prison.

I like the way Sen. Halake broke down the Statement. We are not talking about murderers or people who have committed serious crimes but petty offenders. Twenty years in prison is too long. They have already served their time. Therefore, the Committee should reduce the time to a couple of years. If they are out for a short time, they can get their certificates of good conduct so that they are able to get jobs. This way, we will integrate them into the society and make them good members of the society.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. I commend Sen. Halake for this Statement. The Committee on Legal Affairs and Human Rights has visited various prisons. Therefore, I assure you and the House that in fullness of time, we will file our report. We will also review the National Police Service Act and the Police Act. We will ensure that when our prisoners are rehabilitated and re-integrated to the society, they go back to their life and continue to build the nation. We must re-look at the law and ensure that they have their rights.

The Speaker (Hon. Lusaka): Hon. Senators, although the Statement is committed to the Committee on National Security, Defence and Foreign Relations, the Committee on Legal Affairs and Human Rights can petition so that they jointly address the issue.

(Interruption of debate on Statement)

COMMUNICATION FROM THE CHAIR**VISITING DELEGATION OF LEGAL COUNSEL
FROM VARIOUS COUNTY GOVERNMENTS**

I would like to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation of legal counsel from county governments. The officers are undertaking a legislative drafting training programme at the Kenya School of Law (KSL).

On behalf of the Senate and on my own behalf, I welcome them to the Senate. I wish them well for the remainder of their visit.

I thank you.

**VISITING DELEGATION FROM GESIAGA
HIGH SCHOOL, NYAMIRA COUNTY**

I would like to acknowledge the presence, in the Public Gallery, this afternoon of visiting students and teachers from Gesiaga High School, Nyamira County.

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

I thank you.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. I take this opportunity to welcome the students, the principal and members of staff from Gesiaga High School, Bosamaro Ward, West Mugirango Constituency in Nyamira County.

As you are aware, Nyamira County is where some of the great leaders of this country hail from. This includes the sitting Chief Justice, hon. David Maraga, the Cabinet Secretary (CS) for Interior and Coordination of National Government, Hon. (Dr.) Matiang'i, and the one and only senior counsel from Nyamira, Sen. Omogeni.

Mr. Speaker, Sir, I hope that the students will be upcoming future leaders. From the group of students that we have this afternoon, we have great leaders. The future judges, Senators and principals should be from this school.

I urge them to go back inspired and work hard. The future is there for them. If they are disciplined and focused, they will attain any success that they want in life.

I wish them a successful visit in the Senate. When they go back, they should greet their teachers and other students.

The Speaker (Hon. Lusaka): I clarify that those in the Speaker's Gallery are legal counsel from county governments.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir, for giving me the opportunity.

I thought that when people sit in the Speaker's Gallery, they normally get personal recognition one by one and name by name. Since we are trying to train them what we do here, there is a lapse there. We should have recognized these important people whom we have fought for in making sure that there is a framework in county governments to ensure that their offices are well protected.

Although the National Assembly has not agreed with the framework of the Bill, we urge them to continue working until that law becomes a reality.

Mr. Speaker, Sir, I join you in welcoming them. We wish them well. I remind them that we want to see good laws in conformity with the Constitution.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. I join my colleagues in welcoming legal counsel from various county governments. I thank them for finding time to join us to learn what we do. Counties are young institutions that were created in 2010. They are still being set up and structured because they need to have enduring legal framework and engineering that will midwife them through this tumultuous period.

I urge the legal counsel to make use of their visit here to learn from the Senate and the Directorate of Legal Services, so as to replicate what we do here in the counties. It is upon them to look for expertise and advice, so that our county assemblies become functional.

I thank you.

(Resumption of Debate on Statements)

The Speaker (Hon. Lusaka): I think that is enough welcome to the visitors. We will now have the next Statement to be issued by Sen. Sakaja.

(Loud consultations)

Sen. Sakaja: Mr. Speaker, Sir, earlier on, I wanted to rise on Standing Order No.113 because there has been a problem over the last few weeks regarding this order. If you look around, you will see what I mean.

Sen. Poghiso stood on that point of order but I think it was ignored. Standing Order No.113 is clear. It states that:

“Except when passing to and from his or her seat or when speaking, every Senator when in the Chamber shall be seated, and shall not at any time stand in any of the passages and gangways.”

The biggest offender is my brother, Sen. Mutula Kilonzo Jnr., the Senate Minority Whip and the Senate Majority Leader. Generally, it is the leadership. It gives a picture of a disorderly House that is almost like a market centre.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir. Yesterday Sen. Orenge mentioned his brother, Sen. Sakaja, the distinguished nephew of--- I did not understand the roles.

The Whip is the only person who is allowed to walk around the House at any time and place except sit in the seat of the Speaker.

Sen. Sakaja: Mr. Speaker, Sir, while that is contestable depending on the manner and tools of whipping, if you have noticed – I am sure the-Clerks-at-Table have – many Members are always on the gangways. You also keep telling Members to consult in low tones. The Senator for Nandi County is a serial offender.

Allow me to issue my Statement.

LACK OF SUPPORT TO FAMILIES OF
VICTIMS OF THE ETHIOPIAN AIR CRASH

Sen. Sakaja: Mr. Speaker, Sir, pursuant to Standing Order No.51(1), I rise to make a Statement on a matter for which the Committee on Security, Defence and Foreign Relations is responsible. This was to be done earlier but I will still do it. This is following a petition on the Floor of the House on 2nd July, 2019, regarding the lack of support for issuance of death certificates and facilitation of counseling by the Ministry of Foreign Affairs to families of the victims of the Ethiopian Air Crash.

The Committee noted with gravity and emotional nature of the matters raised and wishes to report that it has begun moving expeditiously to put the matter to rest through the following steps.

(1) Petitioners have been invited to attend committee meeting next week on Thursday. We have begun engaging the Cabinet Secretary (CS) for the Ministry of Foreign Affairs, who has to explain before this House the progress made to retrieve certificates of death on behalf of the families of the 32 Kenyans who lost their lives in the Ethiopian Air Crash.

(2) We are engaging the Ministry of Health on steps that have been taken to offer counseling and the requisite post-crash trauma support, noting that families were unable to retrieve their loved ones' remains for burial and many of them have post-traumatic stress disorder.

(3) We are engaging the Ministry of Interior and Coordination of National Government on the broader concerns that were raised by Members on the Floor on mechanisms that the Government puts in place whenever a disaster of such magnitude happens and what will happen in case of future disasters.

(4) We are engaging the Solicitor-General to inform the Committee on matters regarding representation and compensation of the victims of the crash by the aircraft from the Boeing Company, who have acknowledged culpability for the Ethiopian Air Crash. We have noted that other countries have their people represented and they will sue the Boeing Company for large amounts of money and we would like to know where Kenya is.

Other related matters that rose in the preliminary consideration of the petition include the challenge with regard to access to birth certificates and other identification documents. I gave a statement regarding the same.

Concerning steps to mitigate the difficulties faced by Kenyans in applying for the e-passports that are issued by the Department of Immigration Services especially at Nyayo House and mechanisms put in place by the Government to address disasters in our country, Sen. Mutula Kilonzo Jnr. and I sponsored The Disaster Risk Management Bill which seems to be stuck in the National Assembly.

Finally, as a committee, we would like to thank sincerely the Senate Majority Leader, Sen. (Rev.) Waqo and Sen. Ochillo-Ayacko who joined us this morning to consider statements that had been committed to the Committee on Security, Defence and Foreign Relations. We have agreed on the next steps. We would like to urge Senators, when invited, to follow up the logical conclusion of their statements by attending the Committee meetings when invited because some of them do not.

I thank you.

The Speaker (Hon. Lusaka): Sen. Sakaja, you should proceed with Statement (f), so that you conclude on matters security.

Sen. Sakaja: I am so guided, Mr. Speaker, Sir.

ACTIVITIES OF THE COMMITTEE ON NATIONAL
SECURITY, DEFENCE AND FOREIGN RELATIONS

Sen. Sakaja: Mr. Speaker, Sir, this is a report of the Committee on Security, Defence and Foreign Relations for the period starting 1st January to 30th June, 2019, pursuant to Standing Order No.51(1)(b).

During the period under review, the Committee held 18 sittings, considered three Bills, two petitions, 16 statements, and undertook county visits to four counties. The Bills that were considered are: The Prevention of Terrorism (Amendment) Bill, The County Law Enforcement Bill and The Registration of Persons (Amendment) Bill. We had deliberations with the Sponsors of the Bills and conducted public hearings which were well-attended and we have tabled reports for two Bills.

Concerning The Registration of Persons (Amendment) Bill, 2019, the Committee considered the Bill pre-publication scrutiny stage and unanimously resolved to recommend to the Speaker that the legislative proposal be declined in a letter dated 4th April, 2019. The Committee gave its reasons. We cannot stop the process but you can rule that it goes on. However, the Committee felt that it was not time for us to have such legislation.

Regarding statements, pursuant to Standing Order No.48(1), we handled 16 statements during the period. All the 16 statements generally fall under the mandate of the Ministry of Interior and Coordination of National Government and were as follows: There was a statement sought by Sen. Dullo who is the Deputy Senate Majority Leader on the border dispute between Isiolo and Garissa counties. We received a response from the Ministry and shared it with the Senator for Garissa County, who is the substantive Chair of the Committee on Security, Defence and Foreign Relations and the Senator for Isiolo County. We engaged with the Ministry and we have been advised accordingly.

Sen. Farhiya sought a statement on the inventory of land and property belonging to the National Police Service (NPS). We received a response from the Ministry, interrogated it and shared it with the Senator. However, the Committee was not and remains unsatisfied with the response and has invited the CS to shed more light on the matter.

There was also a statement that was sought by Sen. Cheruiyot on the National Integrated Identity Management System (NIIMS). We met with the CS and also extended invitations to all Senators. The matter was concluded and the Senator expressed deep satisfaction on how the Committee handled the matter.

Sen. (Dr.) Ali sought a statement on increased drug abuse in Wajir County. We received a response and shared with the Senator. He did not indicate whether he was okay with the response but we shall hear from him.

Sen. Cherargei sought a statement on re-opening of the immigration centre in Eldoret. We are still waiting for the response from the Ministry on that.

There was another one by Sen. (Rev.) Waqo regarding increased insecurity in Marsabit County especially on the border. Sen. (Rev.) Waqo attended the Committee

meeting today. We looked at the Statement and agreed on the next steps of action because some of the responses were inadequate.

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

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

Madam Temporary Speaker, Sen. Ochillo-Ayacko sought a statement on criminal activities of a gang called “Sangwenya”.

We are in receipt of the response and we shared it with the Senator in our meeting with him this morning. We want to use Migori County as an example because various governors have started deploying gangs and they are using them to terrorise Members of the County Assemblies and other politicians. We have invited the Cabinet Secretary and we shall also visit Migori County.

We are waiting for the response on Turkana County. There are many others, and I do not know if you want me to list all of them. Sen. Malalah sought a Statement on the killings in Matungu Constituency and it is similar to the Statement sought by the Senator for Vihiga County on the killings in Kilingili. We will be going to western Kenya next week; 18th up to 20th July, 2019. We will attend the funeral of Joe Kadenge and then use the opportunity to visit the region. I hope that Sen. Malalah and Sen. Khaniri will accompany us. On 21st July, 2019, we shall be with Sen. Outa and Sen. Cherargei discussing the border issue between Nandi and Kisumu counties.

On the Statement sought by Sen. (Dr.) Musuruve on assault of a secondary school student on 6th June, 2019, we sought a response from the Ministry. It is important for the Senators to note that our Committee gets Statements almost on a daily basis. To easily deal with these issues, we shall compile the Statements and then organise for a full meeting once a month which will run from morning to lunch time. In the meeting, we will have all the security agencies; the Inspector-General of Police, CS and the Principal Secretary for the Ministry of Interior and Coordination of National Government. We will send the compiled Statements to them and they will give us a preliminary response as we have done today. We will later sit together so as to exhaustively deal with these issues. That will help us avoid calling the CSs every week.

I will finally talk about Sen. Murkomen who had sought a Statement on the withdrawal of police reservists from communities in Kerio Valley. We scheduled a meeting with the CS and the Senators attended that meeting.

Sen. Halake had also sought for a Statement on the cyclic droughts and floods in the country and we have received a response from the Ministry asking that it be redirected. Our plea is that the Ministry should not send the Statement back to us. Instead, they should forward it to the relevant Ministry because the back and forth, paper trail and bureaucracy in Government slows down this process. However, we have rerouted it to the relevant Ministry.

Two Petitions were referred to our Committee and we have dealt with them and will be bringing a report. The first Petition was on ex-Kenya Air Force officers and servicemen---

The Temporary Speaker (Sen. Nyamunga): Sorry, Senator. Sen. Shiyonga, do you have an intervention?

Sen. Shiyonga: Yes, Madam Temporary Speaker. I have an intervention.

I appreciate what my colleague has said. His work plan is good but when he comes to Kakamega, he should remember that we are also there in as much as Sen. Malalah is the leader of the delegation. Can he incorporate us in order for us to know what is going on in our counties?

The Temporary Speaker (Sen. Nyamunga): Hon. Senator, I think that there is still time to consult all the people who are concerned because he mentioned that they will be going on the 20th July, 2019.

Sen. Sakaja: Madam Temporary Speaker, we respect all the Senators in this House but we also respect the fact that there are county delegations and when the leader of the delegation of Kakamega---

The Temporary Speaker (Sen. Nyamunga): Senator, you do not want to let that one pass?

Sen. Malalah: Madam Temporary Speaker, when we were sworn in, we were inducted on the roles that we are supposed to play in this House. I want to remind Sen. Shiyonga that she belongs to a delegation called Kakamega and the leader of that delegation is none other than the elected leader of Kakamega, Hon. Sen. Cleophas Wakhungu Malalah. If she wants to know anything, she has to consult me instead of standing here and purporting to want direct information.

(Laughter)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, there are a lot of interventions.

Sen. Cheruiyot: Madam Temporary Speaker, we should not let the point by Sen. Shiyonga pass. On behalf of women, I want to defend her. I am the leading defender of women in this House.

Given the recent tribulations that the Senator for Kakamega has had with police officers, it will be in order for Sen. Shiyonga to be properly briefed just in case Sen. Malalah is taken to Kisumu.

(Laughter)

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. Sen. Shiyonga is a Senator and can participate in any role. She can also have discussions with anybody. As a Member of delegation, she can choose to involve herself on matters regarding the delegation or matters regarding the particular constituency that she represents. Being a Member of a delegation does not mean she has to be muted but she can consult.

In the initial consultations, she can indicate to the elected Senator on what they need to vote for. Those rights are ascertained at the level of voting and not at the level of participation. That is a good intervention from Sen. Shiyonga.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, elections are done in two ways; nomination or universal suffrage. Therefore, let us be clear on these things.

Sen. Farhiya: Thank you, Madam Temporary Speaker. I think that the Senator for Kakamega County is completely out of order. Sen. Shiyonga is not subservient to him. We should have some respect in this House. She is here as a Senator in her own

capacity. It is wrong for a leader of a delegation to disrespect a Member of his delegation and it speaks a lot about the kind of leadership that he is providing.

The Temporary Speaker (Sen. Nyamunga): Sen. Sakaja, can you conclude.

Sen. Sakaja: Madam Temporary Speaker, I will not wade into that. I have the largest delegation. Sen. Farhiya is number one in my delegation and I also have Sen. Mugo, the indefatigable Sen. Omanga, Sen. Kwamboka, Sen. Kasanga and others. As a delegation, we do a lot of consultation and we will continue doing that.

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

The Temporary Speaker (Sen. Nyamunga): Just one minute, Senator. I want to know what it is before I give you the opportunity.

Sen. Kinyua: Madam Temporary Speaker, the Speaker ruled on that issue last week. I do not know why it is being changed. He said that the leader of the delegation will be informed and it will be his prerogative as to whether to inform the Members of the delegation or not.

The Temporary Speaker (Sen. Nyamunga): Senator, I already made a ruling on that. I said that there is enough time for consultation. Let us leave that matter to rest. Please, conclude by going to your point.

Sen. Sakaja: Madam Temporary Speaker, my Committee informs all Senators of our activities on our digital platforms.

The first Petition that we dealt with was on awards to ex-Kenya Air force officers and servicemen by the courts. We have repeatedly met the CS for the Ministry of Defence, Chief of Defence Forces, National Treasury, the Attorney-General and the petitioners. We held our final meeting on the 1982 attempted coup and we will bring our report to the House.

The second Petition was on insecurity caused by illegal camel herding in Teri B Ranch in Taita-Taveta County. We have had deliberations with the Senator; we went to the ground in Taita-Taveta County and received the views of the County Government. Our report is ready. However, it is important to note that there are still issues around that and that is one area where we have to pronounce ourselves strongly, as a House.

Under Article 245(2) of the Constitution, the Committee on Administration and National Security of the National Assembly and our Committee successfully vetted the nominee to the position of Inspector-General of Police, Mr. Hillary Mutyambai. We brought a report to the House and the nominee has since been appointed to serve as the Inspector-General of Police by H.E. the President.

In respect to the county visits, we have undertaken successful visits to Taita-Taveta, Kilifi, Mombasa and Kwale counties. We intend to visit Kakamega, Kisumu and Nandi counties to assess not just the state of borstal institution but the state of security and all matters under our mandate.

We undertook an oversight visit on the implementation of the matter of Solai Dam Tragedy to evaluate the status of implementation jointly with the standing Committee on Justice, Legal Affairs and Human Rights.

Madam Temporary Speaker, we are scheduled to meet the Ministry of Interior and Coordination of National Government to receive a comprehensive status report on the implementation of the resolutions by this House. We made strong resolutions in this House on the issue of Solai Dam that have informed some of the prosecution in court. We

keep reiterating to all and sundry that resolutions of the Senate of the Republic of Kenya are not suggestions. They are resolutions of Parliament and they must be adhered to.

In collaboration with the Justice, Legal Affairs and Human Rights Committee (JLAHRC), we have two inquiries. One is on the state of prisons just as you have heard in the statement by Sen. Halake. It comes in line with that. We have visited the GK Prisons of Kwale and Kilifi. During these visits, we have noted the issue of land belonging to prisons being at the risk of being grabbed. We have earmarked those parcels of land and passed them to the Committee on Land, Environment and Natural Resources.

Madam Temporary Speaker, some of the issues affecting prisons include; lack of surveillance technology and congestions in prisons because the remandees are unable to raise bail and bond imposed by the courts. We are imploring on the JLAHRC to look at the structure of our criminal justice system because it costs much more per day to keep some of these remandees in jail who need to pay Kshs2,000 or Kshs3,000. It cost less to release them. We need to have a legal framework on how this can be done.

Secondly, we are inquiring into the issue of extrajudicial killings and forced disappearances in this country to find out why this issue is so prevalent. The responsibility of law enforcement organs and the options that are available for families and victims of extrajudicial killings and we are going to make recommendations.

In the next two weeks, this Committee is going to be in Dandora and Kayole in Nairobi as some of the areas that are worst hit by the issue of extrajudicial killings where we are losing young people every day.

Madam Temporary Speaker, we intend to carry out the following activities in the next quarter; holding monthly meeting with those whom we oversight under the mandate of our Committee to respond to questions raised by hon. Senators, a meeting with the Cabinet Secretary, Ministry of Foreign Affairs and International Trade, to deliberate on integrity and security of the Kenya's borders including and not limited to our maritime border with Somalia that is trying to make us landlocked, the status of Kenya's missions abroad and all the border posts across our country. We have had complaints and concerns by many of our missions in various countries because they are unable to serve Kenyans as they should.

We are also going to hold deliberations with the Cabinet Secretary, Ministry of Interior and Coordination of National Government, on the on-going police reforms and housing programme, double registration of motor vehicles, new generation number plates, extrajudicial killings, road blocks, the status of the border posts and issuance of e-passports. We shall have a workshop in September, 2019 on drugs and youth radicalization.

I thank you, Madam Temporary Speaker.

(Interruption of Statements)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, before we continue, I have a communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM FR. SCHEFFER ASUMBI
PRIMARY SCHOOL, HOMA BAY COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Fr. Scheffer Asumbi Primary School in Homa Bay County.

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

I thank you.

(Applause)

I will allow one or two comments to welcome the students. Is there is anybody who is interested in welcoming the students? The Senator for Homa Bay County is not in the House but anybody else can welcome the students on his behalf.

Kindly, proceed, Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, the Senator for Homa Bay County and I share a few things in common. We were born on the same day. We share a birthday and we went to the same school, Lenana School. I can therefore give welcoming remarks on his behalf.

I join you in welcoming the students from Homa Bay County. They have come a long way to be in the Senate today. I hope that they have enjoyed their time here. I would like to tell them that if they put their hearts and minds to their work in school and listen to their teachers, they will achieve anything that they put their mind to. I wish them all the best and hope that they enjoy the rest of their stay here.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, our time is spent and there is a lot of interest on the statement made by Sen. Sakaja. For the sake of fairness, I guide the every speaker gives their comment in two minutes only. Kindly, be very brief because several Members would like to make comments

(Resumption of Debate on Statements)

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, we must say when a Committee has done a good job. The Committee led by Sen. Sakaja has done a good job and we must commend them for the effort of making sure that we get our responses quickly.

Due to the intervention of the Committee on National Security, Defence and Foreign Relations, the people of Solai are now meeting freely without intimidation or teargas. I therefore congratulate the Committee for the good job that they have done.

I thank you.

Sen. (Dr.) Ali: Madam Temporary Speaker, I wish to congratulate the Committee. Our Government did not perform according to the requirement on the issue of the Ethiopian Airlines Tragedy. They have failed in their performance. I do not see

why the Government has not talked about the tragedy until now. The families of the victims have not been issued with death certificates. Those are issues that should have been handled immediately by the Government.

I sought a statement on the issue of drug abuse in Wajir. I am not very happy with the response that I received on that matter. I went to the National Agency for the Campaign against Drug Abuse (NACADA) but their response was not so good. I therefore hope that the Committee will look into the issue further. I will look for the Chairperson of the Committee to discuss the issue further and get a solution.

I thank you.

The Temporary Speaker (Sen. Nyamunga): What is your point of order, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, the issue raised by Sen. (Dr.) Ali is important. I raise this concern after the direction given to Sen. Sakaja's Committee. There was misdirection. All that is required is for the Attorney-General to move to court and make declaration that those people are dead and therefore death certificates should be issued. That communication was supposed to be issued through the Speaker. There is no reason why the beneficiaries of those people are suffering and there is nothing that we are looking for.

The people that were in the Ethiopian Airways plane are dead and a declaration under these accidents is what needs to be done in court. A formal request should be made. The Committee should make this easy for the families of the victims who have suffered for so long. They did not bury their own, they do not know where their kins are, they do not have death certificates, lawyers are after them and they continue suffering.

Madam Temporary Speaker, the family members of the victims brought the issue to the attention of the Senate because they believe that this is the House of wisdom. I therefore urge Sen. Sakaja to make those declarations as quickly as possible.

The Temporary Speaker (Sen. Nyamunga): I hope that Sen. Sakaja has taken note of that.

Kindly, proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I would like to commend the Senator for Nairobi City County, Sen. Sakaja, for the statement. I commend his Committee for the good work. The Government needs to take that Statement seriously. Death certificates need to be certified by the coroners and morticians. It is important for the death certificates to be issued even for the purpose of ensuring that legal processes take place.

On the issue of probate process is laborious. There is need to authenticate that the last will and the testaments of the deceased as well as identifying the assets left behind by the deceased. The creditors that the deceased owed need to be informed. The process is not easy on the beneficiaries of the deceased.

The distribution of the estate that was left behind by the deceased cannot be done if the death certificate has not been issued. The Government needs to ensure that the families of the people who were affected by the Ethiopian Airline crash are given death certificates so that they can follow the due process in order to claim the assets.

There is also need for psychological treatment for the families, because death comes with a lot of pain and sorrow. These are families that have scars and have no one to talk to. Therefore, there is need for the Government to ensure that they reach out to the

families of the deceased, talk to them and reassure them so that they get acceptance and feel that---

The Temporary Speaker (Sen. Nyamunga): That is it Senator; your time is up. Proceed, Sen. Malalah.

(Sen. Malalah was not in the House)

I do not see Sen. Malalah here.

Proceed, Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. I wish to commend the Committee for the work they have done. They have clearly indicated the sittings, statements and visits to counties; which is a lot of good work.

I will give just a little bit of commendation, which is also good for the other Committees to also take up; this multi-agency approach and getting everybody to come on board. I belonged to the Committee on National Cohesion and Equal Opportunity with Sen. Sakaja in the Eleventh Parliament, him being in the National Assembly and I in the Senate. We did this in that Committee, and we were able to solve so many issues. This was because everybody was at the table, and they could quickly give their input, which helps to a large extent and which is very important.

The other issue is the one of borders, boundaries and border disputes. The Chairperson mentioned it in passing, and maybe there will be a report to the House. However, it would be nice to also just assess to what extent these problems have been reduced; have they been solved or whether there are issues coming up. Are we moving further to actualizing and sorting out these border disputes? That will help us to be more pragmatic in the solutions that will come.

Lastly, Madam Temporary Speaker, I join you in welcoming the students from Homa Bay County, and wish them well both in their session here at the Senate and in their very important lives.

Thank you.

Sen. Cherargei: Thank you, Madam Temporary Speaker. I commend my colleague Chairperson – the distinguished nephew, Sen. Sakaja – for this wonderful Statement of the Committee. I have only two issues; one is on the issue of birth certificates, where we still have a very big problem. I do not know how the Ministry of Interior and Coordination of National Government ---

The Chairperson should give us a serious pronouncement on how our people in the villages can access that vital document.

Madam Temporary Speaker, a birth certificate is critical, especially for our parents and children who will be sitting for their national examinations. When you go to Nandi County, for example, we have only two birth certificate registries. We have one in Nandi Hills, and the other in Kapsabet, and they serve close to one million people. I expected the Chairperson to give direction that we either use mobile birth registries, or we open more registries.

Second and finally ---

(Sen. Sakaja stood up in his place)

The Temporary Speaker (Sen. Nyamunga): What is it, Sen. Sakaja?

(Sen. Sakaja spoke off record)

Okay; that is fine. Proceed, Senator.

Sen. Cherargei: Madam Temporary Speaker, on the issue of birth certificates, I insist that it is so critical, and you will find people traveling far and wide and get tired in the process. We, therefore, need to make a resolution on how to assist our people to access this vital document in all our counties.

Finally, Madam Temporary Speaker, I have seen that the Inspector-General (IG) of Police has reneged on his direction on road blocks. Road blocks are being used by police to extort our *boda boda* and *matatu* operators. Therefore, the Chairperson of the Committee on National Security, Defence and Foreign Relations must give proper direction on why the IG, Mr. Hillary Mutyambai, is going back on his word of removing road blocks from our roads, yet we know that they are extortion rings that are being used by some rogue police officers.

Thank you.

Sen. Shiyonga: Thank you, Madam Temporary Speaker. Thank you very much, Sen. Sakaja, for good leadership in your Committee. In fact, it is admirable how you are leading your Committee, and you are doing some good work.

Madam Temporary Speaker, if you look at the organisation and the way that Sen. Sakaja relates to his team, where he even mentions their names, it gives the team morale. I urge him and his team that security is a very important matter in the country, currently and even before. Therefore, when you will be looking at this issue, put in mind the two issues you mentioned – border security and police reservists. This is because they are very urgent and we do not need to have many Statements around, which will actually jeopardise the good work that we have been seeing from you.

Otherwise, Madam Temporary Speaker, I compliment the Committee's work. They should continue with the good plan and activities they have. We are looking up to you, and we are copying and pasting what you are doing.

Thank you.

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

Sen. Sakaja: Thank you, Madam Temporary Speaker. I have noted the comments by all the Members. I am grateful for the commendation to the Committee; it is team work. I have many committed Members in the Committee who are always there on time and attend all these visits. I am grateful and honoured to be chairing that Committee for now.

Madam Temporary Speaker, it is just that I am chairing two Committees, but I know that this Committee needs a lot of unwavering attention. The issue I want to point out and inform the House, because I made a Statement last week on the matter of birth certificates, and Sen. Cherargei has brought it up. The Executive launched a Rapid Results Initiative (RRI). We have realized that there are 1.3 million uncollected birth certificates. Many of them belong to villagers and people in our counties, yet they have not come forth to collect them. Therefore, there is an RRI this month.

I gave a Statement and advised the Ministry to have each county commissioner contact their respective Senator to inform them of the county-specific strategy that is being employed in their counties.

(Applause)

For this month, if anybody has a birth notification in this country, they need to go to their assistant chief and their chief, and hand over that notification, because the certificates are there.

Madam Temporary Speaker, the Government has consolidated a lot of resources from other Ministries to actually help in this one month. Kenyans and Senators need to know that these birth certificates are for free. No Kenyan should be charged a shilling during this process of collection, because the former Cabinet Secretary (CS) and our good friend, the late Hon. Nkaissery, actually gazetted that it is free; and that *Gazette* Notice has not been lifted.

Recently, I was with CS Matiangi in Kajiado, and he reaffirmed the same; that it is still free. Therefore, if there are chiefs and assistant chiefs who are asking for Kshs50 to photocopy, or this amount of money to do this or that, that is what we call in Swahili *ukora na uwizi*, because it is free.

Therefore, Senators and your respective counties, especially those from north eastern and the pastoralist counties, the bulk of uncollected birth certificates are from there. Similarly, for those of us from western, the certificates are not uncollected, but the rate of production is high, such that there are many which will need to be collected soon. Please let us inform our people to collect them during this month of the RRI.

Thank you. I am grateful to the gracious comments from Members.

The Temporary Speaker (Sen. Nyamunga): Next Statement.

ACTIVITIES OF THE COMMITTEE ON ICT

Sen Halake: Thank you, Madam Temporary Speaker.

I rise pursuant to Standing Order 51 (1) (b) to make a Statement on the activities of the Standing Committee on Information and Technology for the period commencing 1st January to 30th June, 2019.

During the period under review, our Committee held a total of 13 sittings considered one Bill and two Statements. The Committee also held two engagements with stakeholders and held one county visit.

In respect of Bills, the Data Protection Bill (Sen. Bills No 16 of 2018) was considered; this is a Bill sponsored by our Committee. The Bill was just voted yesterday in Division. While this was ongoing, the Ministry of Information and Communication Technology (ICT) gazetted a taskforce on privacy and data protection which was mandated to develop a Data Protection Policy and a Bill.

Madam Temporary Speaker, the taskforce developed the proposed Data Protection Bill, 2019 which is intended to be introduced to the National Assembly. I would like to highlight this to this House just to show some of the issues that sometimes the Committees encounter as we conduct our business.

In light of these developments, the Committee held extensive consultations with the Cabinet Secretary to chart a way forward. Therefore, on 8th May, 2019, in the spirit of interdependence of the arms of Government, an agreement was reached between the Ministry of ICT and the Senate Committee on ICT to stay the Taskforce draft, harmonize the two Bills and expedite the processing of the Senate Bill.

Although an agreement had been reached, the Committee has noted that the Ministry has made steps to progress the Bill by the taskforce. At a sitting of the Committee on 19th June, the Committee met with the Cabinet Secretary for ICT and expressed its dismay at the manner in which the Ministry had chosen to handle this process.

(Loud Consultations)

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, kindly consult in low voices because the Statements are very important. I think Committee Members take a lot of time going through all these Committees and mostly these questions are always asked by Members. Therefore, when we get their results, kindly we need to listen.

Sen. Halake: Thank you, Madam Temporary Speaker. I think I will repeat that one. Although an agreement had been reached, the Committee has noted that the Ministry has made steps to progress the Bill by the taskforce.

At a sitting of our Committee on 19th of June 2019, the Committee met with the Cabinet Secretary for ICT and expressed its dismay at the manner in which the Ministry has chosen to handle this process.

For this reason, the Committee has fast-tracked the consideration of the Senate Bill and yesterday we considered the Bill and we have already passed it. As the Bill then progresses and goes to the National Assembly, I take this opportunity to urge my fellow Senators to take a keen interest and support all the processes especially in the processing of critical pieces of legislation. As we know, this is also the Bill that will protect us even as regards to the Huduma Registration numbers.

Madam Temporary Speaker, regarding the Statement, pursuant to Standing Order 48(1), two Statements were referred to the Committee during the period under review. The first Statement was requested by Sen. Olekina on the protection of consumer data by telecommunication companies which was dealt with. Just yesterday we had a meeting with all the stakeholders including the Governor of Central Bank of Kenya who came and gave us reassurances. However, this is a concern that we will be watching very closely as a Committee and we have decided that we will definitely touch base on this as we go forward.

The other Statement was requested by Sen. Kasanga on the status of mobile connectivity for marginalized areas and special projects. This is something that is still on the files of our Committee. As we speak, 202 wards have not been covered by even the basic 2G and we are doing a blitz of visits to these areas to ensure this is done in the next few months.

Madam Temporary Speaker, the Committee also met with the Cabinet Secretary for ICT to discuss responses to the Statements. However, the meeting was adjourned after having considered all these for further processing. As we speak, these are some of the

issues that we will still have to make sure that implementation happens and the Committee has a schedule for ensuring that we monitor the implementation.

The Committee has also been investigating emerging issues of national concern. The ICT Committee held a meeting with the Commission on Revenue Allocation to discuss revenue management systems in county governments with specific focus on technologies deployed, to collect and manage county revenues.

Madam Temporary Speaker, I am glad that Sen. (Dr.) Zani has already brought a Bill to this House that will go a long way in helping this Committee to also monitor this process. However as per the perspective of the technology that is deployed, the Committee has already picked this issue and we have noted with concern that many of the revenue collection systems were acquired at high prices and that many of the contracts on revenue sharing between the county governments and the service providers work to the disadvantage of the county governments.

Therefore, as the ICT Committee, this is under our radar as well. In that regard, we thank Sen. (DR.) Zani for bringing this to the Floor of the House in the form of amendments to the Public Finance Management (PFM) Act.

Madam Temporary Speaker, the Committee is also in the process of exploring various measures on how to improve revenue collection and management system in county governments in order to curb leakages and improve accountability through the use of efficient technology. The Committee has also been closely following up on the provision of universal coverage of 2G network as I mentioned earlier, across the country.

To this end, the Committee has met with the Cabinet Secretary for ICT and the leadership of the Communications Authority of Kenya (CAK) who outlined to us the measures they are implementing to ensure universal 2G network coverage is achieved across Kenya.

Madam Temporary Speaker, we are happy to report that the Universal Service Fund has been rolled out to help connect areas with no mobile signal coverage for data transmission. However, as I mentioned, this is work in progress that the Committee has picked as its area of priority. You will see that going forward, we will be monitoring the progress very closely.

The Committee is also monitoring the implementation of the Digital Literacy Program which is the Laptops Project, which has just concluded its first phase of implementation. The Committee attended a workshop in Uasin Gishu County between 8th and 10th May, 2019, that was organized by the implementing agency and the ICT Authority and also conducted visits to various schools to observe firsthand the implementation of this program.

The Committee noted with concern the discrepancies between reports on the implementation of the program and the situation on the ground where the Committee witnessed instances of faulty digital learning devices and children without access to the devices. This is an issue whereby we saw a big disparity. The Senate Committee on Education led by Sen. (Dr.) Langat was also present at this, so it was a joint attendance whereby we went and saw certain discrepancies and this is something that both the Committees are looking at, going forward.

Looking forward, the Committee intends to carry out the following key activities in the next quarter; we intend to meet with all our sectorial State agencies to align and

discuss priority areas for the Financial Year 2019/2020. We also intend to conduct a Regional Capacity Building Workshop with six coastal counties.

We also intend to hold consultative meetings with the national Treasury, Council of Governors and the Commission on Revenue Allocation on ways to improve revenue management as earlier alluded to, and conduct visits to schools in various counties in the western region to oversight the implementation of the Digital Literacy Program and meet with the CA on the National Addressing System.

This is something that we have been looking into as well as looking at all our broadcasting companies, especially the Kenya Broadcasting Corporation (KBC) and others that are struggling with regards to their work. I would like to thank all the Senators that have brought their Statements before our Committee. They have been very co-operative and have worked alongside us to ensure that we delivered on our mandate.

Thank you.

The Temporary Speaker (Sen. Nyamunga): We will allow some comments.

Sen (Dr. Zani).

Sen (Dr. Zani): Thank you, Madam Temporary Speaker. I would like to thank Sen. Halake for the Report from the Committee on Information and Technology. I have one issue which I think is very key and important. This has to do with a situation whereby we are coming up with Bills in the parliamentary system; whether it is from Senate or National Assembly, and at the same time the Ministry is also processing something. I want to commend this Committee, that they just proceeded with the Bill because the timelines of the Bills are not determinant on any other factors.

You might be originating a Bill, and somebody else is doing the same. You just proceed with what comes your way. Sometimes I think that, that can be used as a stalling process. This also includes the component of Ministries later on taking up components of Bills.

For instance, Members of the National Assembly have taken up components of the Natural Resources Benefits Sharing Bill, which I moved in both the Eleventh and Twelfth Parliaments, and incorporated it into their Mining Bill. Similarly, I have just seen on 411 that the Ministry of Mining is planning to come up with a Mining and Sovereign Wealth Fund without the audacity to even acknowledge the source and where the whole argument of the Sovereign Wealth Fund started. It started with The Natural Resources Benefits Sharing Bill, which has not even yet progressed to the National Assembly and succeeded to move towards becoming an Act.

Therefore, Madam Temporary Speaker, it is important to put these issues on the table, to say that if anybody initiates a Bill – like you have done in your Committee – then you move with it. This is because I know that the Ministry executives also sometimes have their own interests with specific Bills, and want to direct them in a certain way. I do not think we should ever lose our autonomy as a House. We should also fight for what we started and support each other to its success.

Thank you.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I rise to support the Report from my Chair of the Senate Committee on ICT. This is one of the most active Committees. In any case, this Committee has done a lot, particularly after ensuring that the Data Protection Bill was passed in the House yesterday. That Bill is quite important, especially after Kenyans acquired the *Huduma Namba*.

Madam Temporary Speaker, this Committee has gone a long way in actually going around the country to ensure that network connectivity reaches all parts. At the end of our work, we were able to identify that areas such as Turkana, West Pokot and parts of Kitui County are lacking in 2G connectivity. Therefore, if this connectivity was established, it will go a long way in ensuring that there is security in those areas. It will, additionally, even spur business activities as well as learning.

Madam Temporary Speaker, another very important issue that this Committee has conducted is revenue management system in our counties. You will realise that we are always talking about money being lost as a result of hacking into the IFMIS or because of poor revenue management systems. Therefore, this Committee is very keen to ensure that we have a system in the counties to ensure that revenue is collected without any leakages as well as to prevent non-collection.

Madam Temporary Speaker, another very important issue that this Committee---

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

The Temporary Speaker (Sen. Nyamunga): Add her just one minute. Please just wind up, Senator.

Sen. (Dr.) Milgo: Madam Temporary Speaker, another very important issue that this Committee considered is digital literacy. You will realize that the school laptop programme has taken so much money. When we went to Eldoret, we realised that there was a disconnect in what is reported on paper, and what is happening on the ground. We also found out that the issue of computer literacy, based on the availability of the laptops, is far from being achieved.

Finally, this Committee has a very aggressive plan, going forward. I am sure that come the next report, we are going to report wonderful results.

Thank you.

(Sen. Dullo stood up in her place)

The Temporary Speaker (Sen. Nyamunga): What is it, Sen. Dullo?

Sen. Dullo: Madam Temporary Speaker, I want to read the Statement on the Business for the coming week.

The Temporary Speaker (Sen. Nyamunga): You will take that opportunity after we hear two more comments.

(Sen. Dullo resumed her seat)

We will now reduce comments to two minutes, then we can move forward.

Proceed, Sen. Were.

Sen. Were: Thank you, Madam Temporary Speaker. I commend Sen. Halake and the Committee on ICT on the good work they have done. I especially commend Sen. Halake, who is the *de facto* Chairperson of that Committee.

The ICT Committee is very crucial in this House as we move to the digital world--.

Sen. (Dr.) Milgo: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): What is your point of order, Sen. (Dr.) Milgo?

Sen. (Dr.) Milgo: Madam Temporary Speaker, is it in order for Sen. Were to say that there is a *de facto* Committee Chairperson? Our Chairperson, Sen. Moi, is the most active Chairperson, and he is ever present in our Committee.

(Laughter)

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. Were.

Sen. Were: Thank you, Madam Temporary Speaker. I said *de facto*, and not *de jure*. It is not by law; by law it is Sen. Moi, but by fact, it is Sen. Halake.

Madam Temporary Speaker, this Committee is crucial, as we move towards the digital world and making Kenya part of the global village. We need laws to guide this transition towards the digital world. I remember that, that was one of the promises of the Jubilee Government.

I am, therefore, happy that this Committee is living up to that mandate. To that end, we also passed the Data Protection Bill yesterday, which is going to protect Kenyans rights to privacy, as it protects our right of association as well.

Madam Temporary Speaker, I would urge them, in their way forward, to look at the issue of betting companies and how they use our information that is available to them. They use that information to force Kenyans, directly and indirectly, to bet, consequently making money out of it. Therefore, we should find a way of dealing with this, even if it is by summoning CSs, to see how they are protecting Kenyans from this menace of betting companies. I also thank the Committee for holding several meetings with CSs. That is holding the Executive accountable, which is actually what we should be doing.

Thank you.

Sen. M. Kajwang’: Madam Temporary Speaker, I thank and congratulate Sen. Halake for bringing that Statement on behalf of the Committee on ICT. Allow me to also thank Sen. Sakaja, who earlier on welcomed a delegation from Homa Bay County in my absence. I am sure that he declared the many things we share; but I know that there are some which he did not declare. Those would be un-parliamentary, if he were to bring them on the Floor of the House.

Madam Temporary Speaker, allow me to mention three issues that I know the Committee on ICT is considering. One, is that libraries and information centres are devolved. Unfortunately, the Kenya National Library Services (KNLS) Act is still centralised in nature. As a result, governors are complaining that they are not getting resources to set up and run libraries in their counties. This Committee has asked the CS for ICT this question. However, it turns out that our libraries, even though they are part of the information economy, they have been placed under the Ministry of Sports and Culture. Despite its placement under that Ministry, I encourage the Committee – which I am also a Member – to ensure that the KNLS Act is also devolved so that we push those services to counties.

Two, I am sure that this Committee will provide leadership on legislation on emerging digital technologies. Last week, I accompanied the Speaker on a visit to Russia, where we were talking about the challenges of legislating in the digital economy. These included issues like block chains, artificial intelligence, robotics, cloud-based services

and expert systems. I challenge the Committee to take a leading role, because we saw that there are already centres in Russia and Europe that have come up with modern legislation that we can copy.

Finally, Madam Temporary Speaker, is on regulation of technology-based financial systems. We have M-Pesa, which is now the biggest risk, according to---

(Sen. M. Kajwang's microphone went off)

The Temporary Speaker (Sen. Nyamunga): Just give him one more minute.

Sen. M. Kajwang': Thank you, Madam Temporary Speaker. The Governor of the Central Bank of Kenya (CBK) has flagged out some of these technology-based lending services and financial service providers as one of the biggest risks in the financial landscape.

I, therefore, encourage the Committee to also seize itself of this subject, for example, on the issues to do with Safaricom Kenya Limited and M-Pesa. Is Safaricom Kenya Limited a telecommunication company or a financial service provider? Should it be regulated by the Communications Authority of Kenya (CAK) or the CBK? We need to provide that clarity. Is Equity Kenya limited a bank or a technology-based financial services provider with its entrance into technology and online lending? Very soon, Facebook will introduce Libra which is a currency. There are millions of Kenyans on Facebook; how will we regulate this? Are we ready for it? I am sure that this Committee will give us the way forward.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): I believe the Committee has noted that because I also saw it. I think it is very important for us to have some of the clarity that is demanded of the Committees.

Sen. Ochillo-Ayacko: Thank you, Madam Temporary Speaker. I was getting worried that I may not catch your eye. I am very grateful and I do not take it for granted.

Madam Temporary Speaker, I have just two issues: This Committee does very important work; it has an important responsibility regarding technology. We have two levels of government; the county governments and the national Government. I have had the privilege of discussing with Members of the National Assembly how the Budget is shared out. It has come to my attention that the national Government is working with the National Assembly to do certain ICT activities in constituencies without interfacing with county governments.

If you look at previous, current and even future budget estimates, a lot of resources have been allocated to do ICT work in the constituencies at the expense of the counties. I want to urge the Committee to take note of this and to try to engage the Ministry to ensure that county governments are also brought on board because they are losing out in roll out of ICT activities.

In view of time I thank you. I will not canvass the second point.

The Temporary Speaker (Sen. Nyamunga): Finally, Sen. (Dr.) Musuruve just two minutes please.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity. I want to commend Sen. Halake's team for doing a commendable job in ICT. We are now in a virtual world. The world has become global even when we talk

about relationships. The world is a global village and ICT comes in handy to ensure that people communicate in various ways. I will not forget to talk about the role of ICT in health and education.

When we talk about teleconferencing - which I know, Sen. Pareno is just about to bring on the Floor of this House - it is very important as it will help ensure that the county governments and the national Government are able to interact with regard to issues of health in the counties. It will also ensure that doctors nationally and at county level are able to interact and engage on issues of how to treat their patients. It will make work easier.

In education, ICT is important in institutions of higher learning. Most of the information is now digital. This will help in Competency Based Curriculum which is also going digital.

This is important in identifying the gap areas and addressing them for the purpose of ensuring that we become techno-savvy and get the right expertise with regard to ICT. This will help us as a nation, our learners, patients and doctors in delivering services efficiently. I commend the Committee for doing a commendable job.

Sen. Dullo: Thank you, Madam Temporary Speaker. I wish to read the Senate Majority Leader's Statement.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 16TH JULY, 2019

Hon. Senators, pursuant to Standing Order No.52(1) I hereby present to the Senate, the business of the House for the week commencing Tuesday, 16th July, 2019.

Before I proceed with the Statement, allow me to commend all hon. Senators who were present in the House during yesterday's sitting where the Senate was able to consider a total of six Bills which will be transmitted to the National Assembly for consideration. I urge all Senators to demonstrate the same dedication to service by being present in the House so that the Senate can expeditiously conclude the remaining Bills, as and when scheduled by the Senate Business Committee (SBC).

Hon. Senators, on Tuesday 16th July, 2019, the SBC will meet to schedule the business of the Senate for the week. Subject to further directions by the Committee, the Senate will consider Bills due for Second Reading and Committee of the Whole on Tuesday 16th July, 2019. The Senate will also continue with consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 17th July and Thursday, 18th July, 2019, the Senate will consider business that will not be concluded on Tuesday and any other business scheduled by the SBC.

Hon. Senators, I continue to urge Standing Committees to expedite consideration of the Bills before them and to table reports within the stipulated timelines. This will enrich debate at the Second Reading stage and facilitate the House to effectively navigate the Committee of the Whole stage.

Additionally, a number of Petitions and Statements referred to the Standing Committees are still pending. I urge respective Committees to expeditiously conclude with this pending business and table reports in the House.

Madam Speaker, I thank you and hereby lay the Statement on the table of the Senate.

(Sen. Dullo laid the Statement on the Table)

The Temporary Speaker (Sen. Nyamunga): The next Statement is by the Chairman of the Standing Committee on National security. Where is Sen. Sakaja?

Sen. Sakaja is not here. Let us move to the next one.

Let has have the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights to issue a Statement relating to the activities of the Committee.

ACTIVITIES OF THE COMMITTEE ON JUSTICE,
LEGAL AFFAIRS AND HUMAN RIGHTS

Sen. Cherargei: Thank you Madam Speaker. I rise pursuant to Standing Order No.51(1)(b) to make a Statement on the activities of the Standing Committee on Justice, Legal Affairs and Human Rights for the period commencing 1st January to 30th June 2019.

Madam Temporary Speaker, I will just highlight key areas in respect of the considered and tabled Reports of the following Bills:

(i) The Impeachment Procedure Bill (Sen. Bills No. 15 of 2018)

(ii) The Treaty Making and Ratification (Amendment) Bill (Sen. Bills No. 23 of 2018); although we have not been able to sit down with the Cabinet Secretary and discuss this Bill but the Report is ready.

(iii) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Sen. Bills No. 27 of 2018)

(iv) The Determination of the Nature of Bills (Procedure) Bill (Sen. Bills No. 30 of 2018).

Madam Temporary Speaker we are working on two Bills proposing to amend election laws sponsored by Sen. (Dr.) Agnes Zani and Sen. Ledama Olekina. In addition to this, work is ongoing on two Bills proposing to amend the Constitution, sponsored by Sen. Kipchumba Murkomen and Sen. Aaron Cheruiyot respectively.

We have been to your office to try and consolidate some of these amendments, both on election laws and the Constitution.

Madam Temporary Speaker, with regard to the Government Contracts Bill (National Assembly Bills No. 9 of 2018), the Committee received a request from the Office of the Attorney-General to withdraw the Bill pending further consultations by a technical committee of the Executive arm of Government. Our Committee granted this request at a meeting held on Wednesday, 13th March, 2019.

Our Committee takes its role on constitutional affairs very seriously. It is in this regard that the Committee is conducting an audit of the laws that had been passed by the National Assembly un-procedurally without the concurrence of the Speaker of the Senate with a view to institute legal proceedings to challenge whether their Bills are concerning counties and consequently the role of the Senate therein.

Further, to determine the constitutionality of the Money Bill question versus whether Bills relating to money affect counties.

Madam Temporary Speaker, regarding Statements pursuant to Standing Order No. 48(1)(2), two Statements were referred to the Committee during the period under review.

These Statements were sought by Sen. James Orengo on the Impact of the Fight Against Corruption by the Multi-Agency Team on Anti-corruption and Sen. Millicent Omanga on the Compulsory Management of Copyright and Other Related Rights that fall generally under the office of the Attorney General.

A meeting with the Multi-Agency Team, which is chaired by the Attorney-General, is scheduled to appear before us towards the end of July, 2019, and the concerned Senators have been invited.

Madam Temporary Speaker, as hon. Senators will recall, the oversight of a number of resolutions relating to the Solai Dam tragedy is vested in our Committee. As a result, our Committee undertook a visit to Solai on 25th February, 2019 to evaluate the status of the implementation of the resolutions by the House. The Committee observed that the victims of the tragedy have been expecting assistance towards their restitution in vain and they are now planning to seek legal redress in a court of law.

The victims of Solai are dissatisfied with the way the beneficiaries of relief programs, including the cash transfers, building materials and other materials were identified. Health care institutions in the vicinity have been fairly equipped with medical supplies. However, maternal and child care facilities are not available, making women and children vulnerable to diseases and infections. The environment has not been restored, allegedly due to a court order that prevented the Ministry from visiting the scene of the tragedy. The victims have not benefited from any assistance from the County Government of Nakuru.

The Committee is scheduled to meet with the Ministry of Interior and Coordination of National Government, CS, Ministry of Environment, Mr. Keriako Tobiko and CS, Ministry of Water, hon. Chelugui to receive a comprehensive status report on the implementation of the resolutions referred to the respective Ministries. The Committee will be table a report later before this House.

The Committee held a meeting with the multi-agency team on anti-corruption on 13th March, 2019, to discuss the key legislative gaps that impede the fight against corruption.

As Senators will recall, this arose from a resolution of the House that required the Committee to undertake a comprehensive review of the relevant policy and legislative framework on the fight against corruption in Kenya and propose measures to be undertaken, including amendments to the existing legislation to strengthen the fight against corruption.

Madam Temporary Speaker, on this aspect, we have noted with a lot of concern that the investigative agencies in the fight against corruption have unfettered support that will ensure that we put in place legislative measures.

We also question the agencies that fight corruption. For example, the other day, the Director of Public Prosecution (DPP) and the Director of Criminal Investigation (DCI), in a meeting with foreign diplomats stated that they are likely to share the names of corruption suspects and issue travel advisories to those countries.

Madam Temporary Speaker, in that spirit and that of presumption of innocence, we caution the DCI and the DPP to observe the presumption of innocence until the case of the corruption suspects is heard and determined before the travel restrictions are issued

by the western countries. We will soon be tabling a comprehensive report together with an omnibus amendment Bill.

The Committee also met with various stakeholders on the issue of Insurance Regulatory Authority (IRA) on 27th March, 2019 to discuss the issue of increased insolvency of insurance firms in consultation with IRA.

The Committee met with the counterpart Committee at the Council of Governors, the State Department of Devolution and the Open Government Partnership (OGP) Secretariat and came up with the report which was tabled earlier.

The Committee held a meeting with the Independent Electoral and Boundaries Commission (IEBC) on 14th May, 2019, to be appraised on the findings of the post-election evaluation report. The Committee noted that there are still significant challenges and gaps facing the delivery of credible election, namely; lack of transparency in the transmission and tabulation of election results and weak institutional framework and poor funding of the Commission.

Further, the Committee noted that the IEBC has not yet submitted a report on the audit of technology and that of the voter register as required by law which was famously known by our colleagues as '*kufungua server*'.

The Committee is scheduled to meet with the IEBC on 5th June, 2019 at 9.30 a.m, to discuss existing policy and legislative gaps, budget and to be appraised on the status of implementation of the resolutions of the joint Parliamentary committee. I take this opportunity to invite all the Senators for this meeting that will be on Thursday, next week.

Madam Temporary Speaker, our Committee, in collaboration with the Standing Committee on National Security, Defence and Foreign Relations is conducting two (2) inquiries-

Firstly, it is conducting an inquiry into the state of prisons in Kenya. Thus far, the Committee has visited the Eldoret G.K. Prison, Industrial Area G.K. Prison, Shimo La Tewa G.K. Prison, G.K. Kwale Medium Prison and the Kilifi G.K. Prison. The Committee is scheduled to undertake a visit to the former Nyanza, Western and Central provinces this financial year. A report by the two Committees with subsequent amendments to the relevant roles shall be tabled.

Secondly, the Committees are undertaking an inquiry into extra-judicial killings and forced disappearances across the country.

The Committee seeks to-

(i) Find out why extra judicial killings are so prevalent in Kenya and especially in informal settlements and coastal towns;

Madam Temporary Speaker, it is worth noting that recently my Committee held meetings on extra-judicial killings and forced disappearances in Mombasa.

(ii) Find out the responsibility of law enforcement organs and security apparatus for extra-judicial violations committed in the process of community policing or the famous, *nyumba kumi initiative*.

(iii) Find out the options that are available to families and victims of extra-judicial killings and enforced disappearances in search for justice; and

(iv) Make recommendations to the Senate, arising from this inquiry on possible legal, policy and institutional framework that needs to be strengthened to address these challenges.

The Committee held a meeting with stakeholders on 8th April, 2019 in Mombasa. The Committee is scheduled to meet with stakeholders in Kisumu which we rescheduled to towards the end of July.

Madam Temporary Speaker, this is your county. I hope you will be gracious enough to be there. We will also do it courtesy of Sen. Sakaja in Nairobi.

Going forward, the Committee intends to carry out the following key activities during the next quarter-

(i) Audit of laws that were passed un-procedurally by the National Assembly;

We have found that in the Twelfth Parliament, there are almost 20 laws that were assented to by the President without the concurrence of the Senate as provided for under Article 110 of the Constitution of Kenya.

(ii) Review and audit of the Constitution of Kenya, 2010.

This is critical with the clamor and discussion of having a referendum in the near future.

(iii) Audit of elections, boundaries and related laws.

(iv) Inquiry into the state of prisons in Kenya.

(v) Inquiry into extra-judicial killings and forced disappearances.

We will come up with both legislative and policy framework to ensure that we handle the issues that we have set for the next quarter.

I thank you.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, we will allow a few comments.

Sen. Ochillo-Ayacko: Thank you, Madam Temporary Speaker, for the opportunity. I congratulate my friend, Sen. Cherargei, for the comprehensive report that he has given to us as a Senate. I encourage him as a young lawyer to continue scaling the heights and perform well so that he can come up with other laws.

I urge the Chairperson and the Committee to look at an important activity that was referred to the Committee yesterday by the Speaker. They should try to find a way forward on the potential conflict that we have. I do not want to delve into the content. However, I urge the Committee to take that work seriously.

The reputation of the Senate is in line and the institution is under attack. Parliament is in disarray if a significant part of it is dysfunctional and the resolutions of that significant part are not utilised by the entire Parliament.

Therefore, what the Speaker referred to the Committee on Justice and Legal Affairs will be a landmark direction that will forever change the direction this nation will take in so far as legislative activity is concerned. It is a delicate matter that requires the wisdom of Solomon and the strength of Arceus. I hope that the Committee has both qualities and they will navigate this delicate matter. Ultimately, Parliament and the Constitution must prevail.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me an opportunity to comment on this Statement. I thank Sen. Cherargei for coming up with this elaborate Statement on what the Committee is doing. The work that this Committee is doing is very important in this House.

Just the other day, we were talking about the Solai incident, and it came out clearly how the people suffered. The Committee went on the ground to see what exactly transpired and empathize with the people. The Committee investigated and discovered

that the people were dissatisfied. It reported that the county government had not done much as it was supposed to do for the victims of the Solai dam incident.

I believe that this Committee will not rest on its laurels and that it will go ahead to ensure that there is justice for the residents of Solai. Quite a number of families were affected and I believe that even some bread winners died in the incident. When a bread winner in a family dies, the family takes a different route altogether because it becomes a socio-economic lag to the family. Therefore, there is need for justice for the families, children, widows and widowers arising from this incident.

Madam Temporary Speaker, even as the Committee is talking about compensation, they should ensure that the people who were killed unfairly during the post-election violence are compensated. We were in Kisumu just the other day, and we went to visit baby Pendo's home. It was a sorry state of---

The Temporary Speaker (Sen. Nyamunga): Your time is up, Sen. (Dr.) Musuruve.

Proceed, Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. I thank Sen. Cherargei, of the Committee on Justice, Legal Affairs and Human Rights, for that comprehensive report. We have heard that you are handling many Bills within the Committee and we are looking forward to their completion and presentation in the House. The idea of also merging some of the Bills is a discussion you would have with some of the specific Members.

Madam Temporary Speaker, I just want to touch on the last issue that Sen. Cherargei talked about, on the responsibility of Parliament. This has been a big problem from the Eleventh Parliament, and it has cost the Senate a lot. There are many Bills that went to the National Assembly and were not processed, as we said before. That sense of responsibility, for example, about what a Money Bill is, is what the Bill by Sen. Sakaja and Sen. Mutula Kilonzo Jnr., attempts to try and address. However, there are many provisions that have already been put into operation and Article 110(3) is very clear.

Chairperson of the Committee on Justice, Legal Affairs and Human Rights, this is an issue that has now spilled into the second phase, from the Eleventh Parliament to the Twelfth Parliament. Therefore, through the process that you want to engage in, please ensure that this is the last time we have to tackle this issue. It should be so, so that even as we work on Bills and struggle with various legislations, we have clarity about the trajectory of those legislations.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Sen. Sakaja, I think you are also the Chairperson of the Committee on Labour and Social Welfare. You can comment and then give us the Statement on the Committee on Labour and Social Welfare at the same time.

Sen. Sakaja: Madam Temporary Speaker, despite being a first time Member of Parliament (MP), Sen. Cherargei has continued to distinguish himself as an astute lawmaker and legislator. His stewardship of the Committee on Justice, Legal Affairs and Human Rights is admirable.

I first thank him for the Statement he has brought, showing the kind of work that his Committee is doing. I know the challenges of chairing a committee; it is not easy. I implore him that at this time of our history and where our country is, it is looking up to the Senate when we talk about changes to our law, the electoral management body and

whether there will be a referendum or not. We, therefore, need to see more of him and his Committee being front and center, because Kenyans trust the Senate. Their trust in the Senate must be expressed through the Committee on Justice, Legal Affairs and Human Rights.

Madam Temporary Speaker, I thank Sen. Cherargei because we have collaborated together on many of the issues that he has spoken, together with the Committee on National Security, Defense and Foreign Relations, for instance, on the Solai Dam incident and many others. We have also visited the borstal institutions, prisons and so on. There is also a lot that we want to work on together with my Committee on Labour and Social Welfare.

I, therefore, commend Sen. Cherargei; keep on keeping on. He gives hope to many young people. He is one of the very few Senators who are younger than me, and I feel very proud that, for once, I can talk of MPs who are younger than me as opposed to what the situation was in the last Parliament. He is a shining light, so keep up the good work. I commend you and your entire Committee.

ACTIVITIES OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE

Madam Temporary Speaker, allow me to just go straight into the activities of the Standing Committee on Labour and Social Welfare, which I Chair.

Pursuant to Standing Order 51(i)(b), for the period 1st January to 30th June, 2019. I am fortunate to chair a very vibrant Committee, together with the Vice-Chairperson, Sen. (Dr.) Milgo, Sen. (Dr.) Musuruve, Sen. Madzayo, Sen. Were and Sen. Kwamboka. I also have Chairpersons in my Committee, like Sen. Cherargei and Sen. Poghisi, who always find time to come and add to the flavor and discussion within the Committee, despite being busy with their own Committees.

Madam Temporary Speaker, during this period, we had 25 sittings where we considered four Bills, four Petitions and four Statements. We have had one engagement with stakeholders and public hearing forums on four Bills. For that, I thank my Members.

We have considered the following legislative proposals and submitted our reports, and I commend the Hon. Speaker -

(1) The Care and Protection of Child and Parents Bill, which is about the issue of those who become parents when they are still children.

(2) The Establishment of Children's Homes Bill 2019, which is another foremost legislation.

(3) The Kenya Sign Language Bill.

These are also from the Members of my Committee, and we have given reports.

Madam Temporary Speaker, in respect of Bills, we have considered the following

(1) The County Governments Retirement Scheme Bill, which is a very crucial Bill when it comes to public service in our counties. Counties owe so much money and have not been paying. Those who have worked in our municipal councils and county governments need their retirement, and I am glad that our Committee has made headway in the last Parliament. This Bill came and failed twice, but I am confident that we shall pass it this time round under my Committee.

(2) The County Hall of Fame Bill.

(3) The Persons with Disabilities (Amendment) Bill.

(4) The National Museums and Heritage (Amendment) Bill by my Vice-Chairperson, Sen (Dr.) Milgo.

Madam Temporary Speaker, we have held stakeholder engagements on those Bills. We have tabled the reports on the County Hall of Fame Bill on 18th June, 2019. We have agreed with the movers on what the form and shape of the Persons with Disabilities (Amendment) Bill should be after engaging stakeholders in this very Chamber. We have finalized on the County Governments Retirement Scheme Bill. Our amendments are ready and we are adapting the report. We shall debate it next week to historically provide for the pensions of those in the county governments.

Madam Temporary Speaker, we have done a report on the National Museums and Heritage Bill. We engaged with the Ministry and agreed to go to Kitale for a two-day session, where we have one of our national museums. While there, we not only looked at that Bill, together with the Ministry of Sports, Culture and Heritage, but also on all matters relating to sports.

Madam Temporary Speaker, we have had eight Statements:

(1) Kenyan workers on the Standard Gauge Railway (SGR). That is a matter we are on. There is work that Kenyans should do, and which is not being done by Kenyans; and the welfare of the Kenyans who are there.

(2) The freezing of employment and hiring of workers on contract terms within the Public Service Commission (PSC). Our young people are asking why the retirement age is going up yet young people are not being employed. Their concern is that there has been a freeze on employment. We shall report to this House as we conclude.

Madam Temporary Speaker, there are a number of statements – actually four – that have been sent to our Committee, as follows:

(1) Implementation of status of the Government-set minimum wage guidelines, by Sen. Khaniri.

(2) Delayed disbursements of Older Persons Cash Transfer, by Sen. Langat.

(3) Protection of Kenyan citizens working in Saudi Arabia, by Sen. Olekina; and,

(4) Lastly, a Statement on a matter that is very close to my heart, Sen. Mutula Kilonzo Jnr. and many young people in the country, on digital hailing taxis – Uber, Bolt, *et cetera* – by Sen. Mutula Kilonzo Jnr.

This is an enquiry we are doing. We have just spoken to the Chairperson of the digital platform of taxis. They want to go on strike on the 15th July, but we have told them that we can actually find a way where our taxi drivers and young people should not work for 18 hours and get peanuts. They should also get value for the work they do as taxi drivers.

There was also another Statement sought by Sen. (Dr.) Musuruve who is a formidable Member of my Committee on non-compliance with Article 54(2) of the Constitution on representation of Persons with Disabilities (PwDs).

We have Articles 54(2) and 100 which require legislation to ensure that the youth, women and PwDs are represented in all elective and appointive positions in our country.

The Committee is also handling a Statement that was requested by Sen. Khaniri on teenage pregnancies jointly with the Committee on Education. We have held a

stakeholders meeting with the Kenya National Commission on Human Rights (KNCHR), the Teachers Service Commission (TSC), religious organisations and community-based organisations. We do not just want to give a report but a message to this country that those who think that our young girls are prey, should be dealt with. Whether teachers, parents or any member of the society, the penalty must be serious. People must know that this country has a moral fabric that must be adhered to.

Sen. Kihika brought a Petition on behalf of residents of Nakuru County on the unlawful rounding up, detention, transfer and dumping of street children in a forest in Baringo County by the County Government of Nakuru. We visited the children together with Sen. Cheragei and other Members of the Committee on Justice, Legal Affairs and Human Rights and it was a sorry state.

Some people think that in order for them to be elevated to city status, there are some people who are less human who can be rounded up in trucks and thrown in a forest to be dealt with like wild animals. In as much as six were still missing, we thank God for saving their lives. Right now, they are in a rehabilitation centre in Nakuru County.

The second petition was presented by Sen. Mary Seneta who is doing a lot of work for the people of her county. The Petition by residents of Kajiado County was on delayed salaries and non-remittance of statutory deductions for employees at the Nol Turesh Loitoktok Water and Sanitation Company. It is a crime for any institution not to remit the National Hospital Insurance Fund (NHIF), the National Social Security Fund (NSSF) and Pay As You Earn (PAYE). Accounting officers should know that they will be held personally culpable if they do not remit statutory deductions.

Yesterday, we met with the CS in charge of Water and Sanitation, the Water Services Regulatory Board (WASREB) and the County Executive Committee (CEC) members in charge of Water in Kajiado, Makeni and Machakos counties. I am sure Sen. (Dr.) Musuruve will attest to this. After the meeting, we have seen light. I am sure the people of those counties will start getting water. They are only getting 26 per cent of revenue water in Kajiado, Machakos and Makeni counties and we hope there will be an increase. We will follow it up and table a report soon.

Sen. Mwaura brought a Petition on behalf of job applicants in Kenya on clearance required by the public bodies and Public Service Board on application for jobs in Kenya. We have engaged the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Directorate of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC) and the Central Bank of Kenya (CBK).

It is immoral for us to tell job seekers to pay money to get certificates from the Credit Reference Bureau (CRB) because they do not have loans, pay money to get clearance by the HELB or pay money to get a report by the DCI because they have not committed crimes. Why do we punish them for having complied with the law?

The fourth Petition was presented by Sen. Seneta on behalf of Kajiado residents on the non-recruitment of locals by flower firms, institutions and other companies. This came before our Standing Orders were changed. Such issues should be addressed in a county-wide manner. That was a Petition by residents of Kaputei Ward in Kajiado County and it was restricted to that ward. However, we found a way of dealing with it and we will bring a report because no Member here legislates or represents in vain.

Madam Temporary Speaker, we are currently following up on the implementation of three Senate resolutions on registration of PwDs, payment of honorarium and pension

to former councilors and commendation of Eliud Kipchoge for breaking the World Marathon Record. We took note of sentiments by Senators as we eulogized the late Kenyan golden soccer boy, Joe Kadenge. We must change the name of one of our national or international stadiums, preferably Nyayo National Stadium, to the Joe Kadenge International Stadium. If we do not succeed, then we will go for the City Stadium. We must remember, commemorate and immortalize the hero of Kenyan football.

The Committee will be focusing on the following activities in the next quarter: For the first time, we plan to have a National Labour Summit. We have a lot of labour challenges in the country. A day can hardly pass without hearing about strikes by the medical practitioners. For example, we have heard about issues in Kirinyaga and Laikipia.

We have three categories of staff in every county. There are those who used to be in the defunct local authorities, those who were seconded by the national Government and those who were employed by the governors. When every governor takes office, they bring their staff. All these categories have different skills and job descriptions but do the same thing. It is like there is no law in the land.

Therefore, we plan to have a national labour summit with all public bodies; the Ministry of Labour and Social Protection and the Council of Governors (CoG). We intend to invite the President to open the summit.

We will include staff welfare, inter-county transfers, sharing of rare and specialized expertise within counties. For example, we do not have 47 radiologists or 47 county pathologists. We need to have a system such that if a person is employed in Kisumu, they can work in Mombasa and if one is employed by the County Government of Wajir, they can work in Bomet.

Our counties are not supposed to be ethnic blocs whereby for you to get a job in Bungoma County, you must not only be a Luhya but a Bukusu. We do not want that. Our counties are supposed to bring us together. So, we would like to facilitate inter-county transfers.

We intend to ensure harmonization and standardization of job groups and salaries and the operationalisation of the National Employment Authority (NEA). As the Chairperson of the Committee on Labour and Social Welfare, I am proud to say that I sponsored a Bill in the previous Parliament which created the Authority. It is supposed to give hope to our young people and streamline access to the job market.

We will enquire into the multiple and exorbitant levies charged by institutions in the creative industry. As a committee, we see the creative industry as the next job frontier. We keep on saying that unemployment is high but our young people are talented. They are artists, acrobats, producers and they can sing. In Nigeria, the second highest employer is Nollywood and not the oil sector. We would like to see that in our country.

We will also enquire into the sporting sector so as to recommend solutions that will enhance sports development and sports management in the country. As I said, we will retreat in Kitale to look into the sporting sector, the federation of sports, management of sports and players' welfare so as to enhance sports management and development in our country.

Madam Temporary Speaker, as I conclude, once again, I wish to thank my Committee Members for the dedication and interest. Sometimes they are there even

before time and embarrass me but I still join them to chair the meetings. I can report that they do very well in the different areas of the Committee's mandate. They have shown skills and talent because deliberations are well thought-out.

I also thank my Committee Secretariat led by Ms. Mwanate Shaban, our legal counsel, Mr. Chabari and the rest including the Serjeant-at-Arms. They are very professional and they have been doing an amazing job.

Sen. (Dr.) Milgo who is the Vice Chairperson is the sponsor of the National Museum and Heritage (Amendment) Bill, 2019. Sen. Mwaura, who is a Member of my Committee, has co-sponsored the Persons with Disabilities (Amendment) Bill together with Sen. Cheruiyot. Sen. Kwamboka, a Member of my Committee moved a Motion in the Senate on street families and has proposed to bring legislation to curb teenage pregnancies. Sen. (Dr.) Musuruve, one of the best performers in this House and a defender of PwDs, also a Member of my Committee has sponsored a legislative proposal on the Kenya Sign language Bill, 2019.

I also thank other Senators who have sought to address the Committee on Labour and Social Welfare on issues in the country through their contributions on Bills, Motions, Petitions and Statements. Special thanks go to Sen. Cheruiyot who has so far sponsored two of the Bills that have been committed to my Committee. Sen. Khaniri, one of the most experienced legislators in this House, who has sought two Statements from the Committee and, Sen. Seneta who has presented two Petitions that have been committed to the Committee.

We commit that we shall perform even better in the next quarter as the Committee on Labour and Social Welfare.

The Temporary Speaker (Sen. Nyamunga): I will allow a few comments on that.

Sen (Dr.) Musuruve: Thank you Madam Temporary Speaker, for giving me an opportunity to comment. I want to thank Sen. Sakaja; he is my Chairperson in the Committee on Labour Committee and Social Welfare. The Nation should know clearly that he is a youth who is really determined to walk his talk. This is because he has actually motivated us in the Committee.

Most of the time, you find that he is always leading from the front in terms of meetings and petitions. We have actually done public participation in the Committee on Labour and Social Welfare. He moves forward and he has put all his energy and time in ensuring that there is public participation among workers and on issues that are really pinching the country.

Sen. Sakaja is one of the many Senators who have really understood issues of disabilities. When I was talking about issues of sign language on the floor of this House, I was amazed with the fact that he had a wealth of information regarding sign language. He could even communicate his name in sign language. He knew so much that I was really impressed.

I am sure that with the support we have with Sen. Sakaja as our Chairperson, Persons with Disabilities (PwDs) will benefit from the debates on the Floor of this House, because he understands issues to do with disability.

I also want to talk about the issue of workers. Yesterday, I remember we had the County Governments of Makueni, Machakos and Kajiado, coming in to solve the water issue. We were able to give them, as a Committee, some tips of ensuring they recall the

workers back and that there is an amiable way of working out pressing workers issues. Workers in Kenya should know they have a defender in the House in the name of Sen. Sakaja. He is really keen when it comes to issues of workers.

Sen. Sakaja is passionate. He loves his work and has the innate desire to work. He is not forced in any way to work; we just find him already in the House and he listens to us. Anyone would be happy to work with a Chairperson who listens and is ready to apply whatever ideas that Members give.

Thank you for the opportunity.

Sen. (Dr.) Milgo: Madam Temporary Speaker, I rise to support the Report from my Chairperson. I wish to say that Sen. Sakaja, the “Super Senator” for Nairobi City County, is a good Chairperson to deputise. In any case, I have really enjoyed myself. If I am given a chance to choose a Chairperson to deputise again, I will choose him.

My colleagues and I have done a lot of work as stated in our Report, more specifically because most of the matters that we are dealing with normally affect many of our people. For instance, we have come face to face with very many issues to do with labour. Yesterday we were looking at the issue from Nol Turesh in Kajiado County, whereby we unearthed several issues of injustices in terms of employment, where organizations just wake and fire an entire working staff as if they have never contributed to that particular organization.

We have gone a long way in looking at very many issues; realizing that this particular Committee looks at issues to do with sports. I wish to say that we are trying to encourage sporting as another form of employment for our youth considering the fact that our country is grappling with many graduates that are unemployed. We are proposing that many stadia are put in place so that we have many of our youths practising, so that we can produce many Marigas.

Yesterday, we were talking about Joe Kadenge. His mantle should be passed to the youth in the form of employment. In any case, since white-collar jobs are scarce, there are many of our youths who are talented and they can take up jobs in the sports field.

We also dealt with issues of women, youth and persons with disabilities (PWDs). I thank my colleague, Sen. Musuruve who has really talked very passionately about PWDs. If we address issues of women, youth and PWDs seriously, we will be assisting the Government achieve Sustainable Development Goals (SDGs) as well as Vision 2030.

The upcoming Summit will enable us to engage more as stakeholders. This will enable us to go a long way in ensuring that we address labour, gender and PWDs issues.

I want to thank my Chairperson because we are going to pass a Bill that has been very contentious; the County Government Retirement Benefits Bill. Our county workers have been looking up to us to pass this Bill. Last time we promised them that by Christmas we shall have passed the law. I wish to say here that by next week we shall be able to clear the amendments and the law will proceed. This will be one major game changer for our workers in the county.

Once again, I want to thank my colleagues led by our able Chairperson, Sen. Sakaja for what---

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

Sen. Farhiya: Thank you Madam Temporary Speaker, for giving me this opportunity. I also wish to join my other colleagues in congratulating the “Super

Senator”, Sakaja, for a well-articulated Report. There is something that I want to appeal to him and if he really needs analysis - I will not pre-empt the Motion by Sen. (Dr.) Zani which am seconding. I have done a lot of analysis in terms of the wage bill for the counties.

If we continue this trend, the counties will not need anybody else to kill them; it will kill the counties. I will articulate that very well in the Motion that is coming. That should be your first priority in terms of what we can do about that.

We talk about issues in this House but what is it that can make a difference so that bad practice and bad manners stop with immediate effect?

Thank you.

Sen. Halake: Madam Temporary Speaker, I also wish to congratulate the Chairperson of the Standing Committee on Labour and his entire team whom he has already congratulated a lot. It was a very good practice. We have taken note that some of us did not acknowledge the Members of our committees. We are learning though.

I think the Labour docket is in very good hands as everybody has said. I would like to congratulate Sen. Sakaja for the passion he brings to all his work including his Committee. I would like to urge him to look into the issue of human trafficking especially of young girls who are being used as sex slaves around this country and abroad.

These days, you find children being trafficked but it is for sinister motives. Therefore, while the Committee will probably wait for us as Senators to look into this issue, they could also as a Committee look into that area. This is because, as everybody has said, Sen. Sakaja is a big supporter of women and issues of women. I am very happy and proud that this House has such able Committees and Committee Chairpersons and we look forward to excelling as we have seen from the report that Sen. Sakaja has just presented.

The Temporary Speaker (Sen. Nyamunga): The Chairperson of the Standing Committee on Land, Environment and Natural Resources is to issue a Statement.

ACTIVITIES OF THE COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES

Sen. Mwangi: Madam Temporary Speaker, I rise pursuant to Standing Order No. 51(1) (b) to make a Statement on the activities of the Standing Committee on Land, Environment and Natural Resources for the period commencing 1st January, 2019 to 30th June, 2019.

During the period under review, our Committee held a total of 40 sittings, considered three Bills, 11 Petitions, eight Statements and undertook county visits to nine counties. The Committee also held three engagements with stakeholders and a public hearing forum on one Bill.

In respect of Bills, the following Bills were considered:-

(1) The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 31 of 2018). This Bill was brought to the Senate by Sen. (Dr.) Zani.

(2) The Physical Planning Bill (National Assembly Bills No. 34 of 2017); and,

(3) The Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018).

On the Natural Resources (Benefit Sharing) Bill, 2018, our Committee held a public hearing forum, considered the submissions received from the public and tabled its Report in the Senate on 19th June, 2019.

With regard to the Physical Planning Bill, 2017, after considering the Bill and receiving submissions from the public, the Committee proposed several amendments to the Bill. There were more than 40 amendments to this particular Bill, which were all passed by the Senate. As the hon. Senators will recall, the amendments of the Senate were subsequently rejected by the National Assembly and the Bill was referred to mediation pursuant to Article 113 of the Constitution.

The Mediation Committee, which I was privileged to Chair, held six meetings and developed a mediated version of the Bill, which was passed by the Senate on 22nd June, 2019 and the National Assembly on 25th June, 2019. I thank the entire membership of the Mediation Committee for their dedication and commitment given the tight timelines within which we worked.

Hon. Senators will also recall that the Land Value Index Laws (Amendment) Bill, 2018 was also referred to the same Mediation Committee. The Mediation Committee has developed a mediated version of the Bill and a Report on that Bill was tabled in the Senate yesterday, Tuesday, 10th July, 2019.

Regarding Statements, pursuant to Standing Order No. 48(1), 11 Statements were referred to the Committee during the period under review. One of the Statements was requested by Sen. Shiyonga on the outbreak of anthrax at the Lake Nakuru National Park. The Committee met with the Cabinet Secretary, Hon. Najib Balala, who assured the Committee that the situation has since been controlled.

Four of the Statements sought were requested by Sen. Mwaruma. The Committee has interrogated those Statements and gone further to visit Taita-Taveta County, with the aim of resolving matters relating to Voi Sisal Estate, iron ore mining in Kishushe area, payment of mining royalties by miners and division of revenue obtained from mining in Taita-Taveta County between the national Government and county governments.

The Committee also met residents and members of Ore Basin Small Scale Farmers Group in Voi and took note of their grievances regarding a complaint they had lodged against the allocation of land and issuance of a title deed to the Voi G.K. Prison Services. We invited the Ministry of Lands and Physical Planning regarding this particular issue and will be engaging them again in early September, so as to ensure that the prison officers do not allocate themselves that land. That land belongs to the Voi community and should revert to the same community.

The Committee also visited Ikanga Airstrip in Voi where residents complained of land grabbing and historical injustices by the Kenya Airports Authority. The Committee was able to receive a first-hand account of facts from the visits that will enable the Committee to interrogate issues further, with follow-up meetings with the Ministry of Lands and Physical Planning, the National Land Commission, Kenya Airports Authority, National Treasury and the Ministry of Petroleum and Mining. Kenya Airports Authority has since admitted that they took some land that belonged to the community and have accepted to compensate those whose land was taken by them.

The Committee is also handling Statements requested by Sen. Ochillo-Ayacko on mining activities in Migori County; Sen. Loitiptip on the land crisis in Lamu County; Sen. Sakaja on the compensation of Nairobi residents in Mihang'o Ward, Embakasi East

Constituency by Kenya Power and Lighting Company for the illegal demolition of their houses; Sen. Kwamboka on water and sewerage in Nairobi City County; Sen. (Dr.) Ali on the status of the Bute Mega Dam project in Wajir County; and, Sen. (Dr.) Milgo on the recent move by the National Environment Management Authority (NEMA) to ban the non-woven polypropylene carrier bags. The Committee has scheduled meetings with the relevant ministries and other institutions to interrogate the issues arising from the aforementioned Statements.

We have scheduled meetings for early September to deliberate on this matter, particularly the one of Nairobi City County, where Sen. Sakaja has complained of Mihang'o Ward. This will ensure that the land reverts to the actual land owners and not those who want to grab land in Nairobi.

Madam Temporary Speaker, with regard to Petitions, the Committee has one of the most critical mandates that directly affects citizens. As a result, 14 Petitions have been referred to the Committee. The Committee has considered and inquired into 11 Petitions and will be tabling reports on them as it continues and concludes consideration on the remaining three. I am only talking of the period between January and today. Otherwise, we have had the opportunity of handling 25 Petitions so far. We will soon table more than 10 reports of the Committee regarding the inquiries that we have made.

Madam Temporary Speaker, in respect of county visits in the period under review, the Committee undertook several very successful county visits to Isiolo, Samburu, Laikipia, Kirinyaga, Kajiado, Nairobi, Nakuru, Taita-Taveta and Mombasa counties.

(Applause)

In these visits, the Committee inquired into the various matters arising from the Petitions and Statements referred to it. The Committee collected useful views from the public and stakeholders on various matters. The visits have been very useful in the execution of the Committee's mandate.

Madam Temporary Speaker, we were dealing with conservancies in Isiolo and Samburu, where we found out that the people who are dealing with conservancies are doing a wonderful job. If the entire Kenya, where there is wildlife is allowed to engage conservancies, we will be talking of a very good economy within those areas.

In these visits, the Committee inquired into various matters arising from the Petitions and Statements referred to it, and collated useful views. That is what I was explaining; that in some of these areas like Laikipia, we had an issue where the people who had settled in forest land were removed from that land and replaced with others. It is important that the people who were removed from that land be reallocated land elsewhere. This is because it is inhuman to remove people from where they are settled and replace them with other people. They are Kenyans and should be taken care of by the Government.

Madam Temporary Speaker, the Committee would like to highlight the following areas that will form part of its business for the next quarter -

(1) Tackling developing concerns in the housing sector under the Big Four Agenda. The Committee intends to host a high level conference on affordable housing

with all the 47 County Executive Committee (CEC) Members in charge of housing and the relevant Government implementing agencies.

(2) Engage relevant stakeholders on the matter of human-wildlife conflict, which has continued to be a challenge.

Madam Temporary Speaker, we have a problem in this country, where those people who die as a result of the human-wildlife conflicts are only compensated with Kshs5 million. We find this to be unfair to Kenyans because Kshs5 million today is not of the same value as the Kshs5 million at the time when the law was enacted. We should engage in amending this Law, so that those victims of human-wildlife conflicts can be comfortably compensated.

(1) Engage the National Treasury and other stakeholders on the matter of mining royalties and the status of disbursements to communities.

On this one, Madam Temporary Speaker, we are lucky that we have a Bill in the House that was brought by Sen. (Dr.) Zani – The Natural Resources (Benefit Sharing) Bill, 2018 – which will deal with sharing of resources. This Bill proposes that the communities residing in the counties where resources are coming from should be adequately compensated in order to make them feel that they are taken care of like other Kenyans. It also proposes that those county governments should be funded well, so as to carry on their mandate.

That is the end of my Statement on the last six months, from January to date.

Thank you, Madam Temporary Speaker.

(Applause)

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Sen. (Dr.) Zani, do you have a Motion to move?

(Interruption of debate on statement)

PROCEDURAL MOTION

ELECTION OF SENATOR TO PRESIDE OVER SITTINGS OF THE HOUSE PURSUANT TO STANDING ORDER 15 AND ARTICLE 107(1) OF THE CONSTITUTION

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. I beg to move the following Procedural Motion:-

THAT, pursuant to Senate Standing Order 15 and Article 107(1) (c) of the Constitution, the Senate elects Sen. Abshiro Halake to preside over the sitting alongside the Members of the Speakers Panel present for the remainder of the day.

I request Sen. Were to second.

Sen. Were: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

(Resumption of debate on statement)

The Temporary Speaker (Sen. Nyamunga): Sen. Halake, do you want to make a comment on the Statement?

Sen. Halake: Yes, Madam Temporary Speaker. As a Member of that Committee, I can attest to the fact that our Chairperson has done a tremendous job to handle all these and provide great leadership to all of us to be able to do this. So far, our stakeholders have been happy with the work of this Committee.

Therefore, I congratulate our Chairperson for his wisdom, hard work and the great leadership he has provided us, to be able to manage all these within the last six months alone. He handled 25 Petitions all to satisfaction. I commend our Chairperson for this amazing work. This Senate can attest to the fact that Sen. Mwangi has done fantastic job as the Chairperson of the Committee on Land, Environment and Natural Resources. Kudos to my Chairperson. Going forward, we look forward to the same leadership and supporting him to achieve even greater heights.

Thank you, Madam Temporary Speaker.

Sen. Were: Thank you, Madam Temporary Speaker. I would also like join my colleagues in congratulating the Senator for Nyandarua County, Sen. Mwangi, for leading this Committee and working very hard. The dockets of land, environment and natural resources fall under this Committee; land being a very important aspect in this country. He runs this Committee with passion and dedication. There is even a joke that he was knocked somewhere around the Ministry of Lands offices trying to get statements from the Executive.

(Laughter)

We are very proud of him and his work. We commend him and continue to request him to keep up with the good work.

Going forward, I would like the Committee to look at issues of land reclamation in remote areas like North Baringo, Turkana and Pokot, so that the land is capable of growing pasture, which is the livelihood of the people from those areas.

Madam Temporary Speaker, on the issue of the environment and re-afforestation, the Committee should come up with some legislative proposal, where everybody who owns land will plant trees on 10 per cent of their land. If you have an eighth of an acre, 10 per cent of it, other than just your house, must have trees. If we can get such a legislative proposal, then 10 per cent of Kenya will be re-afforested, and we will reach the right forest cover.

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

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

On the issue of housing, I would like the Chairperson to look at housing as the Big Four Agenda. The idea that even after we have contributed the percentage that we

have been asked to, the allocation will be done by lottery, is still a betting issue. Let us find a way of dealing with that issue as a Committee. If the Principal Secretary (PS) was misquoted, let us get to know how exactly these houses will be allocated. I hope it is not by lottery.

Thank you.

The Temporary Speaker (Sen. Halake): Thank you.

Sen. (Dr.) Milgo, proceed.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I also rise to support this Report from the Chairperson of the Committee on Land, Environment and Natural Resources. I wish to congratulate him together with the Members of that Committee for work well done.

This Committee deals with a very important resource in our country. Issues of land and natural resources affect the economy. This Committee also did very well, particularly, in terms of mediating The Physical Planning Bill that was chaired by Sen. Mwangi, who is the Chairperson of this Committee. It was brought to conclusion recently. In any case, we congratulate him for that.

Looking at what this Committee has done, I know that land issues are very emotive. Particularly, we are talking about issues of land grabbing and many other injustices, where people have lost land in unclear circumstances.

Madam Temporary Speaker, I wish refer to a Bill that this Committee was able to pass; The Land Value Index Bill, whose title has now changed to The Land Value (Amendment) Law. I am sure this Bill will go a long way to speak to issues of compulsory acquisition of land that has affected people in this country.

In addition, the issue of squatters has been a problem in our country for many years. We even have issues where there is compulsory acquisition by the Government where---

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

The Temporary Speaker (Sen. Halake): Senator, you have run out of time. Please, give her a few more seconds to finish her sentence.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I was talking about injustices. As I speak, people from my county and Kericho County, for example, have suffered a lot in terms of the Mau Forest injustices. I would wish that this Committee finds time in future to look at what is happening. People in Mau have been taken round in circles, and this has been used as a political game. In every election year, politicians promise the Mau people that they will assist them to settle, if not in Mau, elsewhere. I would wish this Committee to look into that issue.

Once again, I congratulate this Committee for a wonderful job done.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me the opportunity to add my voice. I commend the Senator for Nyandarua County, Sen. Mwangi, for coming up with the Statement. He and his Committee are doing a commendable job.

Land is a factor of production. On earth, there is no major development that will be done without land. So, it is a big issue for Kenyans. There is need to digitize land records, so that when it comes to land ownership, it is clear. This is because quite a

number of Kenyans have ended up losing their land. Sometimes the land is grabbed. For example, when a man dies in the family, you will find that the widows are deprived of family land. They lose their land and become helpless and homeless. This is something that the Committee on Lands, Environment and Natural Resources needs to intervene on.

Madam Temporary Speaker, I am also thankful to the Committee that they have been doing public hearings. It is good to do public hearing on a Bill. I am sure that when the Committee does many more public hearings, people will be happy because land issues are thorny.

I also commend the Committee for what they did when the land that was grabbed by Kenya Airports Authority (KAA) was given back to the community, and the Authority accepted that they had actually grabbed the land. It is a plus for the Committee because if they had not done this investigation, there is no way the KAA would affirm that it had grabbed land.

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

The Temporary Speaker (Sen. Halake): Just finish your sentence. We are running late. Please, give her a few more seconds to finish her sentence.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. The Committee interrogated the matter and people got back their land.

The same Committee interrogated an issue where the Government bought land from itself and paid itself. This issue is very touchy and should be brought to the Senate, so that the Senate gets to know what exactly is happening.

I commend Sen. Mwangi's team for doing a commendable job. They should continue doing the same because land is gold to Kenyans.

The Temporary Speaker (Sen. Halake): Very well.

Sen. (Dr.) Zani, proceed.

Sen. (Dr.) Zani: Madam Temporary Speaker, let me start by commending the Chair, Sen. Mwangi, for the work he does for this Committee. I have interacted with him lately because of The Natural Resources (Benefit Sharing) Bill that resides in his Committee. He is very diligent, wise and hard working. You could see that as he made his presentation on all the other Bills that are in the Committee. The Committee has a lot of work to do, and its Members are quite hardworking; trying to get all this done.

We know from what you have said that some of the issues are important, but the land allocation crisis is a big issue, especially in areas such as the Coast, where we still have a lot of problems with land allocation. For example, somebody sells land, another person buys it and realises that they did not really buy it, and it reverts to the owners. All these issues need a lot of streamlining, and I am sure that you are working on them.

Madam Temporary Speaker, the issue of community land compensation is very important. You have talked about the case where land was taken by the Kenya Airports Authority (KAA). However there are also other pieces of land as well across the board, and other places where some level of compensation needs to be put in place.

Recently, there was a *WhatsApp* message – I do not know whether it was a joke or something real – saying that in some country, before graduation, you must plant ten trees as part of the graduation ceremony. I thought that was something that we can borrow, because the issue of forest cover is very important. That is why we do not have

rains and are, consequently, not able to plant when we are meant to. The issue of climate change is becoming a reality. If we do not take care of our land and trees, we will have problems in this country.

I do not want to go on until my time is stopped. Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Halake): Very well timed, indeed. Thank you, Sen. (Dr.) Zani.

We will now move on to the next Statement by the Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, relating to the activities of the Committee.

ACTIVITIES OF THE COMMITTEE ON NATIONAL COHESION,
EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker. I take this opportunity to congratulate Sen. Mwangi together with his Committee for the wonderful work, commitment and dedication. We are proud of you; congratulations. You are also a good friend of mine.

(Laughter)

Madam Temporary Speaker, I rise pursuant to Standing Order 51(1) (b) to make a Statement on the activities of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration for the period commencing 1st January, 2019 to 30th June, 2019. During the period under review, our Committee held a total of ten Sittings, considered one Bill and one Petition. We held a public hearing forum on the Bill. The National Cohesion and Peace Building Bill (Senate Bills No.35 of 2019) was referred to the Committee, which held a public hearing forum and considered submissions received from the public.

Madam Temporary Speaker, with regard to petitions, the Committee considered one Petition concerning Kibera Internally Displaced Persons (IDPs), which was committed to the Committee on 19th November, 2018. The Committee met the petitioners, considered the matter and shall be meeting the Cabinet Secretary (CS) in charge of Internal Security and Coordination of the National Government so as to conclude on the Petition.

During this time, the Committee had a great opportunity to interact with the petitioners, who expressed the challenges they have gone through. In fact, as a nation, we need to think about that seriously and see what we can do about it. Although our discussion with the Ministry is still ongoing, some members among the petitioners have already passed on. Therefore, there is need for the Ministry to avail themselves, and this matter to be concluded.

Madam Temporary Speaker, the Committee held a consultative meeting in Nairobi on 8th May, 2019 with the Ministry of Devolution and Arid and Semi-Arid Lands. This was to discuss the legal and institutional framework for disaster risk management and current challenges to the country that counties are facing. The main

areas of concern included prevention, mitigation, preparedness, response and recovery from disasters.

Madam Temporary Speaker, during the period under review, our Committee underwent transition in its leadership and membership. Only a few Members have committed themselves and have done a lot of work. I will mention their names as I conclude, but the Committee is in existence because of about four or five Members who have kept on attending the meetings and deliberating on issues. As the Committee progresses into the new quarter, we look forward and are prepared to tackle various key issues and activities that are before us.

Madam Temporary Speaker, the Committee intends to carry out the following key activities during the next quarter -

(1)Undertake county visits to regions affected by conflict, namely, Kisumu and Nandi border; Baringo and West Pokot border; Makueni, Taita-Taveta and Kajiado borders; Marsabit, Turkana and Ethiopia borders; and, Kitui and Tana River border. In fact, in the next two weeks, we have already planned to be out of the City, so that we can be with the citizens in those areas.

(2)Ensure that the National Action Plan for Disaster Risk Reduction 2019 to 2020 is validated.

(3)Hold a meeting with the National Gender and Equality Commission (NGEC), the Kenya Human Rights Commission (KHRC) and relevant state departments to deliberate on matters concerning special interest groups such as women, youth, and Persons with Disability (PwDs), children, older members of the society, the minority and marginalised groups.

(4)Hold a meeting with relevant Committees of the Pan African Parliament (PAP) and the East African Legislative Assembly (EALA) to deliberate on issues of regional integration and conflict resolution.

As I conclude, Madam Temporary Speaker, allow me to mention the names of the Committee Members who have always committed themselves to the mandate of this Committee. They are Sen. Pareno, Sen. Outa, Sen. Wambua, Sen. Chebeni and Sen. Zawadi. We are also glad that in this quarter, we have some new Members. They include Sen. Omanga, Sen. (Dr.) Langat and Sen. (Dr.) Lelegwe. It is our hope that this Committee will surprise this House in the next Report.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Halake): Very well.

Proceed, Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker. I congratulate this Committee, through its Vice-Chairperson, for what they have done. According to what has been going on, nobody imagined that they could have done even one thing. However, I am surprised that they at least dealt with a number of issues. I congratulate them for that.

Listening to the list read out, they now have new blood in the form of new Members. These are very powerful Members, and I am sure that it will be one of the most active Committees.

Madam Temporary Speaker, this Committee should be on its toes, particularly when the next Chairperson will come on board because of the fact that it looks at

important human right issues, which normally affect our country and many other countries.

Issues of disaster management should be brought to speed to ensure that when disasters are experienced in our country, they are managed in the most appropriate way. This is because our country has been facing a lot of disasters, for example, the West Gate Mall attack, Solai Dam disaster, and recently, the Dusit D2 attack. This Committee should go back to the drawing board and dispense of many issues that affect our country.

Once again, I congratulate this Committee and the Vice Chairperson. In future, if we are allowed, we will propose her to be the first Nominated Chairperson of a powerful Committee.

Madam Temporary Speaker, I congratulate her.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for the opportunity. I commend this Committee and Sen. (Rev.) Waqo for doing a commendable job. I am amazed that the Committee has been working. It seemed silent but it is doing some commendable work.

I am happy that the Committee has come up with a Bill, a Petition and done public participation, which is important. They have also clearly said that they have helped the displaced people in Kibera, which is one of the largest slums in Africa. I am happy that the Committee reached out to them because most people in Kibera live in abject poverty. Sustainable Development Goal (SDGs) No. 1 states clearly that we have to eliminate all forms of poverty. Therefore, if this Committee reaches out to the residents of Kibera, it is a good thing and a plus for the Senate.

Madam Temporary Speaker, I also commend the Committee for conducting county visits. When leaders visit people in the counties, they feel good because they are able to relate with us. The Senate represents the counties and their interests. Therefore, when we give them an ear, it is good because it shows that we are concerned about issues of devolution.

Madam Temporary Speaker, there is something that has come out clearly. This Committee wants to ensure that it meets the needs of special interest groups, for example, women and the vulnerable. This is good because the Constitution states clearly the issues of affirmative action. There is need for us to defend the Constitution. We must walk the talk and ensure that what is in the Constitution is not just paper work. The Constitution is the law of the land. Therefore, it needs to be a Bible---

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

The Temporary Speaker (Sen. Halake): I will allow you to finish the sentence.

Sen. (Dr.) Musuruve: Madam Temporary Speaker, as leaders, we must defend the Constitution and affirmative action that we fought for. Therefore, I commend Sen. (Rev.) Waqo for the good work she is doing for Kenyans.

Thank you, Madam Temporary Speaker, for the opportunity.

Sen. Farhiya: Thank you, Madam Temporary Speaker. I congratulate the Vice Chairperson of the Committee on National Cohesion, Equal Opportunities and Regional Integration. Despite all the challenges that the Committee had, she was able to make it afloat. I had many plans and foresights in terms of what they are planning to achieve. So,

I am proud of the Vice Chairperson. I am sure that if she is given an opportunity, she will take the Committee to greater heights.

The Temporary Speaker (Sen. Halake): There are no more requests. Therefore, we move on to the next Order.

BILL

First Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)
(No.2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)

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

MOTION

ADOPTION OF THE MEDIATION COMMITTEE REPORT ON
THE LAND VALUE INDEX LAWS (AMENDMENT) BILL, 2018

Sen. Mwangi: Madam Temporary Speaker, first, I would like to thank and congratulate Sen. (Rev.) Waqo for the good work that she has done. She is the Vice Chairperson of the Committee and about to be elected as the Chairperson of the Committee. We are happy that she has grasped the matters fast.

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

The Temporary Speaker (Sen. Halake): Order Chairperson! I let you say something about that, but had not asked you to move. Since you are already on your feet, go ahead. I needed to alert you to move. I thought you were contributing.

Sen. Mwangi: Thank you, Madam Temporary Speaker. I beg to move the following Motion-

THAT, the Senate adopts the report of the Mediation Committee on the Land Value Index Laws Bill (National Assembly Bills No.3 of 2018) laid on the Table of the Senate on Wednesday, 10th July, 2019, and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

Madam Temporary Speaker, the Committee derives its mandate from Article 113 of the Constitution of Kenya, the National Assembly Standing Order No.149 and Senate Standing Order No. 61. The Committee was established to develop a version of The Land Value Index Laws (Amendment) Bill (National Assembly Bill No.2 of 2018) that would be presented to both Houses for approval, as provided for under the National Assembly Standing Order No.149(6) and the Senate Standing Order No.161(3).

The National Assembly through the Departmental Committee on Lands considered the Bill, passed it and sent it to the Senate. When it came to the Senate, the Bill was committed to the Committee on Land, Environment and Natural Resources.

The Mediation Committee was formed, and Members met and agreed on the version of the Bill. Before we agreed, we had to deliberate on matters. The first meeting was held on 11th June, 2019. The Committee deliberated on the contentious clauses, and Members unanimously agreed on a version of the Bill to be presented to both Houses for approval. The agreed version of the Bill is appended to this Report.

We had about three meetings before we developed a final version. In all the three meetings, the main contentious issue was the title of the Bill. Eventually, we agreed on the title of the Bill. We did not agree with the title of the Bill the way it was brought to the Senate, and changed it to Land Value (Amendment) Laws.

Basically, the Bill seeks to address compulsory acquisition of land because this country spends a lot of money on compulsory acquisition of land. There are people who buy land for speculation. The country has had to pay billions of shillings for land not worth the price.

It was agreed that three laws should be amended. Among the laws to be amended to address the menace of compulsory acquisition of land are The Land Registration Act No.3 of 2012 and The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No.56 of 2012, to provide a framework for the assessment of the value of land in compulsory acquisition. Never again will Kenyans be exploited by way of compulsory land acquisition by the Government. When the Government thinks of acquiring land for purposes of national programmes, people will not be exploited again. This is because when the Bill becomes law, all the malpractices will stop.

The Bill underwent First and Second Readings and was subjected to public participation. In Kenya, it is important to subject any Bill to public participation before it is debated on, so that whichever House deals with it, knows how to incorporate issues raised by members of the public. This is because we make laws for Kenyans and not for Parliament. Before a Bill is debated on, we must ensure that members of the public give their opinions on it.

When we deliberated on the Bill, most of the amendments that had been rejected by the National Assembly were adopted by the Mediation Committee. We know that Kenyans will have a good law because the Bill was subjected to a mediation team.

I must mention that it was not easy to mediate the Bill and go through the amendments that had been suggested. However, we finally agreed on a version that is acceptable. I request this House to adopt the final version of the Bill because it will be useful to Kenyans.

Madam Temporary Speaker, I beg to stop at that point. Allow me to call upon Sen. Mutula Kilonzo Jnr., the great Senator for Makeni County, to second this Motion.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, I congratulate you on your new position, even if you have been sitting there for a while.

I rise to support the Report of the Mediation Committee on The Land Value Index Laws (Amendment) Bill. Sen. Mwangi was the Vice Chairperson of the Committee, but our Chair for purposes of mediation. There are problems that we highlighted that the Chairman did not mention. We recommended that in future, the joint services and especially the legal counsels that help us draft the Bills, should sit together so that they do not confuse us. This is because both the legal teams of the Senate and the National

Assembly had different views on the title of the Bill. We should do that for purposes of order because we are all parliamentarians.

It occurred that the legal teams of the Senate and the National Assembly could not agree. We were of the view that you cannot amend a Bill whose name does not exist because there is nothing in law called 'land value.' So, you cannot call it 'The Land Value (Amendment) Bill' because there is no land value law.

The National Assembly, led by the Director of Legal Services, said that it can be drafted in any form, but the Senate disagreed with them. We thought that they should not take sides when it comes to services that are given to legislators. In fact, one Member said that his client is the Leader of Majority in the National Assembly, and we spent some time arguing on that.

The second issue is the mischief behind these laws. There are people who have taken advantage of the poor Kenyans and those who do not have titles deeds. There are people who have bought land in Lamu for speculative purposes because they are aware the Government will do the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor project.

There are people who have bought land in Narok and Kajiado counties because they know that the Government is buying land for purposes of the Standard Gauge Railway (SGR). We also have people who have bought land in Makueni County because of the SGR. How do we deal with the problem of squatters? We will have a good law, but I am still not happy with the timelines.

Although we all agreed, I am not happy with a clause where we said that the Cabinet Secretary (CS) will consult. The Committee on Land, Environment and Natural Resources agreed that where the national Government is concerned, for purposes of cooperation and coordination, people should not sit jointly, but consult. Chances are that they will never consult.

I am happy that we all agreed that when the land value index is prepared, it will be tabled in Parliament for approval. Therefore, we will not have land cartels with an office changing values of land in Isinya or Isiolo after some time as they please because they will have to deal with Parliament. I am also happy that we will protect innocent Kenyans who thought the Government would evict them from their land and pay them in installments or later.

I remember there was a time when the former Chairperson of the National Land Commission (NLC) told the President in a meeting that I was present that they will put money belonging to some ladies in Makueni County in an escrow account. I had to ask the President to ask Mr. Swazuri to explain the meaning of an escrow account.

After explaining to the President, I asked him: 'Do you think *Mama* Mutheu or *Mama* Mwikali in Makueni will understand this if the President has difficulties in the explanation that you have given?'

In an attempt to protect the right to land under Article 40 of the Constitution, it is important for us to say that the right to land is not subservient to the right of the Government doing public projects. Therefore, to respect that right to land, they should pay *Mama* Njeri promptly if they plan to evict her from her land. They should allow her to look for land in another place. It is not wrong for them to build the road, but they should not evict the land owners.

I saw a gentleman shading tears in Nkoroi. Ladies and gentlemen, I feel very bad about this country. Somebody built a beautiful house for his family not knowing that the SGR will pass through his property. He did this on a loan that has not yet been paid, but the bulldozer we call *SANY*, demolished his house. The patriotism in that man is gone even if you compensate him. We have killed his patriotism for this country by destroying his home in front of his wife and children. What do you think those children think about their father? They saw their father shed tears in front of cameras. That is how bad it is.

I hope that this law will be implemented to the letter. When the National Land Commission is finally gazetted, I hope that the Chairperson will call those commissioners and tell them we have made a law that will ensure that people get value for their land. He should also tell them that people's right to land must be protected. It does not matter whether it is a nine by nine. Let us give the pride of place to the people of Kenya. It does not matter whether their land is in Isiolo, has no tree or is barren; that land belongs to that community. That way, people might start loving this country.

People should vacate on their own volition when they hear that the Government wants to build a hospital or road. The Government should not demolish people's houses then tell them that they will be paid later. That is wrong and it will never be right for people, like the ones in Nkoroi, to lose their land in that format.

Sen. Mwangi is an experienced legislator. The problem in Parliament is not the Members of Parliament. We sat with the Members of the National Assembly who did not have kind words for us, but finally agreed on a version. I believe that all the problems that we have in Parliament will end or reduce if the Speakers of the National Assembly and the Senate can have meetings like the ones that we have in the Mediation Committee. We purposed to agree, and we agreed.

When this Bill is being signed into law, the effervescent Sen. Mwangi should be there standing next to the President because this is truly an Act of Parliament. I shared the same sentiments with the Leader of Majority in the National Assembly.

Thank you, Madam Temporary Speaker. I second.

(Question proposed)

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me the opportunity to add my voice to this Motion. I commend Sen. Mwangi for coming up with this Bill in its amended format. The Senate should adopt this Bill.

Sen. Mwangi has said that they held three meetings, which is an indication that they held consultations on the contentious issues in the Bill. He has said that the title was one of the contentious issues, but they resolved it amiably. Therefore, the Senate should accept the version adopted by the Mediation Committee.

This law addresses compulsory acquisition of land. The Constitution states that everyone has a right to property, and one can own property in any part of this country. Ironically, if gold is discovered in your land, the land will no longer belong to you. It will become Government land. This law will protect such issues. The Government should provide adequate compensation when it acquires someone's property. The Government has acquired people's land when it wants to build hospitals or even roads. There is nothing wrong with that, but compensation should be adequate. There should also be

value for land. One gets heartbroken when their land is taken because of the attachment that they have on the land. This law will protect the land owners.

Compensation should be appropriate and timely, and consider the value of the land. Land taken by the Government should be valued for the owner to be compensated appropriately. We should protect Kenyans from exploitation. We should also ensure that public participation is done. If land is taken away from someone, it should be out of volition. The Government should ensure that the owner of the land and his family agree to the acquisition. Land does not just belong to the man, but to his wife and children as well. All these people get affected when the land is taken. Not many people will be comfortable with relocation like Abraham. One needs grace from God to adjust in a new environment.

We should adopt the Report from the Mediation Committee.

I support.

The Temporary Speaker (Sen. Halake): Very well.

Sen. (Dr.) Agnes Zani Philomena, proceed.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker and thank you for calling all my names. Sen. Were did not know that my other name is Philomena, even though she is my neighbour right here.

I will be quick so that I finish within the time remaining. There are three important points that were raised by Sen. Mutula Kilonzo Jnr. It is important to have the joint services. I realized this especially in arguments where we are talking about whether or not a Bill is a money Bill. You will realize that the Members in the National Assembly have a different interpretation from those in the Senate.

He also suggested that it might be important to have more meetings between the Speakers, like in the Mediation Committees, which is true. However, the provision of Article 110 of the Constitution can still be used with expertise. This is because if Members of the National Assembly and the Senate can sit and debate until they agree at one point or another, maybe the Speakers might not be able to attend all the meetings. They could attend some of the preliminary meetings and then attend the others.

Madam Temporary Speaker, there seems to be a lot of order in this process. Three meetings were held very quickly. This process started from the National Assembly, came to the Senate, and went back to the National Assembly. They voted for this specific mediation process and came up with a mediation Report.

It was also very clear through this Report that right from the onset they agreed with some of the amendments like for Clauses 4b, 5b and all the others. They were, therefore, left to deal with the contentious clauses. Some of the amendments they have made are also key. Some amendments are very simple even in terms of wording, for example, using the word “authority” rather than “body,” so that this particular law can be consistent with all the other laws.

The other important thing they have also done is to set a timeline within which the Land Value Index shall be developed. The Committee proposed a timeframe of six months from the date of commencement of the Act. We hope that this timeline can be adhered to, and not to move in the direction of Truth Justice and Reconciliation Commission (TJRC) Report, for example, where there was an implementation clause and timeline, but that did not take place.

The issue of having to be compensated is a very traumatic one sometimes because of how much energy and time you have put in. When Sen. Mutula Kilonzo Jnr. talked about the houses that are broken and somebody feels disenfranchised, sometimes even the level of trauma that people face after they have spent so much money, becomes critical and something that makes them suffer.

Madam Temporary Speaker, the Commission will also do something important; to inform the relevant acquiring body within seven days that the particular land has been acquired. That is key and important.

The last one is that the acquiring authority has identified the number and maintains a register of persons in actual occupation of the land. That is critical and will create a lot of order.

Madam Temporary Speaker, I support.

ADJOURNMENT

The Temporary Speaker (Sen. Halake): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 16th July, 2019 at 2.30 p.m.

The Senate rose at 6.30 p.m.