

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 26th May, 2020 – Afternoon Sitting

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

DECLARATION OF VACANCY IN THE OFFICE OF DEPUTY SPEAKER OF THE SENATE

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, as you may recall, the Senate held a Special Sitting on Friday, 22nd May, 2020 to consider a Motion filed by the Senate Majority Whip for the removal of Sen.(Prof.) Kindiki from the office of the Deputy Speaker of the Senate. Accordingly, the Motion was debated and adopted.

The resolution was supported by 54 Senators who constituted more than the two thirds that is, 45 Senators majority required to remove a Deputy Speaker from office. Consequently, Sen. (Prof.) Kindiki was removed from the office of the Deputy Speaker of the Senate.

As a formal notification, the practice has been that whenever the Senate resolves to remove a person from the office the Speaker, it Gazettes such a resolution. I have accordingly issued a Kenya *Gazette* notice on the resolution of the Senate to remove Sen.(Prof.) Kindiki from the office of Deputy Speaker.

Article 106(1) (b) of the Constitution states as follows-

There shall be -

(b) A Deputy Speaker for each House of Parliament who shall be elected by that House in accordance with the Standing Orders from among Members of that House.

Standing Order 13(3)(4) provided as follows-

(3) “If the office of the Deputy Speaker falls vacant at any time before the end of the term of Parliament, the Senate shall as soon as practicable elect a Senator to that office. “

(4) “The procedure for electing a Deputy Speaker shall with necessary modifications be the same as that prescribed for the election of the Speaker.”

Hon. Senators, in order to proceed with the process of election of the Deputy Speaker, Standing Order No.5 - Nomination of Candidates as read together with Standing Order No.13(4) requires-

(1) The Clerk, by notice in the *Gazette*, to notify and invite interested persons to submit their nomination papers for the election to the office of Deputy Speaker of the Senate.

(2) The names of candidates for election to the office of Deputy Speaker to be entered upon nomination papers obtained from the Clerk and handed back to the Clerk at least 48 hours before the time appointed at which the Senate is to meet to elect a Deputy Speaker.

(3) The nomination papers of a candidate to be accompanied by the names and signatures of two Senators who support the candidate and a declaration by them that the candidate is willing to serve as a Deputy Speaker.

(4) The Clerk to maintain a register showing the date and time when each candidate's nomination papers were received.

(5) The Clerk, upon the close of the nomination period, to –

(a) Publicize and make available to all Senators a list showing all qualified candidates and

(b) Make available to all Senators copies of the Curriculum Vitae (CV) of the qualified candidates.

(6) The Clerk, at least two hours before the meeting of the Senate to elect a Deputy Speaker, to prepare ballot papers upon which shall be shown the names of all candidates validly nominated.

Further, Standing Orders No.6 and 7 as read together with standing order No. 13(2) and 14 require-

(i) The Speaker to preside over the election of the Deputy Speaker.

(ii) The election of Deputy Speaker to be by secret ballot.

(iii) The Clerk to display an empty and unlocked ballot box and thereafter, lock it in the presence of the Senate.

(a) The Clerk to issue a ballot paper to each Senator in order of precedence and

(b) The Clerk at the end of the voting to count and report the result of the ballot to the Speaker who shall declare the results.

Hon. Senators, Standing Order, No.7(1) requires the person elected Deputy Speaker to have been supported in the ballot by the votes of two thirds of all the Senators. Additionally, Standing Order No.7(2) requires that-

“If no candidate is supported by the vote of two thirds of all the Senators, a fresh election shall be held and in that election, the only candidates shall be-

(1) The candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1).

(2) The candidate or candidates who in that ballot received the next highest number of votes.

Standing Order No. 7(4) provides that-

(4) The candidate who receives the highest number of votes in the fresh election shall be declared elected as Deputy Speaker.”

Immediately following the election of the Deputy Speaker, the Speaker shall administer the oath or Affirmation of Office of the Deputy Speaker in the presence of the assembled Senate.

However, in the event that there is only one candidate who has been duly nominated for election as Deputy Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Deputy Speaker without any ballot or vote being required, and the Speaker shall administer the Oath or Affirmation of Office of the Deputy Speaker in the presence of the assembled Senate.

Pursuant to Standing Order No.8, by written notice to the Clerk, a candidate may also withdraw his or her candidature after the close of nomination period and before a ballot is started.

Honourable Senators, in light of the above provisions, I hereby inform you that the Clerk has issued a *Gazette* notice today, Tuesday, 26th May, 2020, to notify and invite interested Senators to submit their nomination papers for election to the Office of the Deputy Speaker. Consequently, interested candidates may obtain nomination papers from the Office of the Clerk. After consultation with the Senate Business Committee, I direct that the election of the Deputy Speaker of the Senate will take place on Tuesday, 2nd June, 2020 at 2.30 p.m.

I urge all Senators to take note of this Communication and prepare accordingly.

I thank you.

Next Order.

STATEMENTS

TRANSPORTATION OF CARGO FROM MOMBASA

Sen. Faki: Thank you, Madam Temporary Speaker, Sir. I rise pursuant to Standing Order No. 47 (1) to make a Statement on an issue of national concern, namely, transportation of cargo from Mombasa.

On 6th August, 2019, I made a Statement in this House on the issue of transportation of cargo from Mombasa to Nairobi by the Standard Gauge Railway (SGR). The Commissioner General of Kenya Revenue Authority (KRA) and the then Managing Director of Kenya Ports Authority (KPA) had issued a joint circular advising importers that all cargo imported through the Port of Mombasa and destined for upcountry destinations shall be transported by SGR only. This directive had a devastating effect on businesses in Mombasa and the rest of the Northern Corridor up to Nairobi.

Madam Temporary Speaker, the Statement was referred to the Standing Committee on Roads and Transportation, which after deliberations with stakeholders and the management of KPA and KRA both in Mombasa and Parliament, called for the revocation of the notice. The Committee directed that KPA and KRA allow cargo to be transported by road and rail. The Cabinet Secretary (CS) for Transport, Infrastructure, Housing, Urban Development and Public Works was present at the final meeting on this matter held on 4th December, 2019.

Hardly six months after that meeting, the directive by the Senate and even before the dust has settled, the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works has issued another circular, which shall come into effect on 1st June, 2020. The Circular is directing that all cargo from the Port of Mombasa

destined for neighbouring countries shall only be transported by SGR. In the directive, the CS alluded to the Coronavirus Disease (COVID-19) pandemic as the main reason for confining all the cargo to SGR.

Madam Temporary Speaker, the COVID-19 pandemic has affected all sectors of the economy and many stakeholders need safety nets to mitigate their losses. It is, therefore, very unfortunate for the CS for Transport, Infrastructure, Housing, Urban Development and Public Works to take advantage of COVID-19 pandemic to issue illegal directives and strangle the already battered economy of the coastal counties and other neighbouring counties on the Northern Corridor.

I shall, therefore, be grateful if the Standing Committee on Roads and Transportation could immediately take up this matter, with a view to forestall any adverse action on the part of the CS to the business of the people of Mombasa and the neighbouring counties.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Sen. Boy, proceed.

Sen. Boy: Asante sana, Bi Spika wa Muda, kwa kunipatia fursa hii kuchangia Taarifa hii ambayo imesomwa hapa na Seneta wa Kaunti ya Mombasa ambaye ni jirani wangu.

The Temporary Speaker (Sen. Nyamunga): As you contribute, Sen. Boy, I call upon Sen. Madzayo to make his way to the Chamber, please.

Continue, Sen. Boy.

Sen. Boy: Asante sana, Bi Spika wa Muda, kwa kunipatia fursa hii kuchangia Taarifa hii ambayo imesomwa na Seneta jirani, kwa sababu Kwale na Mombasa ni kaunti jirani. Kusema kweli, hali ya uchumi na biashara katika Kaunti ya Mombasa imekuwa mbaya sana. Tegemeo kubwa kabisa la watu wa Pwani ni bandari. Ikiwa mizigo haitachukuliwa na magari pale bandarini, italeti shida kubwa sana.

Kwa hivyo, ninaonelea kwamba lazima kupatikane njia mwafaka. Tunapaswa kujua tutafanya nini ili kila mtu mwenye biashara aweze kupata riziki yake. Kuna hali ngumu ilioko katika nchi yetu. Ugonjwa wa COVID-19 isiwe sababu ya wasafirishaji kutoweza kupakia mizigo yao au kufanya biashara.

Bi Spika wa Muda, kwa hivyo, ninaunga mkono Taarifa hii ya Seneta wa Kaunti ya Mombasa. Tuhakikishe kwamba Waziri wa Uchukuzi anaulizwa kwa nini hii sheria inaendelea namna hii. Ni lazima watu wafanye kazi na kupata riziki yao.

Asante sana.

The Temporary Speaker (Sen. Nyamunga): Is Sen. Madzayo around? Sen. Cherargei, proceed. There are other Senators sitting in the extended Chamber.

Sen. Madzayo, you may have to come in because I can see there are spaces here. You can hold as we give this opportunity to Sen. Cherargei. Any other Senator who may be interested, we have room in the House.

Sen. Cherargei: Thank you, Madam Temporary Speaker. I would like to support Sen. Faki, the Senator of Mombasa County, on the issue of transporters. In any case, even with the ongoing COVID-19 pandemic, you have noticed and it has been reported widely even in the mainstream media that most of the transporters are suffering.

On the matter of the Port of Mombasa, an operation should be put to rest. This has been one of the major problems that have faced the Coast region for the longest time

possible. I am aware that there are investigations ongoing in KPA and the issue of clearance in the Port of Mombasa.

Madam Temporary Speaker, I think there is a jinx that happens in the operations of the Port. This is because apart from the investigations in the KPA and the issues of transporters collecting their cargo, as a Senator of Kwale County has said, we are even seeing the tussle of the border between Tanzania and Kenya. All these are linked to the Port. We need to resolve these issues, as my brother, Sen. Faki, has raised once and for all, so that we assist our people.

These transporters also are people doing business. They also need to have a good and safe environment to work in, even as the Government tries to put measures in the port's operations and address the issues of transporters, and anybody who benefits directly or indirectly.

Madam Temporary Speaker, as I conclude, most of the revenue that has opened Kenya to the East and Central Africa is courtesy of the Port of Mombasa. We need to make sure that the operations of the Port Mombasa are seamless, timely, efficient and transparent not only for transporters, but also the entire sector players operating within the Port Mombasa and other inland ports within the country. This will assist our transporters.

I am happy that the substantive Chairperson of the Committee on Roads and Transportation, Sen. Wamatangi, is here with us. Maybe as a rider, I wish to add something to that question.

Even as the Chairperson sits here, we need to follow up and help him to solve the issue of testing COVID-19 that we are facing in Namanga at the Kenya-Tanzania border.

I have also seen a Statement by Sen. Wetangula on the issue at the Kenya-Uganda border. Unfortunately, he is not here with us. We heard one driver saying that they stayed at the border for seven days waiting for their COVID-19 results. We need to agree on this issue. This is because when Kenyans go to Tanzania, they are being chased away and told to take coronavirus back to their country. When they go to Uganda, they are not able to sleep in lodgings. Kenyans are not being trusted along the borders of those two countries. Therefore, in line with what Sen. Faki has raised, we need to solve this issue, once and for all.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): I would like to encourage other Senators who are in the extended Chamber that if they are interested in making comments to move towards the main Chamber. You will wait outside as we give you an opportunity.

Sen. Mwaruma: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii ili kuchangia Taarifa hii ambayo ilimeletwa hapa na Sen. Faki. Taarifa hii inahusu usafirishaji wa mizigo kutoka Mombasa hadi sehemu zingine nchini kwa kutumia Standard Gauge Railway (SGR) na malori.

Mwaka uliopita, viongozi wa Mombasa walikutana na Katibu Mkuu na wakakubaliana juu ya usafirishaji wa mizigo kutoka bandari ya Mombasa. Walikubaliana kuwa katika soko huru ni vizuri waache malori na SGR zibebe mizigo kulingana na vile wanabiashara wataamua. Nashangaa kuona wakati huu Katibu Mkuu anatumia COVID-19 ili kuleta Mswada huo. Hii ni kinyume na makubaliano yalikuwa kati ya viongozi na Katibu Mkuu.

Ni vizuri viongozi kuheshimiana kwa sababu tunawakilisha wananchi wetu. Makatibu Wakuu pia wanafanya kazi kwa niaba ya wananchi. Tulisema ya kwamba uchumi wa Pwani na maeneo mengi ambayo malori yanapitia umeathirika sana. Kisa na maana ni kwamba Serikali iliamua kutumia SGR kubebe mizigo yote. Ikiwa utasafiri kutoka Mombasa, Mariakani, Samburu, Mackinnon Road, Voi na Mtito Andei utaona jinsi wananchi wengi wameathirika kwa sababu mizigo inasafirishwa kwa kutumia SGR.

Kwa hivyo, tunaomba Kamati ya Barabara na Usafirishaji ilivalie njuga hili swala na kuliangalia kwa kina ili tulimalize mara moja kwa sababu uchumi wetu unaharibika. Tumesoma kwa vyombo vya habari na kwa magazeti ya kwamba usafirishaji wa shehena kwa SGR ni ghali mno kuliko wa malori. Kwa nini wanabiashara wetu walazimishwe kutumia SGR? Tunasoma magazetini kuwa kuna wizi mwingi katika usimamizi wa SGR.

Kwa hayo machache, ninaunga mkono Taarifa hii. Naomba kwamba wakati Katibu Mkuu ataitwa kuja hapa, tukutane sote tumuulize haya maswali magumu.

Sen. Madzayo: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii. Kama kuna kitendo kilichofanywa na Serikali cha kuumiza husuan watu wa Pwani na uchumi wao ni miradi wa SGR. Hivi sasa, hakuna uchumi wa eneo la Pwani. Huo ndio ukweli wa mambo. Kabla ya mradi huu, Mombasa ilikuwa na biashara na nafasi ya kazi nyingi.

Serikali ilianzisha mradi huu na ikawa na deni. Leo hii deni hili ni mizigo kwake. Serikali yenyewe inaona shida kulipa. Tukiangalia hayo maagizo yaliyotolewa na Wizara ya Uchukuzi kwamba watu wasitumie malori na watumie SGR kusafirisha mizigo yao hayaungwi mkono na sheria yoyote ya Kenya.

Kusema ukweli, mradi huu wa SGR umefanya watu wetu kuathirika sana. Si wenye magari ambao wameathirika pekee yao. Wenye magari wameajiri madereva ambao wana familia zinazowategemea. Baba ndiye tegemeo la familia yake kwa kuleta chakula, kulipa karo ya shule na kadhalika. Wengi wako katika vyuo vikuu na wanategemea baba yao kwa mahitaji yao ya kila siku. Namshukuru sana, ndugu yangu, Sen. Faki, kwa kuleta Taarifa hii. Ni lazima Kamati ya Barabara na Uchukuzi iweze tutatua jambo hili mara ya kwanza na mwisho.

Bi. Spika wa Muda, mimi mwenyewe nilikuwa katika mkutano huo. Yule Katibu Mkuu alituhakikishia kwamba maagizo hayo yatafutwa kikamilifu. Alituambia si SGR peke yake ambao itatumika katika usafirishaji wa mizigo bali malori yatatumika. Kama viongozi wa kutoka Pwani, hasa viongozi wa siasa, ni jambo la kuhuzunisha baada ya kukubaliana tukadhani jambo hili lingepata suluhisho ya kudumu. Ni unafiki kuona kwamba hakufuata makubaliano yetu. Wakati huu SGR inaendelea kubeba mizigo ikiwakandamiza watu wa Pwani.

Jambo la mwisho ni upande wa uhalifu. Ikiwa mimi sina kazi, sipeleki lori, watoto wangu wamefukuzwa shule, wale mabarubaru ambao wako kwa nyumba watafanya kazi gani? Hapo ndipo chanzo cha uhalifu. Kaunti za Mombasa, Kilifi, Malindi, Kwale na Taita Taveta kuna visa vingi vya uhalifu. Hii ni kwa sababu vijana wadogo wamekosa kazi. Wazee wao wako nyumbani wakingojea chakula kutoka kwa Serikali, hususan wakati huu wa homa ya COVID-19.

Serikali inajaribu kulisha watu, lakini watu wengine wanaachishwa kazi kwa sababu ya mradi huu wa SGR. Nina imani Kamati ambayo inaongozwa na ndugu yangu, Sen. Wamatangi, ni muhimu sana. Yeye ni jemedari kwa mambo haya na atafanya kazi nzuri. Tunataka ajikakamue ili aone kwamba jambo hili limefikishwa mwisho na suluhisho ya kudumu ipatikane.

The Temporary Speaker (Sen. Nyamunga): Finally, Sen. Ochillo-Ayako.

Sen. Ochillo-Ayako: Thank you, Madam Temporary Speaker, for giving me an opportunity to support Sen. Faki's very good Statement.

It is an open secret that SGR is officially being treated by this Government as a scam. The Government, through the Attorney-General and other concerned parties has already written to the Chinese Government protesting the corruption riddled management that is being spearheaded by China.

The Government insists that SGR be a monopoly. It also suggests that a monopolist be given an opportunity to swindle and steal from other Kenyans by taking out truckers and road transport that would have offered competition. So, the Committee that this matter will be referred to and the CS should clearly come and tell us why they are allowing a scam to continue making many Kenyans jobless.

Madam Temporary Speaker, SGR was designed and marketed on the basis that it would enhance efficiency and production in the country. However, as we speak, today, there is no efficiency or production. We are asking SGR to introduce a third problem of removing truckers from Mombasa and all the other people who have been benefiting from it.

I ask the concerned Committee and the CS to tell the House and Kenyans what they are doing to enhance the efficiency and efficacy of SGR as a way of achieving public transportation.

Lastly, it has been hyped that SGR will reach Kisumu and Uganda yet we are already having problems in Mombasa and Nairobi in terms of the effect it has with truckers.

The responsible Committee should also tell us when they engaged in public participation so that the public accepted the rules and regulations that they are trying to introduce that have the effect of rendering truckers and people who borrowed money to buy and build godowns jobless. So, it is important to know when public participation took place, who participated in it, where it was advertised and who gave them the go ahead to put in place these regulations.

Sen. Wamatangi: Thank you, Madam Temporary Speaker. I rise to support the Statement by the Senator for Mombasa.

I happen to be the Chairperson of the Committee on Roads and Transportation. I confirm that this matter came up before our Committee. There was a lengthy and extended discussion on this matter in which we invited all the Senators who represent the coastal region.

As confirmed in the Statement, Sen. Madzayo, Sen. Mwaruma, Sen. Faki and other Members of the National Assembly who represent various sub-counties in that region attended that meeting.

I also inform to the House that it was not the only meeting that we held over this matter with the CS, Ministry of Transport Infrastructure Housing, Urban Development and Public Works. It was the fourth meeting on this matter.

It should be on record that the Committee took a firm stand on what had been purported to be introduced into the transportation management and charging of cargo including the release of cargo from the port. The gazette notice was null and void, illegal, not practicable and acceptable in a freely democratic country where we are supposed to exercise the constitutional requirements of equal rights.

Madam Temporary Speaker, after that lengthy discussion, the CS committed to withdraw the gazette notice. He went further to produce newspaper cuttings which had been published to negate the earlier position.

I have been in consultation with people in the Coast region. There was heavy representation of the people of that area including the Kenya Transporters Association (KTA), residents of Mombasa and business people along the entire corridor.

Madam Temporary Speaker, this House has other business. So, I will not over-engage in the dialogue that went on. I will summarize the discussion of that day with two things. First, it is clear, evident and true that the directive adversely affected business people along the entire Mombasa Road corridor. The transporters were extremely affected because the directive directed that only the SGR could transport cargo. After the revocation of that order, I am surprised as the Chairperson of the Committee that---

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

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

Sen. Wetangula: Madam Temporary Speaker, instead of my good friend, the Chairman of the Committee, to whom all the questions and issues have been placed, to tell the House the day he will bring the CS to be interrogated or the answer to the House, he is giving an extempore response. That way, my colleagues who have raised this issue will have no opportunity to question because of procedure and strict timelines in the operation of the House. Is he in order?

I thought that my distinguished colleague from Kiambu, the Chairman, would say that he has heard all that was said and will bring a reasoned response at the next sitting. Then, we can all interrogate the answer that he brings or invite the CS to the Committee of the Whole so that we can all interrogate the issues surrounding the SGR.

Is he in order to continue giving an off the cuff answer to such a complex issue that requires research, interviews with those involved and many other issues to satisfy the questioners?

The Temporary Speaker (Sen. Nyamunga): Wind up, Senator. I will give a direction on that.

Sen. Wamatangi: Madam Temporary Speaker, I would like to inform the Senator for Bungoma that I was not, in any way, trying to address the issues of content of the Statement that has been brought before this House now. I was building the background as clearly explained by the Senator who brought this Statement.

Sen. Wetangula arrived later and was not privy to the content of the current Statement which is not about the earlier directive. With the questions raised by the Senator for Mombasa, the CS has found a new way to reintroduce the same by tweaking that gazette notice to introduce the issue of Coronavirus and cargo destined to foreign countries.

The earlier directive was about all cargo. However, it looks like they have found a way, after we settled the first matter, to introduce those two issues. That is what I was laying ground for.

As you have heard, there has been a lot of reference to this Committee and the meeting that was held. It was important that the House is clearly informed of the action that we took and the action that we will take.

In conclusion, the Committee will invite the CS, his Permanent Secretary (PS), the team from Kenya Ports Authority (KPA) and Kenya Railways. With your leave, we shall invite all Members of this House. This is a big issue. All Senators who are interested in this matter can participate.

I am sure that it will be done by the Committee as expeditiously as possible. Within the next two weeks, given the 14-day timeline, we will invite the CS to come and give adequate and fulfilling answers on this matter.

I rest it there.

I assure the Senator for Mombasa that we will deal with this matter the same way we dealt with the first one and ensure that we will have a proper conclusion.

Madam Temporary Speaker, the Senator for Nandi County has also raised an issue regarding the problem that is at the Bungoma-Malaba border. If that is in order, I could also answer to what he was asking, that this Committee upon a Statement and invitation of Sen. Wetangula---

The Temporary Speaker (Sen. Nyamunga): Senator, I think you may want to leave that one out because there is a next Statement coming on that one.

Sen. Wamatangi: Madam Temporary Speaker, I was addressing the matter by the Senator of Nandi County. I will leave it as you advice, but we had dealt with it, Sen. Wetangula. However, I will leave it and wait for the next Order.

Madam Temporary Speaker, so directed. I will follow up with my Committee on the matter.

The Temporary Speaker (Sen. Nyamunga): The Statement stands committed to the Committee on Roads and Transportation. The Chairperson is here and he has given a duration of two weeks.

Senator for Mombasa County, are you okay with two weeks?

Sen. Faki: Madam Temporary Speaker, I am okay with the two weeks. However, the directive is supposed to take effect from 1st June, 2020, which is on Monday, next week. So, I would suggest that they write to the Cabinet Secretary (CS) to suspend it immediately pending the deliberations of the Committee.

I thank you.

The Temporary Speaker (Sen. Nyamunga): The Chairperson of the Committee on Roads and Transportation, you have heard what the Senator has said? Thank you.

The next Statement is from Sen. Wetangula.

TRAFFIC CONGESTION ALONG THE BUNGOMA-KANDUYI-MALABA ROAD

Sen. Wetangula: Thank you, Madam Temporary Speaker. I rise to seek a Statement under Standing Order 48(1). However, as a background, I want to acknowledge and thank the Chair of the Committee on Roads and Transportation, the Senator for Kiambu County because about six months ago, I brought a similar Statement here and the Chair and his team visited Malaba Border and invited me to join them. They prepared a comprehensive report and brought it to the House.

Madam Temporary Speaker, that report has not been implemented and no action has been taken. The Statement I am seeking from his Committee once again - I believe

that you will probably be as efficient, if not more efficient than the last time - is about Malaba Border again.

Madam Temporary Speaker, Malaba Border is the second busiest border crossing in Africa. This is documented, and the Chairman knows this. It serves the countries of Uganda, Rwanda, Burundi, Northern Zambia, DRC Congo, Central Africa, South Sudan and sometimes, up to Cameroon.

Madam Temporary Speaker, as we speak, the Statement I am seeking is about the pile-up of traffic. The Chairman of the Committee may need to know that when he visited Malaba, the traffic snarl-up was 13 kilometers long. I thank the distinguished Senator for Migori County who joined me in prosecuting that issue because he had seen this problem. As we speak now, the snarl-up of traffic is 38 to 40 kilometers. From Malaba Border, the trucks are extending up to way past Bungoma Town, midway to Webuye. Some of these trucks are carrying hazardous cargo and inflammable cargo. What is even worse is that there are no facilities for the drivers along this road. There are no toilets. There is no water. There are no hotels open for them to use and they are all stuck on the road.

Madam Temporary Speaker, in the Statement, I want to urge the Chairman to expeditiously move, and if possible, get the CS out of his office and take him to Malaba to see. The Government has said that they want truck drivers along this traffic transfer routes to be tested for COVID-19 before they get into Uganda, so that Uganda does not continue harassing them but you cannot go and start testing them at Malaba. How will somebody who is at the tail end of a 38 to 40 kilometers queue to be tested?

This is business that Kenya depends on for our economy. When a truck stays on the road for three weeks, the owner of the goods is losing, the Government is losing revenue and there is inconvenience caused. In fact, the only two cases diagnosed positive of COVID-19 in Bungoma, have been from our brethren who drive those trucks. That gives another angle on health.

Madam Temporary Speaker, in the Statement, I want to urge the Chairman of the Committee on Roads and Transportation to, please, move expeditiously. It is not a question of how long these trucks are piling, but it is a question of health, security and many things. Vandals can start stealing these things. Anything can happen.

Madam Temporary Speaker, can the Chairman move to the ground? I am ready to go down to the ground with him to see what is going on. It was on Television (TV) last night. The TV showed trucks piling from Malaba Border to way past Bukembe at the turning to Nzioa Sugar Company, which you know, that is a distance of 40 kilometers. It is an ugly scene, regrettable and unacceptable.

Madam Temporary Speaker, can the Chairman of this Committee, who has done a wonderful job on the same issue before, move expeditiously to unlock this gridlock, that is causing so much pain and stress to the people of Busia, Bungoma and the whole country at large?

I thank you.

Sen. Faki: Asante sana, Bi. Spika wa Muda, kwa kunipa fursa ya kuchangia taarifa ambayo imeletwa Bungeni na Seneta wa Bungoma, Sen. Wetangula. Nilikuwa na Taarifa kama hiyo ambayo nilikuwa nimewasilisha lakini nikaambiwa ya kwamba Sen. Wetangula alikuwa ametayarisha Taarifa kama hiyo.

Bi Spika wa Muda, tatizo la madereva kusongamana katika mpaka wa Malaba ni tatizo ambalo limekuwa sugu sasa. Hii ni kwa sababu kwa muda wa wiki mbili, magari

yamekuwa yakizuiliwa. Madereva wengi ambao ni Wakenya wanapata shida kwa sababu hawawezi kuingia Uganda bila kuwa na kibali cha kuonyesha kwamba wamefanyiwa uchunguzi wa korona, na wakapatikana kuwa hawajaambukizwa ugonjwa huo.

Bi Spika Muda, hili ni tatizo la Serikali. Hii ni kwa sababu hawajakuwa na uwezo wa kuweka vituo vingi vya uchunguzi wa korona ili madereva wetu wasiweze kupata msongamano barabarani wakati wanapoingia na kutoka.

Wiki iliyopita kulikuwa na mzozo katika Kaunti ya Mombasa ambapo walikuwa wamefungua kituo cha kuchunguza madereva katikati ya makaazi ya wananchi. Wananchi walilalamika na kusema kwamba madereva, ambao huwa karibu 600 kwa siku hufanyiwa uchunguzi na mahali penyewe ni padogo hapawezi kuchukuwa hata dereva 100 kwa wakati mmoja.

Kwa hivyo, baada ya kuingiliwa na Mbunge wa eneo la Jomvu, Mhe. Bady pamoja na sisi, walikubali kuhamisha kituo cha uchunguzi kutoka ndani ya *Estate* ya Miritini na kuweka katika *Vehicle Inspection Unit* ambayo iko barabarani. Hiyo haikuweza kutatua tatizo kwa sababu wale madereva wakifika katika mpaka wa Malaba, wanazuiliwa kuingia kwa sababu madaktari wa Uganda hawaamini kama ule uchunguzi ambao umefanyika Mombasa uko sawa.

Mhe. Spika, hili ni swala ambalo lazima Serikali zote tatu za Jumuiya ya Afrika Mashariki zinatakiwa kutatua. Hii ni kwa sababu hatuwezi kupeleka mizigo hadi mpakani ilhali madereva wanasumbuliwa. Kuna visa ambavyo madereva ambao wameingia Uganda wamepigwa na maafisa wa usalama wa Uganda. Wengine wamepokonywa mali. Wengine wanalala na kupika barabarani, ambapo ni hatari kwa bidhaa za mafuta kama vile petroli na gesi ambazo zinasafirishwa na magari yale.

Hili limekuwa swala sugu na ni lazima tutafute ufunguzi wa haraka kwa sababu ni madereva wetu ndio wanapata shida. Vile vile, ikiwa halitatatuliwa kwa haraka, ugonjwa wa korona utajaa katika barabara zote za Mombasa na Malaba.

Kwa sababu Serikali haijakuwa tayari kuweka vifaa vya kutosha ili madereva waweze kuchunguzwa na kupeana vibali vya kusafiri, cheti cha Yellow Fever kinahitajika ukiingia Uganda. Kwa nini hawasemi hawakubali cheti hicho kwa sababu imetoka Kenya? Wanakataa vyeti vya Kenya za COVID-19, lakini wanakubali vyeti vya Yellow Fever. Kwa hivyo, kama vyeti vya Yellow Fever vinakubaliwa, vile vile vyeti vya COVID-19 vya Kenya lazima vikubaliwe ili biashara isiharibike kati ya Kenya na Uganda.

Asante kwa kunipa fursa hii.

Sen. (Eng.) Hargura: Thank you, Madam Temporary Speaker.

I would like to thank Sen. Wetangula for bringing up this issue again because as a Committee, we had visited Malaba sometime late last year. At that time, it was only because of the infrastructure issue. However, the aspect of testing drivers is coming in now and it is causing more delay. As a Committee, we need to follow up.

I remember two or three weeks ago, we had a promise from the Cabinet Secretary that they were to construct a small 50 metres within one week. I do not think it has been done. We need to go back and follow up so that that infrastructure issue is sorted out because even if the other issue of testing of drivers is sorted out, the infrastructure bottleneck is still there.

Thank you.

Sen. Boy: Asante Bi Spika wa Muda. Nasimama pia kuunga mkono Taarifa hii ambayo imesomwa na Sen. Wetangula. Shida hiyo pia imepata watu wa Kaunti ya Kwale. Mpaka wa Kenya na Tanzania kule Kaunti ya Kwale uko Lunga Lunga na Horo Horo. Ukifika Horo Horo, malori na magari mengine yameanzia Horo Horo hadi Lunga Lunga kule juu, karibu na *Isolation Centre*. Ukiangalia, hili si jambo ambalo haliwezi kutatulika, bali ni lazima sisi kama Maseneta na viongozi wengine, tuweze kupiga kelele ili Serikali iweze kutatua mzozo huo.

Kama Sen. Wetangula na Sen. Faki walivyosema, hii shida ni lazima sisi kama viongozi tusimame kidete kwa sababu hatuwezi kukaa tukiona malori yamezekwa pale kwa muda wa zaidi ya wiki moja, ilhali kuna COVID-19. Katika Kaunti ya Kwale, kuna kesi mbili za COVID-19 ambazo zimetokea karibu na hao madereva wa malori.

Mimi naunga mkono Taarifa hii na Kamati inayoongozwa na Sen. Wamatangi iweze kushughulikia ili jambo. Tunataka Waziri aje hapa tumhoji na tumueleze, ili shida hii itatulike kwa haraka.

Asante.

Sen. Seneta: Thank you Madam Temporary Speaker. This case of truck drivers and lorries delaying is the same case that we are seeing at the boundary of Kenya and Tanzania in Namanga.

I would really wish the Committee to inquire from the Ministry the short-term measures that can be put in place so that these truck drivers can be tested before they reach the boundary or if several testing stations can be placed along the highway.

The other issue is people who are selling food to the truck drivers. In Namanga, I see many women running to sell food to these truck drivers. These people have no water to wash their hands. There are no toilets and bathrooms. So, you can imagine how easily the transmission of COVID-19 can occur.

I would also urge the Committee to engage the truck drivers and see how we can solve the situation.

The issue of delay and cost on the traders is also another issue that needs to be discussed.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Sen. Ochillo-Ayacko, I think you have spoken before. Therefore, you will have to wait a bit. I will give the chance to Sen. Sakaja.

Sen. Sakaja: Thank you, Madam Temporary Speaker. I want to thank my distinguished uncle for bringing this Statement. Indeed, we have a problem with our transport and truck drivers. I will be very glad to share with the Chairman of this Committee the interactions we had because the *Ad hoc* Committee on Coronavirus Pandemic sat with the Cabinet Secretary of Transport, the Cabinet Secretary of Health, Transporters Association led by Ms. Ireri who represents them as the Chief Executive Officer (CEO) and the Cabinet Secretary of Foreign Affairs. Even after having reported, I think the Committee needs to go further and deeper on this issue.

We had already agreed and it is part of the Report that the Senate has recommended. The drivers and the Truck Transporters Association requested to have their testing ahead of their journey and certificates issued for those who are not positive. The East Africa Commission (EAC) guidelines need to be followed up in terms of honouring these certificates across countries.

At the time we were doing this Report, we had 50 Kenyan drivers quarantined in Rwanda. We had others in mandatory quarantine in Uganda. Our neighbours have not been treating us well when it comes to this, because we agreed to do mandatory testing at all points of entry and sensitize drivers to adhere to these protocols.

Madam Temporary Speaker, besides that issue, as of today, I can tell you, because we are talking with these truckers, traffic there is around 42 kilometres. The number of people who are testing are very few. They need to increase staff and doctors who are there testing and taking samples from these drivers.

We have governors who decided to be creative in a very improper way. If you look at what the Governor of Machakos is purporting to do, it is very unfortunate; they are removing number plates from trucks that stop in Machakos County. He does not own that county.

We agreed with the Ministry of Interior and National Coordination that the Regional Commissioner and the County Commissioner should make sure that the Governor of Machakos stops harassing truck drivers because at some point, they have to stop during their journey.

I will impress upon the Chairperson of the Committee to take on some of the recommendations we have, since he is in the substantive Committee, then to go much deeper. The *Ad hoc* Committee on Coronavirus Pandemic cannot focus on one area of transport or a different area. We have made preliminary findings, but there is a lot that needs to be done. Our drivers are suffering.

Normally, they usually have additional staff who help them at the weighbridges. If you have luggage and the cargo moves; the axle balancing in terms of weight, you need somebody to help you to spread it and they have been denied that opportunity. There is a lot, but I am sure that the Chairperson of the Standing Committee on Roads and Transportation is up to the task. He is very efficient and we have seen him before, rising up to the occasion. We will hand over what we have found and I wish you the best.

Our economy is suffering; the drivers are suffering because they are being harassed. They are even being stigmatized. When local governors are acting like drivers are lepers or they have leprosy, it is not right. It is completely wrong and we need to defend our people.

Thank you.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker for giving me a chance to add my voice to this Statement.

I want to congratulate Sen. Wetangula for coming up with this Statement. Truck drivers are suffering and there is need for us to realise that they also have rights like anybody else. They are eking a living and they need to be cushioned.

There is need to see to it that during the snarl-up, there is provision of water, soap and food so that they are cushioned. These truck drivers have primary needs just like everybody else; they would like to go to the toilet, bathe and wash themselves. So, where do they do this? There is need to realise that they are social beings. In as much as they are staying long in the snarl-up, there is danger of them socializing with the people around there.

There is also a danger of Coronavirus increasing with regard to human social interactions. There is need for the Committee to do something to ensure that these truck drivers are cushioned. Their plight needs to be taken seriously because they are like

anybody else. As we cushion others, let us also cushion them because they need to be heard as well.

Thank you for the opportunity.

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

The Senate Minority Leader (Sen. Orenge): Madam Temporary Speaker, I thank the distinguished Senator from Bungoma County for bringing this Statement.

We normally pride ourselves of the fact that Uganda is our biggest trading partner. When you look at what is happening at the border between Uganda and Kenya, you wonder whether that trade is going on at all. I have had instances when I have gone to Malaba and you have 40 to 50 kilometres of the biggest congestion you could ever see on a public highway.

That major Highway does not only connect Kenya to Uganda; it connects us to Northern part of Uganda and into South Sudan, Ethiopia, Democratic Republic of Congo (DRC), Rwanda, Burundi and Northern Zambia. If you look at the other routes between Kampala and Nairobi City through the border between Kenya and Uganda, that is Busia, there is equally another big jam.

Madam Temporary Speaker, this is the main Trans-African Highway. When they talk about building a land bridge between the Indian and the Atlantic Ocean, this road between Nairobi City to Eldoret to Bungoma, Kanduyi, Malaba into Uganda, is so critical. Therefore, something needs to be done.

I do not think this is the first time the distinguished Senator from Bungoma County has brought this matter before the Senate or even before the National Assembly when we were there. Now, the health hazards and the welfare of truck drivers and passengers compounds the problem.

There is something else which has happened; one of the oldest bridges built before World War II in the western part of Kenya between Ugenya and Ugunja constituencies, was brought down during the recent floods. Between the main Sub-County headquarters in Ugenya and Ugunja, there is no communication or traffic. People have to go on a roundabout away. It means that our borders are getting congested and with the COVID-19 pandemic, people of the region have to bear the consequences of this big problem.

Madam Temporary Speaker, I will not repeat the issues that have been brought about in relation to social amenities and sanitation. I just want to emphasize even from purely an economic point of view, that the highway that goes through Bungoma, Kanduyi to Malaba, is shameful to continue to have that type of congestion.

It calls for a national emergency solution. If we really pride ourselves that Uganda is our biggest trading partner, something like that should not happen. The consequence of it is that some of the countries in that region are now looking to Tanzania as an alternative route. You may not imagine it because in the future, it may be easier for goods in the northern part of Uganda to go through Ethiopia and into Djibouti because of the cost and related difficulties.

If this matter is not addressed quickly and efforts put in place so that users of this Highway, including truck drivers which you have been emphasizing, when they have to stop for those number of days, there are facilities and amenities which can answer to their other social needs and health and welfare requirements.

I hope that when Sen. Wamatangi, the Chairperson of this Committee sits with his Members, I urge him to also address this old bridge that connects to Busia County. In fact, from Busia County, there is an onward route to Malaba. Now that Malaba is congested and there is no access to Busia County because of this road – Bungoma, Kanduyi and Malaba will get even more congested.

In fact, there was a huge demonstration at that bridge this morning. The police had to be called in. So, we need a very quick solution to this problem.

Thank you.

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

Sen. Ochillo-Ayacko, proceed.

Sen. Ochillo-Ayacko: Madam Temporary Speaker, this matter is affecting Migori County very seriously. All the COVID-19 cases that have been reported in Migori County are through the Isebania border. The people whom it has been attributed to are the truckers.

Migori County is unique because in the entire Migori, Homa Bay and Kisii and Nyamira counties to a larger extent, there is no testing for COVID-19. All this is done in Kisumu. There are truck drivers who have to come into Kenya through Isebania through a place called Kopanga or Ntimaru. All these truck drivers have to await their results from Kisumu County.

The distance between Migori and Kisumu County is 196 kilometres. There are no amenities for these drivers and there is a lot of suffering. My understanding of this problem is that it is very serious in Busia County but it also affects the entire nation. All the entry points have no preparations for quickly testing the drivers and allowing them to enter or exit Kenya.

May I ask the Committee responsible for this together with the Cabinet Secretary (CS) who is expected to respond to this, to treat this as a siege that is engulfing our entire nation and the economy. If nothing is done about Busia, Migori, Lunga Lunga, Mandera and all these other places, I think we are going to be an economy under siege.

Particularly for Migori County, we would like all these testing facilities to be brought to the border. You cannot put those truckers in Migori County and then send tests for five days as they wait in places that do not have other facilities. You are posing a risk or causing the people of Busia, Migori, Lunga Lunga and Mandera to be at risk of COVID-19.

If we really want to ensure we are safe and efficient, we need to make this a matter of priority and to be business friendly.

Thank you.

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

The Temporary Speaker (Sen. Nyamunga): Yes, Sen. Wetangula.

Sen. Wetangula: Madam Temporary Speaker, before the Chairperson tells us what he wants to do, the distinguished Senator for Mombasa County has raised a point about our neighbours distrusting, rejecting or questioning the authenticity and accuracy of our tests that the drivers carry. Under the East African Community (EAC) Protocol, we have a protocol and sectorial issue on health and other issues.

Could the Chairperson of the Committee together with the Chairperson of the *Ad Hoc* Committee, engage the Government of the Republic of Kenya to ensure that if the truckers are going to Uganda, they get Ugandan medical personnel to join Kenyans in

testing the drivers? If we do that, there will be no questions about acceptability of the results when they enter Uganda. The same applies to Tanzania and any other neighbouring country we trade with, so that we can assist these drivers.

I am sure this can be done because the protocol for health in the EAC enjoins all the countries to work together in dealing with matters of health at whatever level in any way they wish, whenever there is need to do so. There cannot be any better need than this.

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

Sen. Sakaja: Madam Temporary Speaker, allow me to inform the Chairperson. This matter is extremely important. The Transporters Association of Kenya has sent to me a document, which I have forwarded to the Chair. They held a meeting yesterday with authorities from both sides. You can see it in *WhatsApp*, where I have posted. The drivers, as the Senate Minority Leader, Sen. Orendo, has said are going on strike and they say that their grievances include -

- (1) Stigmatization and harassment in Uganda.
- (2) Insecurity in Uganda.
- (3) Multiple testing for the COVID-19 in Kenya and Uganda.
- (4) Lack of sanitized facilities and areas of rest, and most of these areas are apart.

They say that they have agreed the following, and this will help the Chair to follow up quickly -

(1) Accept certificates from either country, which is what Sen. Wetangula is saying.

(2) To improve the security of drivers in both countries. Sometimes they ask the drivers to leave the trucks and hand them over to other drivers within the next country, and that cannot work.

(3) To get test results in six hours, and we have seen the mobile kits. It is working at the Taveta-Holili Border, and it is now going towards the side of Namanga. We need it in Uganda too.

(4) The infrastructure at the parking area needs to be improved. Sen. Wetangula and the Chair know it since they have been there.

(5) For communication, they have agreed that both authorities of Kenya and Uganda should open a *WhatsApp* group with the Truckers Association, so that these quick issues can be done.

I am also informed of the bad behavior of the Governor of Machakos, where each truck there has to pay Kshs11, 200 to get their number plates once they have been removed. I have seen those receipts, and it is illegal. The Governor of Uasin Gishu has also started doing the same thing; that now in Eldoret, they are removing the number plates and charging. By the time a truck leaves Mombasa and gets to Malaba, how many times will they be charged?

It is very urgent. Chairman, *kazi kwako*.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I want to allow the Chair to respond. However, Chair, looking at the gravity of the issues that have been raised here and even what we are watching on television, I do not know if you can shorten the period of two weeks.

Sen. Wamatangi: Thank you, Madam Temporary Speaker. I acknowledge and hear my colleagues. I want to specifically thank Sen. Wetangula for that Statement.

Sen. Wetangula has been very consistent on this matter. Indeed, the first time when we visited Malaba, he sacrificed his entire day. We were with him from very early afternoon when we arrived until very late in the evening. I think we parted when it was raining in the night for him to go home and for us to come back to Nairobi.

For the information of the House, one of the most shameful things is that the first time when we went there, it was because of something that could be very easily resolved by the Government. It was just about a 60 metre loop, where the Government had paid almost Kshs1 billion in a contract. The entire contract is finalized, but only a 60 metre loop costing less than Kshs58 million was remaining unfinished for the last, I do not know how many years. That was the reason this jam continued to accumulate at Malaba.

Madam Temporary Speaker, recently, for the information of the House, my Committee posed this question to the Cabinet Secretary when he appeared on other matters, and he confirmed that they have undertaken the repairs. We have done our due diligence, and I think it is yet to be completed. I want to give the House assurance, alongside all the other supplementary questions that have been asked by the Senators and the Senate Minority Leader.

I also want to confirm that during that visit, when we went with Sen. Wetangula, we looked at that bridge that has been mentioned by Sen. Orengo and, indeed, asked the same questions. It appeared to us simply that the contractor who had been given that job did not have the capacity to work on that bridge.

I want to assure Members that we shall take this matter very seriously. I want to thank Sen. Sakaja for the information that he has given us, as a fast-track towards resolving this matter.

Sometimes back, the Office of the Speaker and House leadership engaged Cabinet Secretaries on the question of invitations and summons. They mutually agreed that the safe period for us to invite a Cabinet Secretary and for them to receive a correspondence has got to be at least within those 14 days. Other than directed by the Speaker from the Chair, if you so direct, I am certain that the Office of the Clerk should oblige that this is a very urgent matter.

I also agree that all those truck drivers who were around all those border points cannot just hang around for 14 days for us to give a resolution. If you so direct - I am sure that it will be honoured by the office of the Clerk - we are ready to meet the Cabinet Secretary even tomorrow. We are ready to take action and go there with the Senators as fast as possible. With your direction, we shall take up this matter and ensure that the right thing is done because sometimes we have people who have been given responsibility in offices of Government, but they sit there to enjoy themselves and feel like they have 'arrived,' so to say, while Kenyans are suffering.

We shall look deeply into this matter. Please, give us your backing by giving the directive and the Office of the Clerk should oblige and give us at least seven days. We should have the Cabinet Secretary responding to this matter and appearing before this House to deal with this matter, and then we will take the necessary action.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I think that we are under a very tight situation. We know that the COVID-19 pandemic is here with us. The

more we drag out some of these issues, the more dangerous it is for everybody and the spread of the virus. So, at times, we must be forced to go beyond the limits that we have set to make sure that we give the people of Kenya better services.

I, therefore, direct that within one week, we should be able to get the response from the Ministry. It is so directed.

(Applause)

Hon. Senators, it is also good to notify that our time is running out. We are almost at 4.00 p.m. and still have more Statements. I would like to request that if you have to make a Statement or comment, kindly, make it very brief, so that we can take care of all the Statements.

The next Statement is by the Senator of Lamu, and I do not see him. We will defer it.

STATUS OF FLOODS AND DISASTER
PREPAREDNESS IN THE COUNTRY

(Statement deferred)

The next Statement is by Sen. Seneta.

EFFICACY, SAFETY AND AFFORDABILITY OF LIVESTOCK
VACCINES, PESTICIDES AND HERBICIDES

Sen. Seneta: Thank you, Madam Temporary Speaker, for giving me a chance to request for this very important Statement on the issue of food security.

As you are aware, our supermarket shelves and food stalls are almost empty. Therefore, there is need for us to help farmers to be able to produce.

I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the efficacy, safety and affordability of livestock vaccines, pesticides and herbicides.

In the Statement, the Committee should -

(1) State measures put in place by the Government to ensure constant and adequate supply of safe and effective livestock vaccines, pesticides and herbicides for use by farmers.

(2) Explain the control mechanisms deployed by the Government to monitor safety and efficacy of livestock vaccines, pesticides and herbicides in the market, to ensure that farmers are not exposed to losses through uses of such vaccines, pesticides and herbicides.

(3) State plans put in place to ensure that livestock vaccines, pesticides and herbicides are not sold at prohibitive prices by manufacturers and retailers.

(4) State whether tax imposed on essential livestock vaccines, pesticides and herbicides can be reduced in order to support agriculture and production in the country.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I do not see an interest in that Statement.

Sen. Ochillo-Ayacko, please, be brief.

Sen. Ochillo-Ayacko: Madam Temporary Speaker, I just want to say that I am a Member of the Standing Committee on Agriculture, Livestock and Fisheries and this Statement is very important. I want to assure the House that the issue of health and safety is the topmost agenda that we have globally. The COVID-19 pandemic has awakened to the need to be healthy and do things in a sustainable way.

It is an important Statement, and if we are given two weeks, we should be able to come up with a good report that, in our view, would satisfy the House and the Member who has sought it.

Thank you.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. I want to support this Statement. There are some farmers who are hands-on the job, but they lack the awareness of how to treat animals. Those who keep chicken have problems because if one gets sick, the rest are infected and end up dying. We need to see how to help and encourage our farmers. If they are keeping livestock, they should know what to do in the event one gets sick. Those who keep chicken should be enlightened on what to do.

This is something that the county governments need to take up as a responsibility to ensure farmers are encouraged in their endeavours.

The Temporary Speaker (Sen. Nyamunga): Hon. Senator, two weeks is adequate for that. Sen. Ochillo-Ayacko, now that you are here, please take it up and issue a response in two weeks' time.

Next Statement is by Senator for Nandi, Sen. Cherargei.

REDESIGNING AND EXPANSION OF KINGWAL BRIDGE
ALONG ELDORET-KAPSABET HIGHWAY BY KENHA

Sen. Cherargei: Thank you, Madam Temporary Speaker for this opportunity. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Roads and Transportation on the issue of redesigning and expansion bridge along Eldoret Kapsabet highway. In the Statement-

(1) The Committee should state the reasons why it has taken too long for KeNHA to renovate and expand Kingwal Bridge despite having access and found it to be dangerous.

(2) State the status of redesigning and expansion of Kapsabet-Eldoret Highway, Kapsabet-Chavakali Road, Kapsabet-Nandi Hills-Chemilil and Awasi Road as they are narrow and renovations are necessary, but nothing has been done despite various requests and assurances by KeNHA on the same.

(3) State the reason as to why KeNHA has not build an alternative route at Kingwal Bridge for traffic and people to use in case of an overflow which occurs frequently causing people going to Kapsabet, Kisumu, Chavakali in western Kenya and Nyanza to use a longer route of Kesses-Lessos Road.

Madam Temporary Speaker, the Chairperson should also note that the recent rains did not make anything better because Kingwal Bridge became over-flowed. Most vehicles could not access Kisumu or Chavakali.

Finally, outline the measures, if any, that the Ministry of Transport, Infrastructure Housing, Urban Development and Public Works have to come up with long lasting

solution to this perennial problem of the overflowing bridge at Kingwal and expansion of the said roads considering the bridge is dangerous, not only to users, but the community around that place.

Madam Temporary Speaker, just an observation for the Chairperson; when there is an overflow of that bridge, normally there are many young women, people with disability and the youth who have their business of planting trees. You can imagine what happens; they lose their trees which is their source of income.

The Temporary Speaker (Sen. Nyamunga): I do not know if there is a Member of the Committee on Roads and Transportation.

Sen. Wamatangi: Madam Temporary Speaker, the Chairperson is here. I want to commit that we will take up the matter and deal with it alongside the directions you gave earlier. When the Cabinet Secretary appears before this House, he can address all the issues at the same time. We are going to lump the issues together, clearly illustrate them and they will be answered to by him. He needs to appear here and inform Members on those issues.

The Temporary Speaker (Sen. Nyamunga): That takes care of the Statements we have. The last Statement is by Sen. Faki.

SHOOTING DOWN OF A KENYAN AIRCRAFT IN SOMALIA BY ETHIOPIAN TROOPS

Sen. Faki: Thank you, Madam Temporary Speaker, for giving me this opportunity. I rise pursuant to Standing Order No. 47 (1) to make a Statement on a matter of national concern, namely, the recent shooting down of a Kenyan aircraft operating in Somalia allegedly by Members of the Ethiopian armed forces.

On 4th May, 2020, a Kenyan aircraft EMBRAER 120 Registration No.55 AXO owned by African Express Airlines was landing at Bardale District Airstrip in the Bay Region of Somalia when it was hit by Ethiopian troops on the ground.

The aircraft was completely destroyed killing all six people who were on board, including the pilot, captain Hassan Burhan, first officer Mabruki Sharman, Omar Abdalla Jamal, a trainee first officer, Charles Ng'ang'a and two other passengers of Somali origin.

The plane was delivering COVID-19 humanitarian supplies to the Bardale District and was hit upon landing at the airstrip. The Ethiopia armed forces have admitted that its forces shot the aircraft after it had landed at the airstrip. This is not the first time a similar incident has occurred. Another aircraft was, on 25th May, 2020, yesterday shot at the same place - Consadarle Airstrip, Bay region of Somalia - by the same Ethiopian armed forces. Fortunately, no fatalities were reported in the second incident.

In the incident of 4th May, 2020, the country lost four highly qualified young men who had just started their careers. Captain Mabruk Islam sharman has left a young family of a widow and three children. Omar Abdalla Jamal was a young man with a lot of ambition and his death has robbed his family of a treasured asset. While Captain Hussein who was the pilot was the son of Captain Musa Burhan, the owner of African Express Airlines and a prominent investor in the aviation industry in Kenya.

The family looked upon the younger Hussein to take over the reigns at the company. All these young lives were needlessly cut short by a reckless Ethiopian soldier. At the time of the shooting, Somalia administration officials had already arrived at the

airstrip to receive the medical supplies and one wonders why the soldiers were in a hurry to shoot an aircraft that had already landed at the airstrip.

It is very painful for the families of the four Kenyans who lost children in whom they had made a great investment to educate and train. Training a pilot takes time and a lot of resources and sacrifice. For a soldier to aim his gun on the craft and shoot is, to say the least, very reckless and inhuman.

This was a civilian aircraft as was clearly visible and had shown no sign of any threat to the Ethiopians. As a nation, we need to condemn this reckless behavior which, unless some action is taken, is bound to be repeated.

In view of the fact that the shooting resulted in the death of four Kenyans, I take this opportunity to appeal to the Standing Committee on National Security Defence and Foreign Relations to take up the matter with a view to ensuring that an independent and impartial investigation of this heinous act is carried out and that prompt and full compensation is accorded to the families and the African Express Airlines for the loss they have suffered.

The Temporary Speaker (Sen. Nyamunga): Sen. (Dr.) Musuruve, you have the Floor.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for the opportunity. I want to support this Statement from Sen. Faki. I want to condole with the families of those who passed on during this incident.

It is a painful incident by trigger-happy soldiers who ended up shooting innocent people. We are condoling with these families especially the Kenyans who died during this incident. They had families and there is need to step in and see how we can support them especially during this very difficult moment.

It should not be only during this difficult moment. Remember some of these Kenyans who died had children who will be orphans and will not have a way of being supported to go to school and all that. They are going to have that pain of losing a parent for a very long time. If there is a widow who has a child, the child should be educated up to the level where their brains can take them.

It is my prayer that the Committee that is going to look into this issue will see to it that there is full compensation. The compensation should be fair because we cannot bring back life but we can help the remaining family endure the pain but still survive because they have to press and move on until a time when God will decide to take them also to himself.

I support.

Sen. Cherargei: Thank you, Madam Temporary Speaker. It was very unfortunate that the incident had to happen. The families have lost their loved ones. It is good that the Chair of the Committee on National Security, Defense and Foreign Relations is here because this is an issue between the countries of Kenya, Ethiopia and Somalia; these are friendly nations that have a long history of good diplomatic ties.

As a country, we want to know the answers. This is an act of provocation but since it is an act of friendly countries, it is something that can be resolved at the highest level of government so that it should not look like there is an agenda or an act of provocation against this country.

If today, we allow planes to be shot down by these troops in that territory, it means it could provoke even other serious issues. We know Kenya is one of the beacons

of hope in the horn of Africa. It has even given forces to the African Union Mission in Somalia (AMISOM) and has been active in bringing peace across this region.

This matter must be addressed. Since it was first reported, I have not seen any senior Government official coming to even tell the country what happened. There was an issue raised that this matter would be resolved and communicated upon. Up to now the Kenyan, Ethiopian and Somali governments have not come out to tell the world and the country what really happened. That is a very serious matter that cannot be swept under the carpet. It might even create further diplomatic differences in the near future.

I send my condolences to the families that lost their loved ones over that incident. We wish that even as the Committee on National Security, Defense and Foreign Relations investigates, those families must be compensated. We have heard the people had young families. We must ensure that those people that caused this incident, be it people from Kenya, Somalia or Ethiopia, they must compensate the family for the loss of the loved ones.

Thank you.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker, for allowing me to add my voice to this very important Statement as I also thank and congratulate the Senator who has brought this Statement to the House.

It is unfortunate that during this season of COVID-19 which is already affecting everybody and every country, we are also being affected by this incident now. Losing a loved one in a plane crash is a sad thing. It is even worse when one knows that somebody has played a part in it.

I want to plead with the Government to give this matter the attention it deserves as I also send my condolences to the affected families.

We know that many women have been widowed and children orphaned. Today they are mourning and they may not even know what the future holds for them. It is high time for us to stand and pray with them and also for the Government to give this matter the proper attention that it deserves.

We need to demand for a proper explanation because the Ethiopian government have already admitted that they played a part in that. So, we need to know why this has happened and our Government should stand firm and see how best we can handle this.

I pray for the affected families and hope that this will not happen again.

I support.

The Temporary Speaker (Sen. Nyamunga): Hon. Members, that Statement stands committed to the Committee on National Security, Defense and Foreign Relations.

Next is the Chairperson for the Senate Committee on Delegated Legislation, Sen. Omogeni.

STATUTORY INSTRUMENTS REFERRED TO THE
COMMITTEE ON DELEGATED LEGISLATION

Sen. Omogeni: Thank you, Madam Temporary Speaker. I rise to make a Statement pursuant to Standing Order No. 51(1) (a) of our Senate Standing Orders.

Standing Order No. 51(1) (a) provides that a Committee Chairperson may make a Statement relating to a matter for which the Committee is responsible in fulfillment of provisions of the said Standing Orders.

I wish to make a Statement regarding some of the Statutory Instruments referred to the Committee on delegated legislation on the 19th of May, 2020. On 19th of May, 2020, during the morning sitting of the Senate, the Senate Majority Leader tabled the following statutory instruments which were referred to the Committee on Delegated Legislation-

(1) The SACCO societies (specified and non-deposit taking business) regulations, 2020

(2) The traffic driving schools (driving instructions and driving licenses) rules, 2020.

(3) The public health COVID-19 restriction of movements of persons and related measures (Nairobi metropolitan area extension order, 2020).

(4) The public health COVID-19 restriction of movement of persons and related measures) (Mombasa County extension order, 2020)

(5) The public health COVID-19 restriction of movement of persons and related measures (Kilifi County extension order of 2020)

(6) The public health COVID- 19 restriction on movement of persons and related measures in (Kwale County extension order, of 2020)

(7) The public health COVID- 19 restriction on movement of persons and related measures in (Mandera County extension order, of 2020)

(8) The public health COVID- 19 restriction of movement of persons and related measures in (Daadab Refugee camp and Kakuma refugee camp order, of 2020)

Madam Temporary Speaker, as you are aware, the Committee on Delegated Legislation was constituted on 28th of April, 2020 and, it is, therefore, important to note that the following extension orders which were referred to the Committee emanate from orders that were earlier on referred to the Standing Committee on Justice, Legal Affairs and Human Rights on 21st of April, 2020, when the Committee on Delegated Legislation was not in place.

The orders I am mentioning are -

(i)The public health COVID-19 restriction of movements of persons and related measures (Nairobi metropolitan area extension order, 2020).

(ii)The public health COVID-19 restriction of movement of persons and related measures (Mombasa County extension order, 2020)

(iii)The public health COVID-19 restriction of movement of persons and related measures (Kilifi County extension order of 2020)

(iv) The public health COVID-19 restriction of movement of persons and related measures in (Kwale County extension order, of 2020)

Madam Temporary Speaker, due to the urgent nature of the COVID-19 orders, the Committee held an online meeting on the 20th of May, 2020 at 9. 00 a.m to scrutinize the orders as per the provisions of Section 12(1) of the Statutory Instruments Act, 2013. During the scrutiny of the orders, the Committee observed the following: -

(i)The Public Health COVID-19 restriction of movement of persons and related measures in (Mandera County extension order, of 2020 were to take effect from the 20th of April, and lapse on the 13th of May, 2020.

(ii)The Public Health COVID-19 Restriction of Movement of Persons and Related Measures, Nairobi Metropolitan Area Extension Order 2020 was extending the

Restriction Order, published *via* Legal Notice No. 51 of 2020 for a further 21 days which is from the 28th April, 2020 and were meant to lapse on the 19th May, 2020.

Madam Temporary Speaker, the Public Health COVID-19 Restriction of Movement of Persons and Related Measures, Mombasa County Extension of Order 2020 was extending the Restriction Order published *via* Legal Notice No. 52 of 2020 for a further 21 days which is from the 30th April 2020 and were meant to lapse on the 21st May, 2020.

The Public Health COVID-19 Restriction of Movement of Persons and Related Measures, Kilifi County Extension Order of 2020 was extending the Restriction Order published in Legal Notice No. 53 of 2020 for a further 21 days which was from the 30th April, 2020 and were meant to lapse on the 21st May, 2020.

Madam Temporary Speaker, the Public Health COVID-19 Restriction of Movement of Persons and Related Measures for Kwale County Extension Order of 2020 was extending the Restriction Order published in Legal Notice No. 54 of 2020 for a further 21 days which was from the 30th April, 2020 and were meant to lapse on the 21st May, 2020.

The Public Health COVID-19 Restriction of Movement of Persons and Related Measures in reference to Daadab Refugee Complex and Kakuma Refugee Camp order were to take effect from 29th April, 2020 and lapse on 27th April, 2020.

Madam Temporary Speaker, the Committee noted that the Orders were published on the 27th April, 2020 and submitted to the Clerk of the Senate by the Cabinet Secretary (CS) of the Ministry of Health within the 14 days of publication; that is on the 12th May, 2020.

Section 11 (1) of the Statutory Instruments Act mandates a regulation-making authority to transmit a copy of the published statutory instruments within seven sitting days of the Senate after publication.

The Cabinet Secretary of the Ministry of Health indeed transmitted the Orders within the timelines set by the Senate. However, the nature of the Orders were such that, if the timelines were to be strictly adhered to, the essence of parliamentary scrutiny will be lost as by the time the Committee was sitting, the time for the orders had lapsed and in some cases had only one day remaining.

Madam Temporary Speaker, the issue of timelines equally affects the Committee which pursuant to Section 15 (2) of the Statutory Instruments Act has 28 sitting days after the date of referral, to consider a statutory instrument. With the current prevailing circumstances where the Senate sits only once a week, the seven sitting days required for transmission of the statutory instruments by the Cabinet Secretary would translate to seven weeks while the 28 sitting days for consideration of statutory instruments by the Committee would translate literally to seven months.

It would be impossible for the Committee to indulge in the luxury of time with the evolving nature of COVID-19 Pandemic which calls upon us to act with speed whenever matters that affect the wellbeing of members of the public need our action.

Madam Temporary Speaker, the Committee further observed that as at the time of submission of the Orders to the Senate on the 12th May, 2020, several Orders had lapsed or had one day remaining before the lapse. As at the time the Committee held its meeting on 20th May, 2020, the Nairobi Metropolitan Area Extension Order had lapsed while the Mombasa, Kwale and Kilifi Extension Orders had only one day to go.

The Committee, therefore, resolved to approve the Public Health COVID-19 Restriction of Movement of Persons and Related Measures, Daadab Refugee Complex and Kakuma Refugee Camp Order of 2020 as scrutinizing the other Orders would be an exercise in futility as their lifespan had already lapsed.

Madam Temporary Speaker, Article 94 (1) of the Constitution vests the legislative authority at the national level upon Parliament. Article 94 (5) of the Constitution expressly states that no person or body other than Parliament has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.

Article 94 (6) of the Constitution recognizes the authority given to State officers to make provisions having the force of laws in Kenya. These Articles require any regulation-making authority to work closely with Parliament to fulfil the legislative authority of the Republic that is derived from the people and vested in Parliament.

Madam Temporary Speaker, we therefore call upon the Cabinet Secretary of the Ministry of Health in conjunction with our Senate Majority Leader to ensure timeous transmission of statutory instruments to the Senate, especially those with stipulated enforcement timelines notwithstanding the provisions of the Statutory Instruments Act.

This Statement is, therefore, to bring the attention of the Senate to the inability of the Committee to deal with a number of Orders in view of the fact that their lifespan had expired and also to bring to the attention of the Senate the Order that was approved.

I thank you.

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

Sen. (Dr.) Kabaka, proceed.

LAND OWNERSHIP CONTROVERSY BETWEEN KBC AND OTHER PARTIES

Sen. (Dr.) Kabaka: Madam Temporary Speaker, the microphone was not working before. Thank you very much for giving me this opportunity to read a Statement that is anchored in our Standing Orders. It is a Statement with regard to issues pertaining to skirmishes over land situated in Komarok.

I rise pursuant to Standing Order No. 47 (1) to make a Statement on a matter of national concern on the ownership controversy of the Kenya Broadcasting Corporation (KBC) land in Komarok. This is the piece of land known as LR No. 8825 and Komarok Ranching and Farmers Cooperative Society Limited and another company almost with a similar name, Komarok Housing Cooperative Society Limited.

Madam Temporary Speaker, I understand that sometime in 1979 - it is a long time ago and I was in primary school - the Government of the Republic of Kenya wanted to compulsorily acquire a parcel of land situated in the then Kangundo Division now Matungulu Sub County in Machakos County to put up a KBC booster station.

The Government, by way of compulsory acquisition, pursuant to the relevant Act, the Land Acquisition Act Cap 295 did issue a *Gazette* Notice No. 2173 dated 3rd August, 1979 with the intention to acquire 500 acres of land out of a total of 31,000 acreage belonging to the Komarok Ranching and Farmers Cooperative Society Limited.

Madam Temporary Speaker, further, I understand that the Government fully compensated the venture, Komarok Ranching and Farming Cooperative Society Limited.

That, during survey and demarcation of the said land, the KBC unlawfully encroached on the land owned by the aforesaid venture and hived off 754 acres of land and transferred it without compensating the venture herein, yet all the shareholders; individuals had been issued with titles respectively.

All the 297 shareholders of the venture company were given 102 acres of land each. They later formed the Komarok Housing Cooperative Society Limited and later sold and transferred some of their interests to third parties.

Madam Temporary Speaker, further, I understand that during the Grand Coalition Government, the then Minister for Lands and Settlement did issue a title deed in the name of Komarok Ranching and Farming Company Limited, comprising of 754 acres which was subsequently fenced.

However, the original owner, Komarok Housing Cooperative Society Limited, approached the National Land Commission (NLC) to have the 754 acres title unlawfully issued by the Government to the Komarok Ranching and Farmers Cooperative Company Limited, nullified and the title reverted to it.

Madam Temporary Speaker, I understand that there is a suit filed in the Machakos High Court, Environment and Land Case (ELC) No. 180 of 2017, involving those parties I have mentioned above, and substantive orders of the status quo issued accordingly pending hearing and final determination.

However, during a recent mass resettlement plan of squatters evicted by the Government from Ruai, people are being unlawfully resettled by the Government in the aforesaid private property without any due regard, and not giving the local inhabitants first priority of resettlement and compensation.

As I wind up, in order to avoid conflict and bloodbath, it is important that all the parties concerned, including the Ministry of Lands and Physical Planning, together with the Attorney-General and all those affected parties, should be summoned urgently by this Senate within one week by the relevant committees to explain the issues raised.

Lastly, I encourage Kenyans to keep safe and follow the Ministry of Health guidelines during this time.

Thank you.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, that Statement stands committed to the relevant committee; the Committee on Lands, Environment and Natural Resources.

Hon. Senators, we defer all the Divisions on Order Nos. 8, 9, 10, 11, 12, and 13.

BILLS

Second Reading

THE PANDEMIC RESPONSE AND MANAGEMENT BILL (SENATE BILLS NO. 6 OF 2020)

(Bill deferred)

Second Reading

THE SACCO SOCIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 1 OF 2018)

(Bill deferred)

Second Reading

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

(Bill deferred)

Second Reading

THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 26 OF 2019)

(Bill deferred)

COMMITTEE OF THE WHOLE

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS
TO THE OFFICE OF THE COUNTY ATTORNEY BILL
(SENATE BILLS NO. 3 OF 2018)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO
THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL
(SENATE BILLS NO. 22 OF 2018)

(Committee of the Whole Deferred)

COMMITTEE OF THE WHOLE

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO
THE EARLY CHILDHOOD EDUCATION BILL
(SENATE BILLS NO. 26 OF 2018)

(Committee of the Whole deferred)

Next Order.

MOTION

ADOPTION OF THE SIXTH PROGRESS REPORT OF THE *AD HOC*
COMMITTEE ON THE COVID-19 SITUATION IN KENYA

The Temporary Speaker (Sen. Nyamunga): The Chairperson of the *ad hoc* Committee, Sen. Sakaja.

Sen. Sakaja: Thank you, Madam Temporary Speaker. I beg to move-
THAT, the House do adopt the Sixth Progress Report of the *ad hoc* Committee on the COVID-19 situation in Kenya, laid on the Table of the Senate on Tuesday, 19th May, 2020.

I think I have an hour. I wish I got two, because the report is very wide. I wish I had two hours, but I have only one.

The *Ad Hoc* Committee on the COVID-19 situation in Kenya was established on the 31st of March, 2020, with the mandate to oversight actions that have been taken by the national and county governments in addressing the spread and effects of the Coronavirus Disease (COVID-19) in Kenya.

What we are mandated to address is the provision of testing and medical equipment, including ventilators and referral hospitals, and provision of adequate isolation centers.

There are other eight areas as outlined in the Report that Members have to look at. The issues of supply of food and other essential commodities; learners in educational institutions to continue with their studies; measures to ensure the protection, wellbeing and safety of healthcare and other frontline workers; financial assistance to vulnerable persons and groups; protection of residential and commercial tenants as well as landlords; establishment of a stimulus package for Micro, Small and Medium Sized Enterprises (SMEs); easing of legislative and regulatory requirements for doing business; measures to protect employees from retrenchment and job losses and, uniform policies and procedures aimed at slowing and, eventually, stopping the spread of this virus.

Madam Temporary Speaker, as I have stated before, the Committee has been conducting its meetings online. As at the date of this Report, 19th May, 2020, we had held 53 sittings with stakeholders and internally.

As noted in the previous progress reports of the Committee, during the initial stages of our work, we clustered all emerging issues into five thematic areas.

The first area was health issues, which includes; community health testing, quarantine, isolation centers, Intensive Care Unit Facilities (ICU), the human resource aspects of health, drugs and supplies, the role and engagement of county governments and mental health.

The second issue is economic and finance issues, which includes; the macro economic effects, the impact of businesses, trade facilitation, and measures to cushion borrowers and financial institutions.

The third thematic area, which this Report is focusing on, is social public order and human rights. This includes; protection of vulnerable persons and groups, protection of women and girls at risk of domestic abuse, and in some counties, men; measures to enable learners to continue with their studies, enforcement of the national curfew, access to justice, and decongestion of prisons and remand facilities.

Fourth is access to food, water and other basic commodities. This includes; measures to ensure the continuous production and supply of food, water and other essential commodities.

Finally, support services and cross cutting issues. This includes awareness creation on measures to prevent infection, the media drive, how to combat stigmatization, and the role of Information and Communication (ICT) in combating the pandemic.

Madam Temporary Speaker, having already reviewed the best practice from comparative jurisdictions, and having analyzed key issues and concerns from the five thematic areas, the Committee resolved to focus on one thematic area at a time. That is why if you notice, the last three reports that have come in are bringing in-depth analysis of issues and concrete recommendations.

There are so many things that arise, and if we deal with everything in a scattered manner, we will not be able to achieve anything. We have been bringing in very thorough reports on each thematic area, and we hope to give a weekly report. The Committee has a six-month mandate. I hope that we would have finished with COVID-19 in those six months. As you can see, things are easing off and people want to go back to normal.

Madam Temporary Speaker, the Third Progress Report that I tabled on 28th April, 2020 covered the thematic area on health. That does mean that we have stopped looking at the health thematic area, but we have a report. Many of our recommendations are actually already being taken up.

On 12th May, 2020, I tabled a report on economic and finance issues. You can see that following that, the President announced measures of stimulus cheques to deal with the economy at this time of COVID-19, so we are making good progress.

The focus of this Sixth Report is on the third thematic area - social public order and human rights. Subsequent reports will focus on the remaining thematic areas.

Madam Temporary Speaker, you should also be aware that the Committee went very fast. After discussing with almost 200 stakeholders, individuals and institutions, we have published a Bill. It has gone to the Second Reading, but I would like to express my disappointment. For the last two or three sittings, we have not been able to even put the question on the Second Reading.

As you can see, many Senators want to come to the House but we are only designating 28, and those 28 who were designated are not coming. I would urge the Senate Business Committee (SBC), which I heard on the news that I am going back to, to review this matter. This is because it is such an important Bill that is needed now during the pandemic. It is taking us more than 14 days just to put the question and to go to the Committee of the Whole. We finished our work.

We have listened to people. We have so many amendments. We have heard Senators. Senators have come and spoken to us. Members of the National Assembly, believe it or not, have come to our Committee with proposals. The Law Society of Kenya, health sector players, labour industry players, the Central Organization of Trade Unions (COTU), teachers and schools, but we cannot have 24 delegations to put the question.

Last week, when we were talking about the changes in leadership, I asked Sen. Kang'ata to know that he is filling in big shoes. One of the 48 laws of power is to never fill in the shoes of a successful person. As we are already seeing, we need more effort. Sen. Kihika can please help him a bit with a tutorial, but that is on a light note.

Madam Temporary Speaker, in relation to this issue, I really urge Senators, please, go through that Bill. This country needs it, let us pass it. Please, come in numbers next Tuesday, we do the Second Reading, put the question, then we do the Committee of the Whole. Then we will take it to the National Assembly. We have already spoken ahead to them. They have even taken some of our proposals in some of the things that they have been passing. There is goodwill. The Government is waiting for this. Let us do it.

Madam Temporary Speaker, on this area, we deliberated extensively on issues relating to socio-economic, protection of vulnerable groups, including persons living with disability, persons employed in the informal sector and persons living in informal settlements.

We have dealt with the issue of violation of human rights, protection of employers and employees, engagement of learners during the closure of all learning institutions, operations of the Judiciary, management of prisons and refugee camps and Kenyans in the diaspora.

I must continue to thank Kenyans who, to date are sending us recommendations, ideas and their concerns.

As I said earlier, Ms. Ileri of the Kenya Transporters Association (KTA) was busy sending me documents and facts. Kenyans are really engaging us.

Having analyzed these issues and concerns raised by the public under Thematic Area 3, we met the following stakeholders on this issue-

In the Government Ministries, Departments and Agencies we met:

(a) The CS, Ministry of Labour and Social Protection.

(b) The CS, Ministry of Interior and Coordination of National Government.

(c) The CS, Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

(d) The CS, Ministry of Foreign Affairs.

(e) The National Transport and Safety Authority (NTSA).

From our preliminary recommendations, they have made a lot of changes which I will explain later.

In the law, public order and human rights sector, we sat with-

(a) The National Council for the Administration of Justice (NCAJ) that is chaired by the Chief Justice.

(c) The Law Society of Kenya (LSK).

(d) Amnesty International Kenya.

(e) The Kenya Legal and Ethical Issues Network (KELIN).

(f) The Economic and Social Rights Centre (Haki Jamii).

(g) Crime si Poa.

(h) Adequate Housing.

Madam Temporary Speaker, we also met with the labour sector, as follows-

(a) The Federation of Kenya Employers (FKE).

(b) The Central Organization of Trade Unions (COTU).

I am grateful that they came to give us their views. They also sent their submissions. We have accommodated some of those submissions in our amendments to the Pandemic and Disaster Management Bill.

In the transport sector, we met the following:

(a) The Kenya Transporters Association (KTA)

(b) The Matatu Owners Association (MOA)
(c) The East Africa Tour Guides and Drivers Association (EATDGA)
(d) The Transport Workers Association (TWA)
(e) The Digital Transport Forum (DTF); These are stakeholders in Uber, Taxify and other digital App cabs.

(f) SWVL Kenya; This is a company with interesting and new innovative ways of transport in the *matatu* industry.

We also met the following from the education sector-

- (a) The Kenya Secondary School Heads Association (KESSHA)
- (b) The Kenya Primary Schools Heads Association (KEPSHA)
- (c) The Kenya Union of Post Primary Education Teachers (KUPPET)
- (d) The Kenya National Union of Teachers (KNUT)

I thank our colleague, hon. Sossion, who has been useful in this process. He came to the meeting with his team and he keeps on sending us documents and advice.

- (e) The Universities Academic Staff Union (UASU)
- (f) The National Parents Association (NPA)
- (g) The Kenya Private Schools Association (KPSA).

Madam Temporary Speaker, based on the analysis of the written memoranda received from members of the public and on the submissions made by the key stakeholders in this area, we are pleased to table before this House and discuss substantive observations and recommendations that hon. Senators would do well to go through and adopt so that these are recommendation of the House and a resolution of the Senate which cannot be ignored by county governments or by the national Government. That is why we need numbers to pass these resolutions.

The COVID-19 pandemic situation is still evolving. As such, the observations and recommendations contained in this report reflect the situational context, and information that was available to the Committee at that time. We will keep updating. That is why we are calling them progress reports.

Madam Temporary Speaker, for the current situation in relation to the thematic area of social, public order and human rights, we note and make the following observations-

(a) The pandemic has adversely affected key sectors of the economy, especially trade, tourism, agriculture, and manufacturing, leading to massive revenue losses and, therefore, consequent job losses.

The other day I passed by Serena Hotel and I had never seen it look like that. It was covered with sheets from the lobby. So, you can imagine what the waiters, waitresses, chefs and housekeepers are doing. Many have been sent on unpaid leave. In fact, the companies are not sure if they will hire them back.

Madam Temporary Speaker, imagine the night economy which is vibrant in my county and your county. There are Disk Jockeys (DJs) and musicians who cannot perform and bouncers who have nothing to bounce. These are real people. Incidentally, I know many of them in Nairobi. The kind of messages they send are painful and discouraging. We cannot help everyone. These are the people who need to be cushioned. We have proposals on how to cushion them, further to the stimulus proposals by His Excellency the President.

(b) The restrictions and curfew imposed to control the spread of COVID-19 has affected persons living in informal settlements and those working in informal sectors.

The Government has rolled-out cash transfer assistance programmes to enable the urban poor cater for their basic needs. Currently, the Street Families Rehabilitation Fund is being used to support institutions in only 14 counties and yet there are street families in all counties.

Madam Temporary Speaker, while the cash transfer is commendable, it is a drop in the ocean. We need to enhance it. We have spoken about how to make sure it is accountable and transparent by using the local community leaders. We cannot be told that 'x' amount of money is issued every day yet Senators, Members of National Assembly and Members of County Assemblies (MCAs) do not know who is getting the money. The community leadership must be involved. We cannot have lists that are written by the chiefs or by ACCs and DCCs. There must be involvement so that there is transparency.

We do not want to display the names because of personal dignity. However, there must be some level of accountability. People in the slums and other informal settlements in Nairobi are extremely organized. In fact, they are better organized than those in well to do areas. I am sure that many colleagues do not know their next door neighbours in the posh areas they live in. However, in slums, they know each other. There is the *Nyumba Kumi* Chairman who knows about issues of the youth and women. In those clutters, they are extremely organized.

At that level of leadership, there must be transparency. Somebody must tell us who is getting the transfer funds in Kibera, Mathare, Huruma or Westlands. It cannot be left to one sector of the national Government officers.

Madam Temporary Speaker, we have also noted a misconception that the only people who need to be cushioned are those in slums. There are many of us who, if we miss two salaries, we will also need to be cushioned. Imagine the staff from Kenya Airways (KQ) without a salary and they are not living in slums. For example, a husband who is a steward and a wife who is an air hostess who lives in Pipeline cannot pay their rent or buy food without their pay.

We need to think of a wage or a business subsidy fund. At that time, we were in discussion with the National Treasury to create a Kshs120 billion fund where a businessman can say that, for example, this is Sen. Cherargei and Sons, in the last financial year, this was my turn-over, but I have been affected by COVID-19.

A businessman can demonstrate that to the bank through, Kenya Revenue Authority (KRA), how much he or she has been paying his or her employees. Through that, they can get a concessional grant or loan that can help to keep people employed.

We cannot touch each and every individual. However, if we touch the employers and their small business, who are well organized, we will cushion our people.

Madam Temporary Speaker, recently, I accompanied the CS, Ministry of Interior and Coordination of National Government and other Government officials to Eastleigh to speak to the Eastleigh Business Community about the restrictions. People are suffering. We understand that there is need for containment. However, we want to start questioning the facts. The numbers that we know are because we have tested people there.

Everywhere we go and test, we will get those same numbers or even higher. Are we going to do containment everywhere? There are people who would go to work in Eastleigh, but live in the neighbouring slums like Kiambiu Slum, and many of those.

They cannot get food right now because Eastleigh is locked. They are not able to go to work. We had hoped that, that restriction would have been reduced, but it has been extended. We hope that on 6th of June, 2020, we will be told what we are doing with it.

Today, if we decided to test residents of Lavington or any part of this country, we will get crazy numbers. This is because Kenya Medical Research Institute (KEMRI) alluded that the level of infection and the virus in Kenya might not be same. The strain might not be same, yet our economy is completely on its knees. Our people are suffering.

Madam Temporary Speaker, the Judiciary's upscaling of services has been extremely slow. We met with the Judiciary and agreed on certain things. They have not yet scaled up their services to keep the wheels of justice turning. The Ministry of Health was to complete inspection of courts by 24th April, 2020. They have not done it to determine the magnitude of upscaling. It is yet to be done for very flimsy reasons; someone said that they are trying to set accounts for the Judges and it would take four weeks to do so.

Madam Temporary Speaker, we agreed with the Cabinet Secretary (CS) for Information and Communication Technology (ICT), Innovation and Youth Affairs to really support them. I am glad that the CS, Hon. Mucheru, is supporting them. Sincerely, you cannot take a month to set up accounts. You are not building. It is not brick and mortar, but an account you set up online. That was really bad.

The Law Society of Kenya (LSK) complained. They are having a lot of challenges like the timing. At least, they have done the e-filing and started implementing some of the recommendations, but we need them to upscale them. This is because, in the absence of the Judiciary functioning, other sectors are taking advantage.

Madam Temporary Speaker, at that point, we said that the police are now giving people spot fines and almost performing the work of the courts. Once you give them that, they will not bring it back. That is not how our Constitution envisages access to justice.

Madam Temporary Speaker, persons engaged in the public transportation industry had been experiencing challenges due to lack of renewal of various licenses and suspension of services by the National Transport and Safety Authority (NTSA), especially those in the digital forum. For example, the Ubers, Taxify, Bolt, *et cetera*, had been locked out by some *App* operators for lack of necessary documentation, yet these services were not being provided at that time.

Madam Temporary Speaker, we met the NTSA and the drivers together on the 30th April, 2020. Our work is being seen to bear some fruits. On the same day, the NTSA published a notice on their website extending the expiry of motor vehicle inspections from 16th March, 2020 to 30th May, 2020. I am sure they will extend it further next week. You cannot get the digital licenses because of the fingerprints.

At this time, during a pandemic, if truly some of these statutory timelines cannot be met, something is supposed to have been done and that is why it has been extended. That is part of the proposals in the Pandemic Management and Response Bill. For instance, if a license expires during this time, it should be deemed to still be in effect. This is because somebody cannot go and renew it. People are not getting certificates of good conduct from the Directorate of Criminal Investigations (DCI). What do you want them to do?

Madam Temporary Speaker, as discussed earlier, maybe if time allows, I will let Sen. Faki, when he seconds to focus more on that issue of transportation. We met all these stakeholders. We have a traffic jam of over 40 kilometres at Malaba. There is the

issue of our partners, our neighbouring countries and throughout the East African Community (EAC), not agreeing on the certificates of testing from one country to another.

We are behaving like bad neighbours and do not trust each other. Why would Uganda refuse a Kenyan certificate and why would Kenya refuse Ugandan ones? I think Julius Nyerere must be turning in his grave because his dream for a united East Africa Community--- We are really embarrassing those *wazees*, including the late President Jomo Kenyatta and Julius Nyerere.

Madam Temporary Speaker, we agreed and yesterday they met. They were even about to riot; I think they are even rioting. They said they will close the border. The drivers are staying there for days and sleeping in their trucks. There are very few people who are testing. Some of our drivers were quarantined in a neighbouring country and came out all negative. We need to look at that. We have given our preliminary findings and I am glad it had gone back to the Committee on Roads and Transportation. We will share that report with them and report back in one week's time.

Madam Temporary Speaker, there is police brutality and use of excessive force while handling violators or alleged violators of various regulations put in place to suppress COVID-19. It is inhuman and unacceptable.

We have also observed that evictions being carried out during this COVID-19 season, whether notices had been issued or not, are inhuman and uncalled for completely. The Committee notes that the President had directed that no evictions will be carried out, but we have seen evictions still went on. I even brought together the 17 Members of Parliament (MPs) in Nairobi. The Women Representative and Nominated Senators, Sen. Kwamboka and Sen. Omanga, came for that meeting.

We met with the CS for Interior and Coordination of National Government, the CS for Health and the CS for Water and Sanitation. We told them that they cannot evict people during the time of a pandemic. Honestly, it is inhuman. Even if they want to go to their village, how do they go there yet you have put a ring around Nairobi?

In that meeting, they committed that they will not do it. Regarding the Ruai Sewage area, they explained that they are terminating sewage. There is a contractor who had three weeks left and was even going to sue the Government. That is the termination point. We are trying to do 51 boreholes across Nairobi. When you go down, there is sewage. Millions of the People of Nairobi were suffering because there is no termination point. We said: "Okay, if that is the case, why are we not doing it properly?"

Madam Temporary Speaker, after that meeting, we got a list of all the areas of public land that we have shared with the MPs, to tell their people that after the pandemic, unfortunately, some of these actions must be taken. However, during this time of the pandemic, it is completely uncalled for and must be condemned. The list is with us. If the list of all these areas, including Karen and many areas is sent to us officially, I will possibly table it. We need to know how what was public land has been stolen and taken to the hands of individuals. We will not sleep until we get justice for these people.

Madam Temporary Speaker, access to information is a right of every citizen under Article 35 of the Constitution. However, some public institutions have ignored requests from Non-Government Organizations (NGOs) pertaining to various issues relating to COVID-19. There are Kenyan citizens in the diaspora, we observed, who have been adversely affected by the effects of COVID-19. We had a discussion with the CS for

Foreign Affairs. Unfortunately, these citizens cannot afford to pay for their tickets back home, or even where they can, they are not able to because skies are closed. We agreed on a procedure with the Ministry of Foreign Affairs of how once Kenyans are a certain number, they are able to come together and get Kenya Airways to go and bring them back home. This is a matter we are still following up. We also encourage the Committee on National Security, Defence and Foreign Relations to deal with this matter as well.

Madam Temporary Speaker, we might censure the Ministry of Education. This is because we met all these stakeholders, but the CS is playing cat and mouse games. We have invited him repeatedly and he alleges that he has been informed that he can only come to the Senate to talk about Pre-Primary and Early Childhood Development and Education (ECDE). What a shame and such a poor reading and understanding of Articles 95, 96 and 135 of the Constitution.

The CS is answerable to Parliament. If he does not come for the next meeting, we will issue summons and fine him, pursuant to the Parliamentary Powers and Privileges Act. This is because oversight is not a suggestion and not for fun. It is not a favour. You do not choose whether or not you will be oversighted. We have not suspended the Constitution. I will urge Senators to stand with us on this.

Sen. Faki will tell you that initially in my Committee I was being accused of being too friendly to the Government when one of the Cabinet Secretaries did not appear before us. When I issued the summons, they thought that since they are our friends, they could deal with my Committee as they wished. I want to tell them even if they are our friends, we are not calling them for tea. It is not a coffee date that they can say they will appear before us when they find time. They are coming to play their constitutional role of answering to the people of Kenya through their elected representatives. I do not know why that culture crept in.

Before I joined Parliament, I used to work in the National Treasury in the Office of the Deputy Prime Minister; Uhuru Kenyatta who is now the President of Kenya. Whenever he would be called to Parliament as the Minister of Finance, even if he had been summoned by President Mwai Kibaki; he would tell him to allow him first to finish with Parliament. President Kibaki was very clear that if you are called by Parliament that is your first priority unless it is the Cabinet Day. That used to happen in the Ninth Parliament.

Parliament does not want to call CSs unnecessarily. Nowadays our meetings are online. It is so simple. We have been doing meetings while Sen. Faki is in Mombasa, Sen. Omogeni is in Nyamira and Sen. Linturi is in Meru. You just login and we finish in one hour.

We will take action against the CS of Education. We will bring that communication because we have a problem in the education sector. There is no education going on. We have not been able to be honest enough to explain to Kenyans and tell them the quality of our students this year is not the same. It has declined. We tell people to teach their children at home or to watch education programmes on television. There is no education. I do not think you can say a class eight student of this year is of the same quality as a class eight student of last year. Since March, no learning has been going on. You cannot say that they will do an exam based on the first term and move on to form one. So, we need radical, real and honest resolutions.

Learners from low income households, pastoralists communities and far-flung regions have no access to internet, electricity and relevant gadgets. We said children should not have phones. If they do not have phones, how will they access the content? Even many of their parents may not have phones or television sets. You will see that today, it is class seven being taught geography, tomorrow, it is a class two English and and so on. There is no programme.

The programme is currently being aired by the Kenyan Institute of Curriculum Development. They do not incorporate suitable content for learners with disabilities, especially the blind and the deaf. How do we address those? The practical subjects are not covered. You cannot do chemistry, physics or biology practicals online. The programmes do not serve the main objective of the Competency Based Curriculum (CBC). So, we really need that engagement.

CS Magoha is my good friend; he was my professor. We had a very interesting relationship when I was a student leader in Student organization of Nairobi University (SONU). We know each other very well, but I want to assure him that his is no longer in the university.

Learning is not going on and the syllabus is not being covered. The Universities Academic Staff Union (UASU) came and told us what is going on in the universities. There is no learning taking place in this country. It is not just in Kenya, but it is all over. We are saying let us just be practical. Let us give our children the best quality, given the situation.

Madam Temporary Speaker, early marriages have increased due to abrupt closure of learning institutions. Sen. Waqo might tell you what is happening in Marsabit, Samburu and in many parts of this country. Incidences of gender-based violence have increased since the commencement of enforcement of measures to contain the spread of COVID-19. It is affecting both genders. Men are really being worked on and it is really terrible. Sen. Kwamboka is laughing, but she knows. This is because they are staying in the house the whole day. They are looking at each other and there is no money. There is a lot of breakdown.

There are 350,000 people, especially older persons eligible to benefit from *Inua Jamii*, but they have not been benefiting due to lack of prompt updating of the register. As of last week, the CS confirmed that, that is going on so that they can get back on to that register.

The mode of transmission of money to older persons registered under *Inua Jamii* initiative requires physical presence which may expose these elderly people who are vulnerable to this pandemic. This is a breakdown of our society. If you heard what the CS was telling us - that many of these old persons insisted that money should not be sent to their phones because they are being lied to by their children. Their children are taking their money or their children are registering a fake phone. They want to go and get *pesa taslimu*. It is difficult for us to do that now.

Based on those observations, the *Ad Hoc* Committee on COVID-19 makes the following recommendations: That the National Treasury sets up a multi-agency team to spearhead the establishment of a wage relief fund in the Financial Year 2021/2022. This is extremely important. If there is no other recommendation in all our reports, this one is important. We can cushion the informal sector so that people in the tourism industry, the hotel industry and small businesses access these funds. If you have a relationship with

your bank, they can tell that this business has been receiving this turnover. Since now they have been affected, we need to support them.

We have analyzed 50 countries/jurisdictions. In fact, you will be embarrassed that some of the countries that are doing wage relief are countries whose economies are not anywhere close to ours. Therefore, this is the only way to cushion our people. We cannot send money directly to all Kenyans. It is impossible and it is not sustainable.

Madam Temporary Speaker, I communicated to this House last week that the projected Gross Domestic Product (GDP) growth budget for this year is supposed to be at 2.5 per cent. The Treasury told us that realistically, they are looking at 1.8 per cent. If you remember the last time we were at 1.7 per cent, it was after the 2007 election violence. It has taken us more than 10 years to get to the level where we are. Remember the year before that, it was 7.1 per cent under President Mwai Kibaki.

Madam Temporary Speaker, the only way to stimulate--- the stimulus to the economy must be through small and medium sized enterprises and the informal sector. About 88 per cent of the young people in this country are employed in the informal sector. They are in the manufacturing and retail sectors.

We told Kenya Medical Supplies Authority (KEMSA) to stop getting imports, but embrace local products. Kenyans can do masks and Personal Protective Equipment (PPEs). In fact, even after the CS after testing samples from China and also from Kenya, with the labels removed, he could not tell the difference. He said the Kenyan one is better. Therefore, we must stimulate our own business. We must buy Kenya at this point.

Secondly, that the Ministry of Labour and Social Protection in liaison with the Federation of Kenya Employers (FKE) and the Central Organization of Trade Unions (COTU) reach out to employers and employees to ensure that where revenue losses have been realized, employers and employees may jointly review terms of employment contract in writing to suit the prevailing circumstances of businesses.

We admit that you cannot force someone to keep people employed when they are not getting anything. It is not possible. However, once there is that level of agreement and understanding, then they can be cushioned through that wage subsidy, wage relief fund, concessional grants or concessional loan---. Even law firms are laying off people.

Where parties choose to review the employment contract and employees are unionized, the trade union shall be informed and involved in the review to find an amicable solution. However, where employees are not unionized, the employer shall directly inform the employee of the need to review the contract and shall discuss the terms to be reviewed and the extent of review.

The third recommendation is that the Ministry of Labour and Social Protection should engage institutions in the remaining 33 counties that are not rolling out the street families' rehabilitation fund so that they benefit from it. I am sure what happened in Nakuru will not happen again. It should not. The greatness of people of a country is not the size of the economy, but it is what you do for the most vulnerable children. We went with Sen. Kihika and we saw young boys who had been dumped; children the age of my sons. It is terrible. The other 33 counties must rollout and benefit from this street families' rehabilitation fund.

We recommend that the Judicial Service Commission (JSC) upscale the judicial services in liaison with the Ministry of ICT who have expressed a willingness to use the ICT. The Ministry of ICT has expressed willingness to use ICT, especially in e-filing and

virtual courts and then report the status of implementation to the Senate on or before 29th May, 2020.

Madam Temporary Speaker, the JSC should explore ways in which Alternative Dispute Resolution (ADR) - which Sen. Kasanga, my able Vice Chairperson, can tell you about - can be embraced virtually to decongest our courts. We can resort to arbitration instead of taking everything to court. I am glad Sen. Kihika also stopped going to court. She has also reduced the congestion.

There are ADR methods. In fact, today I was sad to see colleagues being paraded at a disciplinary meeting of the party. Though that is our internal thing, it is unfortunate. We saw Sen. Olekina sitting with *wazees* and the Right hon. former Prime Minister and they resolved it.

Sen. Kihika has children and Sen. Seneta has a family. There are better ways to do this. We can instil discipline, but in a better way. In fact, in Africa, our form of justice is restorative and not retributive because you will still need a relationship tomorrow. Anyway, that is for those in charge.

The NTSA has intervened and should continue to do so to ensure that during the period of restriction of movement in and out of various counties, the matatus affected by the restrictions, can ply alternative routes to avoid redundancies. There are matatus that operate in Nyeri, Kajiado or Nakuru counties, but are stuck in Nairobi City County and vice versa. Since they cannot ply their old routes, we have agreed with NTSA that during this time, they be allowed to use other routes. This is in consultation with Savings and Credit Cooperative Organisations (SACCOs) that already exist because of the competition. We also need to care about them because as it is, their capacity is half.

Two, I pushed this completely with the CS and the Nairobi Metropolitan Service (NPS) that those seasonal tickets be suspended for now. Charging a fee of Kshs8,500, Kshs3,500 or Kshs5,500 for a 33 seater is too much for these people. They are already carrying half and we do not want them to pass on that cost to mwananchi. I hope they can do the same in these big cities like Mombasa and Nakuru.

That is something I am following up with the CS so that our matatus can still operate. Let us cushion the drivers, touts and the owners of these matatus. Many of these vehicles are actually on loan. Many Uber drivers are having their vehicles auctioned. The situation is dire, but small reliefs can help them.

Madam Temporary Speaker, NTSA must extend the validity of annual licenses for an additional one year since the application for digital licenses requires physical appearance for purposes of biometrics, which is currently restricted due to the measures put in place.

The IPOA must move with speed to ensure police officers found to have used excessive force on citizens while enforcing various measures are prosecuted. We have asked the IPOA to submit a report to the Senate by 15th June, 2020 indicating the police officers who have been prosecuted, the action taken against them and the charges preferred against them.

The other day I came here very sad. A young man aged 13 years old, Yassin Moyo, was shot dead in Kiamaiko during the curfew. We have also seen deaths in other parts of the country. That police officer should be prosecuted. I do not know if Sen. Faki or Sen. Kihika can represent me that we take them to court. The child was on the balcony.

The officers, in their defence said that wananchi were harassing, stoning and throwing water at them.

I took the Inspector-General (IG) of police's Head of Liaison Officer and an officer from NTSA and went to Kiamaiko. When we reached there, we found the father crying and the mother was distraught. She said that when the officers shot the child on the balcony, the boy told her: "Mother, I think I have been shot." The mother told him: "*Wewe huwa na mchezo sana. Umepigwa risasi namna gani?*"

By the time the boy was taken to hospital, it was too late. The family of Yassin Moyo needs justice. The families of all those whose rights have been violated during this pandemic, need justice. I do not know what happened to rubber bullets. It is very painful if you see those people. What we were able to do for them was not enough because we can never bring back to life Yassin Moyo.

The community said yes, they harassed the police, but that is not the commensurate force that the police should have responded with. I am also calling on the public, let us exercise responsibility. It is not just *haki yetu*, but *pia wajibu wetu*. You also have a responsibility as the public. However, the police should not use that as an excuse to violate the human rights of the people.

Madam Temporary Speaker, I would wish you let me know how much more time I have through the clerks-at-the-table.

*(The Temporary Speaker (Sen. Nyamunga)
consulted the clerk-at-the-table)*

The Ministry of Foreign Affairs needs to set a clear criterion on the eligibility of Kenyans in the diaspora who are in dire need of coming back home, but cannot afford air tickets. We must give priority to students. I have many of my citizens from Nairobi City County who went to India---

The Temporary Speaker (Sen. Nyamunga): Sen. Sakaja, you have 17 minutes.

Sen. Sakaja: Thank you, Madam Temporary Speaker. I think I will finish even before that.

There are many of my citizens from Nairobi City County who went to India for treatment, but they cannot come back. Normally, the nature of people who go for treatment there is that they do not even have the resources to stay on. There is the hospital bill which they must pay before they can come back. Sometimes you even find the situation has become fatal. We need a concrete solution.

I am glad and I want to thank the CS, an extremely gracious lady from Bondo, Hon. Omamo, for doing an amazing job. However, we need to see more for our people. I want to thank Kenya's Ambassador to the UK, Mr. Manoah Esipisu because he has really helped Kenyans. I know it because I have a relative who was brought back from there. The Embassy there is responsive; they listen to Kenyans and tell them of flights available on certain dates.

I would like to urge other Kenyan ambassadors in other countries to realise that a Kenyan mission abroad must be seen as a fortress for Kenyans. Kenyans must be excited to go there and they must receive service.

Madam Temporary Speaker, we have asked that the Ministry submit a detailed report by 19th June, 2020. The report should indicate the criteria set to identify Kenyans

in the diaspora who are eligible for support and the priority of those Kenyans. It will also indicate measures taken by the Ministry to mobilise resources to facilitate these Kenyans.

If you notice, our recommendations are very specific. We do not just want to give a wish list; we are saying this must be done by this date. This House resolves this and that.

The Ministry of Education must enhance digital literacy for teaching and learning. I have spoken about that and said that the CS should attend the meetings of this House just as his eight colleagues have done. We even issued summons to the CS for the Ministry of Interior and Coordination of National Government and he came. The CSs for Labour and Social Welfare, Ministry of Foreign Affairs and Ministry of Industry, Trade and Co-operatives all came. During this financial circle, the CS for the National Treasury came and we sat with him for two or three hours. The CS for the Ministry of Information Communication and Technology (ICT) came. Therefore, the Ministry of Education is not special. They must also attend. We will then give a concrete response. It is really simple.

We have also said that the Ministry of Labour and Social Protection should also roll out a plan to update its register and incorporate the over 350,000 eligible beneficiaries and must report to us within two weeks on the progress on that.

Madam Temporary Speaker, finally, we recommended that the Ministry of Labour and Social Protection in liaison with the Ministry of Interior and Coordination of National Government carry out capacity building of older persons with an aim of remitting funds via mobile platforms. This work is going on.

On 20th April, 2020, we sat with CS Chelugui and his Principal Secretary ((PS). They said they have set up a multi-agency team with Ngao Credit Limited and the Ministry of Health and set the criteria. We asked them what criteria they were using to determine vulnerability and how they identified who is vulnerable.

They said they have received Kshs8.7 billion to benefit 1,094,238 Kenyans and that they have started processing it through the Cooperative Bank, Post Bank and Equity Bank. A total of Kshs8,000 will be paid per beneficiary, covering January to April, 2020.

The 350, 000 Kenyans eligible to be paid, have not been captured. The register that is being used is 3 to 4 years old and needs to be updated.

Madam Temporary Speaker, 293,967 beneficiaries are the old, orphans and vulnerable children and are to receive Kshs2.3 billion while 766,254 under older persons are to receive Kshs6.13 billion.

(Sen. Kihika consulted Sen. Murkomen)

The Temporary Speaker (Sen. Nyamunga): Order, Sen. Sakaja! Sen. Kihika and Sen. Murkomen, the social distancing guideline is being broken there.

Proceed, Sen. Sakaja.

Sen. Murkomen: Madam Temporary Speaker, we are socially close.

(Laughter)

The Temporary Speaker (Sen. Nyamunga): It is not allowed in the House, Sen. Murkomen.

Sen. Sakaja: Thank you, Madam Temporary Speaker. The Street Families Rehabilitation Trust Fund that I spoke about is only in Nairobi, Mombasa, Kilifi, Machakos, Nyeri, Kakamega, Kajiado, Kiambu, Murang'a, Nakuru, Kisumu and Trans Nzoia. They have only received Kshs34 million. I believe that there are street families in Elgeyo-Marakwet, Vihiga and all over the country. It will not be fair if we only focus on these areas.

We want to tell Kenyans that there is a toll free number, 0800 21168 and a dedicated email address: complaints@labour.go.ke that have been established to enhance reporting and resolution of employment and labor related complains during this time. I am glad that I tried it and it worked. The employers have been urged to advise workers to take leave with half pay or unpaid leave. However, the only real way of cushioning them is through the Wage Subsidy Fund and such provisions.

Madam Temporary Speaker, where parties choose to review the contracts, the emergency workplace guidelines that have been issued by the Ministry about jointly reviewing terms of employment contracts in writing to suit prevailing circumstances of business, the trade unions and stewards will be informed. Where they are unionized and where employees are not unionized, the employer shall directly inform the employee. There are all those guidelines that you will see in the Report that is available to the public; the public must see it, because this is their right. This is what we are doing to be able to cushion them.

As I mentioned, when we sat with the Ministry of Foreign Affairs, we were sad to learn that 193 Kenyans had been infected with the virus outside the country, internationally: 88 active infections, 78 had recovered, 4 in Intensive Care Unit (ICU), 3 in Italy and 1 in Sweden and 24 have died of the Corona virus outside Kenya. The deaths reported were from the US, UK, Italy, France, Switzerland, Sweden, Saudi Arabia and South Africa.

We agreed that the Ministry has an enormous task to assist those Kenyans out there. Some Kenyans need their visas to be extended; some have acquired citizenship, and therefore, can get health and social security benefits and many do not have valid work permits. Today, I am using Sen. Kihika as an example, that she was in the US for a long time and she will tell you that most Kenyans there do not even want to be registered by the Embassy because they will be brought back. They are there illegally, but still they are our people.

(Sen. Kihika spoke off record)

Yes, I know you were there legally and documented.

I was saying that to effectively deal with interventions, there is a policy framework that has been put in place and which we are analyzing. Once we are done with a thematic area, we hand it back to the relevant Committee. So, I am glad that I can see a Member of the Committee on Foreign Affairs here.

On non-monetary interventions such as extension of visas and work permits, facilitating continuous accommodation of students who have nowhere to go and schools and universities are closed, they are negotiating for air tickets because if you are doing it *en-mass*, it is cheaper.

So far, what has been done is that:

(1) The Kenyan missions in France, Japan, Australia, Spain, New Zealand and India have facilitated extension of visas for Kenyans.

(2) The mission in China has requested for amnesty for Kenyans with irregular status; imagine, because as you are aware, there are many Chinese here with irregular status.

(3) The Kenyan mission in France has facilitated 61 teacher trainees to be accommodated by universities in France for a month.

(4) The Kenyan missions in Morocco and Czech Republic have facilitated students to be accommodated in the universities.

(5) Our Kenyan mission in Hungary has facilitated 200 students with food and accommodation.

(6) Facilitating those who want to come back home by looking for airline and negotiating air ticket prices then the Kenyans pay for those subsidized tickets and through that-

(i) On 27th March, 2020, 70 Kenyans got tickets from South Sudan.

(ii) On 7th April, 2020, 21 Kenyans from the United Arab Emirates (UAE), Dubai came on an Emirates flight.

(iii) On 1st of May, 2020, 18 Kenyans from Egypt aboard Air Cairo.

(iv) On 4th of May, 2020, 21 Kenyans from Pakistan aboard Pakistan International Airline.

(v) On 4th of May, 2020, 55 Kenyans aboard Kenya Airways.

(vi) On 7th of May, 2020, 233 Kenyans from India aboard Kenya Airways.

This was the most challenging exercise because many of them were unwell and they were scattered in New Delhi, Mumbai, Bangalore, Ahmedabad and Hyderabad. As India was on total lockdown, the Indian Government was gracious enough to allow our local Charter to move Kenyans to Mumbai and then they came aboard Kenya Airways (KQ).

(i) On 8th of May, 2020, 200 Kenyans from the UAE, Dubai again.

(ii) On 10th of May, 2020, 165 Kenyans from China.

Madam Temporary Speaker, we have to commend as a House, the Kenyan missions abroad. I think that they are doing a good job. In total, as at the date when we met the Ministry, 744 Kenyans have been facilitated to come back home and I am sure that the number has gone up.

The Ministry has also put in place monetary interventions. I am sure that many hon. Senators are not aware. There is a stipend that was extended to students in Wuhan to the tune of Kshs9.8 million. They are getting that stipend from the Government of Kenya.

There is a Standing Committee on Emergency Response that has been set up and is chaired by the Hon. Ababu Namwamba, the Cabinet Administrative Secretary (CAS), Ministry of Foreign Affairs. They are supposed to put in place proactive measures just in case need arises for the more than 100,000 Kenyans working as domestic workers in the Middle East. Many Kenyans are in the Middle East working as domestic workers and we must be concerned.

Madam Temporary Speaker, on the issue of truck drivers, I think that was discussed. Again as I said, Sen. Mwinyi Haji will be better placed as he seconds this Motion.

On the 12th of May, 2020, the East African Community Presidents met and directed that local points for formulation of testing and certification of truck drivers be produced and availed within two weeks. So, we are waiting to see what will be done because that was last week.

We have 494,585 refugees; 200,000 are based in Dadaab and 196,000 at Kakuma and 81,000 in urban areas. The Ministry has engaged the United Nations High Commissioner for Refugees (UNHCR) to find out measures that have been taken to secure these camps and the preventative measures that have been put in place.

There have been a lot of concerns on the Kenya-Tanzania border because of the risk of infections; importations, because of how our neighbours have been dealing with COVID-19 and to make sure that there is no cross infection. That matter is being handled and I will be able to give further update in next week's Report.

The Ministry is investigating the matter that Sen. Faki asked about an aircraft carrying humanitarian supplies that was shot down in Somalia, killing two Kenyan citizens. The Ministry issued a Statement on the matter and there are investigations going on between the two countries. However, I think that the strength of the Senator's Statement will help us to get to the bottom of that matter.

On the safety of staff, because we also have to think of the staff of our missions abroad, the Ministry confirmed that all of them are safe and that activities at the various missions have been down-scaled. There is no staff of our Kenyan missions abroad that has been infected.

Madam Temporary Speaker, I will urge Members to really go through this Report. There are six Reports, so far. Please take time and look at them because they are not final. We have given those recommendations, but they are progress Reports. We will continue bringing Reports every week or two weeks. You can enrich them.

Our interventions--- and you can help us because if you look at Sen. Mugo's proposals, she gave us lot of insights on the Bill. Sen. Ochillo-Ayacko and Sen. Farhiya have also had great insights on the Bill. We have incorporated them in the amendments. If you go through, you will see all of these specific proposals, all the interactions that we have had and I must note that they are, indeed, very enriching.

Madam Temporary Speaker, as I move to close, I feel we have denatured or we have become insensitive to the urgency of this matter and we have the Bill that we have been unable to put the Question to. I urge my colleagues, please, at a time of a pandemic, this country needs you; generals do not disappear from the frontline of battle, please come and do Second Reading and the Committee of the Whole, so that we can cushion Kenyans. Kenyans are suffering. They need to be cushioned, protected and supported.

Madam Temporary Speaker, with those remarks, I beg to move and I ask Sen. Faki who is a Member of my Committee to second.

Once again, I thank the staff from your office. This Senate has the most professional staff led by Mr. Charles Munyua, and I thank all of them for doing an amazing job as the secretariat of the Committee. I want to thank the other Members of the Committee, including the Vice Chairperson, Sen (Arch) Kasanga.

The Temporary Speaker (Sen. Nyamunga): Sen. Faki, Senator for Mombasa, proceed.

Sen. Faki: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii kuunga mkono ripoti ya sita ya Kamati maalum ya COVID-19.

Kwanza, ningependa kumpongeza Mwenyekiti wa Kamati hii. Tumeweza kufanya mikutano zaidi ya 55 kwa muda mchache. Katika mikutano hiyo yote walihudhuria ilikuwa wazidi asilimia 70 katika kila mkutano. Kwa hivyo, imeonyesha ya kwamba Maseneta ambao wako katika kamati hii pamoja na wafanyikazi wa Bunge ambao wanatumikia Kamati hii wamejitolea asilimia mia kwa mia katika kuihudumia. Mbali na kupongeza Mwenyekiti na Maseneta wote ambao wako katika Kamati, pia nawapongeza wafanyikazi wa Bunge ambao wako *seconded* katika Kamati ile.

Kamati imeweza kufanya mahojiano na washika dau tofauti. Isipokuwa Waziri wa Elimu ndiye pekee amekataa kuhudhuria vikao vya Kamati yetu. Ijapokuwa Mwenyekiti aseme ni rafiki yake, itakapofika wakati wa kuweka kiboko nafikiri atamweka kiboko Waziri (Prof.) Magoha kwa kupuuza wito wa Bunge. Ni haki ya wananchi ya kuangalia shughuli za Serikali katika mambo wanaofanyia wananchi.

Bi. Spika wa muda, unyanyapaa yaani *stigma* ndio tatizo kubwa ambalo linatuathiri katika vita dhidi ya COVID-19. Wengi wana hofu kwamba ukiambiwa umepatikana na korona ni kama ambaye umepewa hukumu ya kifo na hustahili kufanyiwa jambo lolote na Serikali. Ningependa kusema kwamba korona ni ugonjwa kama magonjwa mengine. Unapoambukizwa corona una asilimia tisaini na nane kwa mia kwamba unaeza kupona kwa hivyo ni asilimia mbili pekee ndio inatutia hofu kwamba hatutaweza kuishi maisha ya kawaida. Wengi wanaopatikana na virusi vya korona inabidi jamii iwatenge. Jamii inapowatenga ina maana kwamba hawataweza kuwa na nafasi ya kuweza kupata fursa ya kujihudumia kwa ugonjwa ule na jamii pia iweze kuwasaidia katika kujitibu ama kupona.

Lazima tupambane na unyanyapaa ili tuweze kuuza sera kwamba ugonjwa wa korona ni ugonjwa kama ugonjwa mwingine wowote. Tukiangalia hapo mbeleni tulikuwa na ugonjwa wa UKIMWI ambao ukipatikana na UKIMWI na ufe, unazikwa kwa manyloni mpaka ikapatikana kwamba shida kubwa tuko nayo katika UKIMWI ni unyanyapaa. Tulipopambana na unyanyapaa tukaleta vifaa zile *centre* zinatoa huduma za *Voluntary Counselling and Testing(VCT)* ndio tukaweza kubadilisha mfumo wa kuweza kupambana na ugonjwa wa UKIMWI. Ilikuwa ukiingia katika vituo vile unashauriwa ya kwamba ukiugua ugonjwa huo si mwisho wa maisha utaweza kuishi, kuendelea na maisha kama kawaida bora uweze kunywa dawa, kuomba na kuishi maisha ya *positive thinking*.

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

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

Bi. Spika wa Muda, lazima Wizara ya Afya iwe na mfumo wa kuondoa unyanyapaa ili wananchi waweze kupewa ushauri nasaha ili ukiingia pale kufanyiwa uchunguzi wa virusi vya korona una uhakika kwamba si hukumu ya kifo. Katika sehemu nyingi kama vile mji wa kale, wananchi wengi walikataa kufanyiwa uchunguzi wa korona wakati ule *mass testing* ilipoletwa wengi hawajajua jambo gani watafanya baada ya kupatikana na virusi vya korona. Ilikuwa pia serikali imeweza malipo ya wale ambao wanakwenda karantini na wale wanalazwa hospitali kutibiwa ugonjwa wa korona. Kwa hivyo, wengi waliogopa kuchukua hatua ya kufanya uchunguzi na ndio maana ikawa uchunguzi unafeli.

Swala la kufanya *cessation of movement* yaani kuzuia watu wasiingie na kutoka old Town na Eastleigh, sheria hii ilichukuliwa bila kufanya mashauriano na wakazi wa sehemu zile. Sehemu yoyote kama vile Sen. Sakaja alitangulia kusema ikifanywa uchunguzi sasa itapatikana kwamba asilimia mbili na nusu ama asilimia tatu ya wananchi katika eneo lile wana virusi vya korona. Kwa hivyo, ni virusi watu wanaishi navyo lakini havijaambukiza ikafika kiwango ambacho watu wanapata ugonjwa wa korona na kuweza kuathirika na kulazwa hospitali na watu kufariki.

Ilikuwa ni makosa kwa Serikali kulazimisha *cessation of movement* katika old town na Eastleigh. Hii ni kwa sababu imeathiri watu wengi katika huu mwezi wa Ramadhan. Wengi wao walitarajia watapata biashara siku za mwisho za Ramadhan ili waweze kujikimu kimaisha na waangalie jamii zao kwa muda wa miezi mitatu au minne itakayofuatia mbeleni. Watu wa biashara wote wamepoteza biashara zao. Wakati huu, Serikali haijatoa mpango wowote wa kuhakikisha kwamba wamepata ridhaa kwa kukosa biashara.

Katika Ripoti hii, tumezungumzia swala la madereva wanaopeleka bidhaa katika nchi za nje na wale wanaoleta bidhaa katika nchi ya Kenya. Madereva wetu wengi wamekwama katika sehemu za Namanga, Malaba na Lunga Lunga kwa sababu nchi jirani zimekataa kuwaruhusu kuingia mpaka wachunguzwe katika nchi zile ile waweze kupata vibali vya kuingia. Kama tungekuwa tumefanya mipango ya mapema, tungeweza kuweka vifaa hivi vya uchunguzi katika kila weighbridge. Magari yote yakitoka Mombasa kwa mfano kuna weighbridge Mariakani, Dongo Kundu, Mlolongo na kwingineko. Weighbridges zingekuwa zinatumika watu kuchunguzwa na ukipewa kibali kile kiweze kutumika kwa muda wa mwezi mmoja ili mtu asiweze kuwa ana haja ya kuchunguzwa tena baada ya siku 14.

Hii imekuwa shida kuhakikisha ya kwamba watu wale wanapata huduma ya kuchunguzwa kwa haraka na kwa njia ambayo haitasababisha maambukizi. Jomvu Constituency ilikuwa ni kituo kimoja ambacho kina wahudumu wawili pekee na kinahudumia watu zaidi ya 600 kwa wakati mmoja ili kuhakikisha kwamba watu wamepimwa kwa haraka waweze kupata matibabu.

Kutokana na msongamano ulioko Malaba na hatua nyingine ambazo Waziri amechukua kwa kisingizio cha korona, maandamano ya black Monday katika Mji wa Mombasa yatarudi tena kuanzia Jumatatu tarehe moja mwezi wa sita. Hii ni kwa sababu Serikali imeshindwa kutatua tatizo la madereva wa *long distance driving* kupeleka mizigo nchi za nje. Pia wameshindwa kutoa nafasi kwa biashara iweze kufanyika bila ya mapendeleo ya Standard Gauge Railway (SGR).

Katika kuingiliana na washika dau tofauti, Serikali haikuwa na mwelekeo mwanzoni kuhusiana na swala la virusi vya korona. Mwanzoni walisema kuwa kila mtu atalipishwa ili afanyiwe test ya korona. Watu walipopiga kelele wakageuka wakasema kwamba sasa test zitakuwa bure. Walisema watalipisha watu wanaokwenda katika karantini. Baadaye, wananchi walipolalamika wakasema ya kwamba sasa itakuwa bure. Kumekuwa na kutoelewana kwa upande wa Serikali kuhakikisha kwamba wananchi wanaweza kupata huduma ambazo zinazotakikana kupigana na COVID-19, ili kuhakikisha kwamba hakuna maambukizi yanayoongezeka kutokana na utepetevu kwa upande wa Serikali.

Siku hizi imekuwa ni mtindo kwamba kila Saa Tisa Serikali inatoa tarakimu za watu walioambukizwa COVID-19 na vile vile waliopona. Tarakimu hizo hazisaidii

kuhakikisha kwamba maambukizi yanapungua, isipokuwa yameweza kuongezeka na inakuwa shida kwa wataalamu wetu kutoa mwongozo kamili ni vipi tutaweza kupambana na Virusi vya Korona.

Tumeona katika nchi jirani, Rais Magufuli ijapokuwa watu walisema kwamba haelewi, ameona kwamba ipo haja ya maisha kuendelea Virusi vya Korona vikuwepo au visikuwepo, kwa sababu ni ugonjwa kama ugonjwa mwingine. Tuliwapoteza watu 200 kwa mafuriko katika nchi ya Kenya hivi majuzi na watu wengine 20 kwa sababu ya polisi kutekeleza *curfew* na kudhulumu haki za binadamu kwa kupigwa.

Swala la kijana ambalo Sen. Sakaja alizungumzia ni kitu ambacho kiko wazi katika macho ya wananchi, kwamba polisi walitumia silaha kinyume na sheria kwa sababu walipiga risasi wakati ambao haukuwa salama.

Wananchi wanaendelea kupata shida katika sehemu nyingi. Kwa mfano, tumeona ripoti leo kwamba katika sehemu za Old Town na Eastleigh watu wanawalipa askari polisi ili waweze kuingia na kutoka kwa sababu ya maswala ya Virusi vya Korona.

Mhe. Bi. Spika wa Muda, vile vile, tumeona kwamba biashara katika zile kaunti ambazo hazikuwekwa *cessation of movement* imepungua pakubwa. Nimesafiri leo asubuhi kutoka Mombasa kuja Nairobi. Nimeona kwamba sehemu za Ukambani, kuanzia maeneo ya Mtito Andei mpaka Mlolongo, kuna chakula kingi sana, ikiwemo matunda na vyakula vingine vingi lakini hatuoni wafanyabiashara wakichukuwa fursa hiyo kuleta bidhaa zile. Mfano ni Kaunti ya Taita-Taveta na zinginezo ambazo hazina *cessation of movement* ya biashara.

Pia, tumeona kuwa Serikali imezembea katika maswala ya afya kwa sababu huduma zilizokuwa zikitolewa katika zile sehemu za Karantini zilikuwa haziridhishi kabisha. Tukiangalia kama kule Port Reitz kulikuwa na karantini ya Serikali ambayo ilikuwa haina huduma za maji. Kaunti nyingi zimeamka sasa na kutoa huduma ya maji kwa wananchi. Kabla ya kuja kwa Virusi vya Korona huduma ya maji ilikuwa ni nadra sana katika sehemu zingine za kaunti zetu.

Tukiangalia Mombasa, soko la zamani la Marikiti ambalo lilijengwa katika miaka ya 1900 limepewa sura mpya sasa kwa sababu ya Virusi vya Korona. Kabla ya hapo kulikuwa na utepetevu mkubwa sana katika utendakazi wa Kaunti ya Mombasa na vile vile vitengo vya Serikali ya Kenya katika Jiji la Mombasa. Hakukuwa na huduma kubwa, kwa mfano, kulikuwa na ukosefu wa maji, barabara mbovu na huduma za usafi katika soko kutepetea.

Ijapokuwa Korona ni janga, limeweza pia kuleta *Silver lining* katika baadhi ya kaunti zetu ili kuona kwamba huduma zinaboreshwa. Hapa kumezungumziwa swala la watu walioko nje ya Kenya. Ni kweli Wakenya wengi walioko nje ya nchi wametatizika kwa sababu hakuna ndege za kuwarejesha Kenya. Nchi zingine kama vile Uingereza na Marekani zimetuma ndege kubeba raia wao waliokuwa katika sehemu tofauti tofauti ambako walikuwa wamekwama kwa sababu ya janga la Korona. Wale marubani wanne ambao walikuwa katika ile ndege iliyoshambuliwa na jeshi la Ethiopia walikaa Mogadishu kwa zaidi ya mwezi mmoja na nusu bila kazi. Hiyo ndiyo ilisababisha kutoweza kurudi nyumbani kujiunga na familia zao. Kazi ile ilipotokea, ilikuwa mara yao ya kwanza mwezi ule na wakashambuliwa na kufariki.

Tumeona kwamba swala la Wakenya kurejea nyumbani wakati huu ambao kuna shida limetatiza Serikali. Ijapokuwa Serikali inategemea zile *foreign remittances* ili

kuinua hali yake ya fedha za kigeni, sasa imewatupa mkono watu wengi ambao wako nje kwa sababu hawakuweza kuwarejesha nyumbani kujiunga na familia zao.

Ripoti yetu ya Sita ambayo imetolewa imechangiwa pakubwa na washika dau wengi. Vile vile katika upande wa Mahakama kumekuwa na ongezeko la matumizi ya teknolojia kwa sasa. Leo nilipokuwa nikisafiri kutoka Mombasa kuja Nairobi nilichukuwa *judgement* kwa kesi yangu moja ambayo ilikuwa inasomwa kutoka Mombasa kupitia kwa mtandao. Hiyo imewezesha kesi nyingi kuamuliwa kupitia kwa mitandao kwa sababu ni rahisi na haina gharama. Haimlazimishi hakimumu kujitokeza hadharani na kujiweka katika hatari ya kuambukizwa Virusi vya Korona.

Ipo haja katika siku za usoni kuhakikisha kwamba teknolojia kama hii inaendelea kutumika mahakami. Ukiangalia katika ratiba ya kesi ambayo inaorodheshwa kila asubuhi, utapata kuwa kuna kesi zaidi ya 20 ama 30 ambazo zinatajwa ili kutoa mwongozo wa jambo linalotakikana kufanyika. Kesi zile hazina haja kumpeleka wakili mahakamani ama hakimumu aje katika mahakama ya wazi, ili kufanya maswala kama yale. Zinaweza kufanywa kupitia kwa mtandao mara moja kati ya Saa Mbili na Saa Tatu, ili Saa Tatu mahakama ianze kazi ya kusikiliza kesi kwa haraka na wananchi wapate huduma za mahakama kwa urahisi.

Swala lingine ambalo limezungumziwa ni *social programmes* kwa wazee na wale wengine ambao wameathirika. Ni kweli kuwa hata katika orodha ya mawakili katika nchi ya Kenya kuna wengi ambao hivi sasa wametatizika kwa sababu hawajaweza kupata kazi inayowawezesha kupata malipo kutokana na huduma zao. Nimefurahi kwamba baadhi ya mawakili katika Law Society of Kenya (LSK) wamefanya michango na kuwasaidia wale ambao mapato yao yamekuwa chini, ili waweze kujimudu kimaisha kwa muda huu wa janga la Korona. Hayo hayatoshi. Ipo haja ya kuangalia ni njia gani ambazo tunaweza kuanzisha hazina maalumu ya kusaidia biashara ndogo ndogo kama za wale *professionals*.

Pia, kuna madaktari wengi ambao wamefunga zahanati zao kwa sasa kwa sababu hakuna wagonjwa wanaoenda pale. Ipo haja ya hazina kuwekwa ili wananchi waweze kupewa mikopo au ruzuku kulingana na kodi ambayo mtu anapeleka kwa Shirika La Ukusanyaji Ushuru (KRA) kila mwaka.

Mhe. Bi. Spika wa Muda, bila kuongea zaidi ya hapo, ninaunga mkono Ripoti hii na kuomba Maseneta wajitokeze kwa wingi siku ya Jumanne tuhakikishe kwamba tumepitisha ule Mswada wa COVID-19 Pandemic Bill, 2020, ili kuhakikisha kwamba tuna mwongozo wa muda mrefu kwa maswala kama haya.

Asante Bi. Spika wa Muda kwa kunipa fursa hii.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Sen.(Prof.) Ongeru.

Sen.(Prof.) Ongeru: Thank you, Madam Temporary Speaker, for this singular opportunity to address a very important---

The Temporary Speaker (Sen. (Prof.) Kamar): I am sorry, Senator. Please, take your seat. I realize that I had not followed the procedure.

(Sen.(Prof.) Ongeru resumed his seat)

(Question proposed)

Proceed, Sen. (Prof.) Ongeru.

Sen. (Prof.) Ongeri: Thank you, Madam Temporary Speaker for giving me this opportunity to comment on the Sixth and Seventh Progress Report of the *Ad Hoc* Committee on COVID-19 Situation in Kenya that has been laid before this House. It is an important Report.

The COVID-19 pandemic has taken the world by storm. Therefore, any emerging nation must of all necessity be in a state of preparedness in dealing with any nature and manner of the pandemic that may seize that nation.

Madam Temporary Speaker, it is important that we, as a nation, are seized of the details on how to react in future pandemics. We learn from the previous lessons. I remember vividly when the HIV/AIDS pandemic came into this country. I was in the forefront of trying to get the response when the President declared it a national disaster. It was only through this process that we were able to access the Antiretroviral (ARV) drugs, which were patented and beyond the reach of *mwananchi*'s affordability.

It was important to take that step. It was possible to recruit many people to enter into the treatment regime, so that they could get the benefit of ARV drugs. By that experience alone, we have learnt something about these pandemics. Particularly the HIV/AIDS pandemic, when we had a very high prevalence rates at about an average of 14 per cent, we progressively brought it down to a manageable percentage. We learnt from that experience. It was important, first of all, to have the necessary available drugs to deal with the pandemic. The drugs were manufactured that could deal with that pandemic.

Secondly, we were also able to look at the socioeconomic aspect of the disease because it caused a lot of delimitating issues to the families and the stigma that was associated with it. We had to find a way of going around it. It was a manageable disease, and therefore, we could deal with it more firmly. Apart from that, there was also the element of other pandemics that came thereafter, which we were able to deal with quite progressively.

Madam Temporary Speaker, one of the things we have learnt from the COVID-19 pandemic is the invasiveness of it to be able to reach out to a vast number of populations in a very uncontrollable manner. We have learnt that social distancing is not just a song, but a necessary element to keep disease at bay. That is the first thing that we have learnt. It has no respect for persons. It does not matter what rank, age and sex orientation you are in; it will catch anybody unawares. We need to know how to react, first of all, as family members, community and society. We need also to know how to react at the county and national level. Obviously, the national Government must give direction on the policy approaches that are needed to deal with this situation.

As we see it today, what has this COVID-19 done? It has displaced people from their jobs. There are no economic activities going on. People have been disoriented and separated from their normal daily pursuits. Even those who were involved in *Jua Kali* sector and the microenterprises, their incomes are very meagre at this stage. The ability to earn for the families has been completely disoriented. We now need to put that social problem into order. We need to work our populations to make sure that their daily earnings are useful and successful.

Madam Temporary Speaker, the second thing that we have learnt is that we need a concerted action by both the national Government and county governments. They should be in state of preparedness to deal with a pandemic. This Report has given us an

insight into what should be done every time, stage and moment to deal with a pandemic in a much more decisive manner.

Thirdly, this disease has taught us one other thing. It is important to look at our own institutions internally and energize them in the way of research and development. In that manner, they can produce the necessary materials that are essential and important in dealing with a pandemic. For instance, the Kenya Medical Research Institute (KEMRI) has come out right on spot. It is one of our premier institutions. I am happy that it has given some kind of leadership within the African Continent in terms of research and development of the vaccine.

Already, we know that there is a likelihood that once the protocol aspects are dealt with through the Scientific Ethics Review Unit (SERU) of KEMRI and National Commission for Science, Technology and Innovation (NACOSTI)--- Once a green light is given, we will be part of the participants in the vaccine trial which has been developed. We will be able to see whether can develop a vaccine to deal with this pandemic.

Madam Temporary Speaker, sometimes we become very skeptical about some vaccines that are being developed. I do not think we should be skeptical once our scientists are fully seized of the problem and what I call the pathogenesis or the way the disease is developing.

We now know that this is in the class of a virus. As a scientist, I know that it is just a mere protein coated by a film of fatty acids that behaves abnormally when it gets into the cells on the body, particularly when you inhale the droplets. They cause a lot of damage and difficulties in the lining of the lungs. That is why the first sign that they get is coughing episodes.

Madam Temporary Speaker, there have been other areas that the scientists have suggested. Maybe this is affecting the clotting mechanism of the blood. What you are beginning to see is the deposits of small little thrombi when the blood clots. It breaks down into small pieces. It is what we call thrombi, when they are many, or thrombus, which is one.

These pieces then go and clog the blood vessels in the lungs. They can cause what is called distress respiratory syndrome. You get distress in breathing and are not able to oxygenate your lungs appropriately and correctly. That is why you cannot survive unless you are put on a ventilator.

Madam Temporary Speaker, the ventilator is a very useful item. We now see that even the most advanced countries like the USA, China, Italy, France and Britain were running short of the ventilators. This is because ventilators are finality. When you reach that level, you are already in Intensive Care Unit (ICU). What you need to do is get generous supply in high percentages of oxygen to aerate the lungs. In that manner, you can get oxygen in your blood vessels to maintain your normal life and the breathing circle that you go through it.

This is an important element that we need to understand. Now we know our institutions like the Jomo Kenyatta University of Agriculture and Technology that developed a module of a ventilator. We should work on that basis and develop our in-house ventilators that are usable, can be repaired and serviced within the country.

Madam Temporary Speaker, all of us are wearing masks. It is not a very comfortable thing to wear masks, but it is a necessity because of the mode of transmission through the droplets. We are now able to tailor and make masks in our local

tailoring shops and tailoring firms like Kitui and many others, including our Gusii Institute of Technology. We are also able to create sanitizers because a sanitizer is literally spirits that have very high level of alcohol, almost 70 per cent.

When you wash your hands and sanitize yourself with the sanitizer, if there are any particles of the virus on your body or hands, the minute they come into contact with this 70 per cent alcohol spirit, it cleans up and denudes or removes the outer covering of the virus, thus rendering it sterile. Therefore, it is not able to move anywhere, literally rendering it dead.

When the Ministry of Health says let us keep our hands clean and let us sanitize ourselves, it is not for fun. It is simply because using the science behind it, the minute the virus gets in touch with the sanitizer, the covering of the virus is removed and, therefore, is laid bare. The coating is laid bare, and without its covering, the virus becomes very inactive. Therefore, it cannot perform, invade, or multiply itself to a much higher number.

We have learnt that we can keep it at bay, first of all, by social distancing. It is quite clear and is very effective. By simple washing of the hands and using sanitizers, we are able to keep it at bay and cut the cycle. We now know that within two weeks, if there is no transmission from one individual to another, that cycle ends there, and therefore, you are disease free. That is why the Government is insisting that when they talk of self-quarantine for 14 days, again, it is not for fun. It is simply meant to cut the life cycle of the virus, so that it does not have another host to go to; move from one host to another and cause the mischief that it is causing at the moment.

One element that has stood out very clearly, and I have always said this before, is that the supply of normal clean drinking water in all our areas is very critical. When I was Minister for Technical Training and Applied Technology, one of the things that we did with the World Bank was to supply plenty of water to informal settlements. Areas like Korogocho, Mukuru kwa Njenga and Kibera are densely populated. Therefore, they need a generous supply of water to survive. If you are not able to supply water, then you render the hygienic conditions that you are trying to prescribe to people useless.

That is why we are saying that it is important that we are able to ensure that there is generous supply of water to all these areas. Fortunately, water is now a devolved function. It is devolved in a manner that is acceptable, and that is why we are saying that all our county governments should make it their business to provide generous budgets for the supply of clean water to all the populations, whether in the urban centers or in the rural setting, so that Kenyans do not have to struggle trekking miles away, in order to get water for their domestic use.

If there is anything that we have learnt from this COVID-19 pandemic, it is the ability to prioritize water supply, because water becomes a basic element that is available to the population, so that they can deal with this situation.

Madam Temporary Speaker, we have also learnt that you must be able to give what we call a stimulus package to the population of Kenyans, whose livelihoods are dependent upon their daily earnings. This is a 'make cash' economy programme that we have in this country. So many people in the *Jua kali* sector are depending on their day-to-day earnings from their small rural operations. Therefore, we must have a socio-economic stimulus to package and protect these *Jua Kali* people from that.

This Report, which will eventually lead into a Bill, will be able to enrich the Bill. What I expect in the Bill is, first of all, to find out how the national Government reacts

when dealing with a pandemic. Whether it is COVID-19 or any other pandemic that might come around, we need to find out what the set standards are.

Secondly, it also gives us an indication of how a county government, in conjunction with the national Government should behave. Third, is on how the resource mobilization is done in a swift and timely manner, to deal with the pandemic in that area. Fourth, is on how we are able to mitigate against the difficulties that people may find themselves in; either socioeconomic difficulties or any other difficulties that may arise.

With those remarks, I support this Progress Report.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Sen. (Prof.) Ongeru. Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker for giving me an opportunity to support this Progress Report. I want to start by congratulating the *Ad Hoc* Committee led by Sen. Sakaja. They have indeed come up with good insights concerning the issue of COVID-19.

There is an issue that Sen. Sakaja's team has come up with concerning education. They have said on the Floor of this House that they really wanted to engage the Cabinet Secretary (CS) for Education regarding education, but they have not been able to reach him. It is unfortunate that at this particular time the CS is not available, because all Cabinet Secretaries should be available, especially during this particular time.

It is not about us, the Senate, or about them, but about the Kenyan learners and our children in school. We should impress upon the CS for Education to come before us. He should know that we are working together as a team. When he comes before us, he is not coming as an enemy. He is coming as a partner, so that we discuss and come up with a solution on how we can intervene with regard to education. This will enable our learners not to suffer adversely.

As I speak, our learners have suffered adversely. Right now, learning is not really going on in many homes. Learning could be going on in some homes, especially among the well-to-do families that have electronic devices, television sets and families that do not have members with disabilities in their lineage. Therefore, there is the need for the CS to come, so that we engage as a team and see how we can help our learners.

Madam Temporary Speaker, as we look at this Committee Report, we note that it has taken a different approach, which is, a human rights approach. This is a very good approach because, initially, there was a misconception that this COVID-19 pandemic is just affecting the slum areas. However, the reality is that many people are adversely affected, for instance, our people working as air hostesses.

Imagine if both the husband and wife are working as air hostesses. If they have been laid off, then it means that, that family has been adversely affected. There are also some families where both the husband and wife are casual labourers. You will find that they are also adversely affected. It was a misconception because we need to relook at how families can be helped.

I congratulate Jomo Kenyatta University of Science and Technology (JKUAT) for coming up with the module innovation on ventilators. We should encourage our Kenyan manufacturers, so that we buy what is Kenyan and promote the manufacturing industries. We should also encourage universities to come up with innovations.

It is not obligatory to buy COVID-19 equipment abroad. We should manufacture products locally and boost our own. For instance, there is no need of importing masks to

cushion our people. We have many talented tailors. Let us make use of our own. However, we will accept donations of masks from abroad.

Let us also use local personnel to enlighten people about COVID-19. We should engage people in the counties to raise awareness on issues of COVID-19, so that they own the concept. Therefore, we will not have difficulties trying to convince people to use soap and water or maintain social distance. Let us own this concept, so that we promote our own.

The issue of taxi and truck drivers has been talked about. Taxi drivers are mostly young people who are trying to eke out a living and survive. However, some of them are not in the business that uses Apps. This means that their families are suffering. This situation should not encourage our young people to get into illegal means of eking out a living. These taxis have been crucial and handy to our young people because they have helped them to support their families. This is something we should encourage.

Let us also help truck drivers in Malaba Border. There is need for concerted effort. Governments need to talk about this issue and find out how they can help the drivers during this particular time.

The Report of the *Ad Hoc* Committee talked about police brutality and an example of the boy who was shot while in their balcony was given. However, we should acknowledge that we have police officers with a human face. We should not forget that.

Two weeks ago, it was in the mainstream media that a police officer in Nakuru bailed out a person with disability. The police officer realized that there was someone with a disability and was unable to move. So, in her own thinking, she decided to buy a wheelchair to gift the person with the disability. Let us also acknowledge the good things that police do, so that we encourage them to have some civility.

There was also a police officer who bailed a mother who was late during the curfew time. She tried to find out where the mother was coming from, bailed her out and escorted her. So, let us also encourage and commend police officers with human faces.

The Report of the *Ad Hoc* Committee also talked about the issue of opening schools. This is an issue that should not be rushed; it should be well-thought-out. We do not want a situation where one learner has COVID-19 and infects the others. So, there is need to tread carefully on the issue of opening of schools.

There is also need to relook on the calendar or term dates. This is because they will adversely change. When COVID-19 started most of the First Term was lost. Whatever was supposed to be taught was not taught. We cannot insist that learners went to school. We need to change the term dates. They should not be static term dates.

There is need for a candid conversation between the Senate and the education team. The Senate as a whole and the Cabinet Secretary (CS) for Education need to look at how to impact positively on our learners. I feel for the Cabinet Secretary because when the taskforce was formed, it was affirming that he was helpless and people had to report to him what to tell us. We have to be candid since this is a calamity that neither the CS nor anybody asked for. There is need for concerted efforts and brains to come together and give the way forward, so that in case of another pandemic, the Ministry of Education will know the approach to take.

The issue of teenage pregnancies has come out because schools have been closed and our teenagers could be idle most of the time and do not know what to do. Even in their homes, they do not get the real information about taking care of themselves and

avoiding pregnancies. Most of the time, such issues are discussed in schools. It is not like a very long time ago where grandparents would call their grandchildren, talk about marriage and very many issues. The children or teenagers we have right now are of a different calibre. They get a lot of information from the internet and sometimes have more information than you will want to give them. We need to intervene.

Madam Temporary Speaker, the COVID-19 issue exists, but there is need for massive awareness to be done in the county governments. This will ensure that the county governments are really taking up the issue on the ground, sensitizing people vigorously concerning social distancing, supplying soaps and ensuring that there is water for people to wash their hands. It cannot just be an issue of the national Government. Issues that are COVID-19 related must cascade from the national Government up to the counties. However, the national Government needs to support county governments financially to ensure that the issues are effected. They should not be left out.

Water and soap should be given freely by county governments. This is because whether we like it or not, we must use soap and water. I thank God that the spread of COVID-19 can be prevented by using water and soap. God is gracious. If it required only sanitizers, it would be a tall order, since sanitizers are not affordable by many families.

The Chairperson, Sen. Sakaja, talked about the issue of street families, but in a very sweeping statement. Street families need to be supported. Sometimes when I am walking home or doing my errands, I see children or families on the streets. They do not have the masks and food. It is a painful situation. There is need for a committee to be formed to address this. When we talk about a Multi-Agency Committee, let it also be specific to street families, so that they are catered for. This is because very few people think about street families. Children on the streets do not have food, soap and water, but what do we do? Most of the time, we just walk away. We need to implement a strategy that will ensure that we are reaching out to them.

As we reach out to them, we need to also find out their origin. This is because there are some street families that can safely go back to the society. For instance, in a situation where their origin can be traced and they have family land, the family land can be developed, so that they can continue living in the society.

When families are in the streets, they are different from other families. We do not endeavour that families should always be on the streets. Therefore, there is need for us to look for a strategy of ensuring that street families are supported.

I have talked about growing Kenya. As we deal with COVID-19, let us grow our own. We should ensure that the manufacturing industry that the President endeavours to grow is growing, by ensuring that we are not importing but developing our own.

In the counties, there are many tailors who are idle. They are able to stitch masks, but they have not been given an opportunity. I remember at one point, young people in Lugari came up with masks. However, they have no one to hold their hands, so that they can continue with this project.

It is not only in Lugari, but the Chamber of Commerce should waive the fee that requires people to pay in order to be given tenders. Let these tenders be given to our young people, so that they can provide for us. Let them be service providers.

We should also see how this COVID-19 period can be positive for us, as Kenyans, and for our youths. As we talk about the COVID-19 pandemic, we need to be keen on cushioning our farmers. This is because farmers need to be cushioned. Locusts

came and invaded their farms. As a result, they have no food and no one is talking about cushioning them. There is need to cushion farmers. Money needs to be set aside for farmers to be supported.

I support the Report of this *Ad hoc* Committee.

Sen. Chebeni: Thank you, Madam Temporary Speaker, for giving me this chance to support this Motion. I want to thank the Committee for coming up with a detailed and relevant Report that touched on various thematic areas. They have been consistent in updating this House through progress reports, from the First Report to the Sixth Report that we are discussing right now.

They have also managed to engage relevant stakeholders and discussed issues affecting the country at large. They have discussed access to information, issues on transport, cash transfers and education, among other issues.

In the recommendations, they recommend that there is need to set up a multi-agency team, and I want to agree with this recommendation. This is because this is not just a health issue, but a multi-sectoral issue. Therefore, all stakeholders should be represented in this team.

They also touched on issues of employers and employees. In their submission, they sought to establish a toll free number that will address issues that employees and employers have. I hope that through this initiative, they will raise awareness, so that everyone in the country is aware that there is such a service for them to go forward and present their issues.

Madam Temporary Speaker, it is also very sad to note that at least 33 counties have not supported the vulnerable in the society. However, from what Sen. Sakaja proposed that the Ministry of Labour and Social Protection will work or engage with the 33 counties to support the vulnerable in their society through the street families rehabilitation fund, I think this is a very good proposal.

They also touched on the transport sector. This is a sector that has been hit hard through cross-border issues. In the morning, we heard sanitation along the highways. I believe that through this Committee, we will have amicable solutions to this problem.

It is sad that for a very long time, no police have been prosecuted or justice given to the afflicted families or communities. The Committee asked for a report on the same. I hope that the report will come to this House, so that we can see what the Independent Police Oversight Authority (IPOA) has done to police officers who have committed these grievous acts.

With that, I thank the Committee for their resilience and commitment in handling this issue so far.

I support this Motion.

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

There being no other contributor, I would like to ask the Mover to respond. I have got communication that Sen. Farhiya will reply on behalf of the Chairperson, Sen. Sakaja.

Sen. Farhiya, proceed.

Sen. Farhiya: Thank you, Madam Temporary Speaker, for giving me the opportunity to reply. I request county governments for water supply. You cannot tell people to wash their hands and maintain high standards of hygiene,

and yet, there is no water provision. There is, therefore, need to ensure that water is supplied at a very affordable cost.

The other issue around this COVID-19 pandemic is reduction of corruption. For every shilling that goes into corruption, an equal number is lost in terms of service delivery to Kenyans. Our President has been categorical in terms of his wish to leave a legacy, that is, Kenya without corruption. I think whoever is dealing with that fund should live to that legacy.

The other issue is around small industries. In any calamity, there is an opportunity. For example, the other week we were told that the Personal Protective Equipment (PPEs) produced by Kenyan factories, are of better quality than the imported ones. Kenyans should be applauded for that effort.

In order to reward those hardworking Kenyans, there is President Uhuru's Big Four Agenda, one of which is industrialisation. An opportunity has presented itself for us to now develop our local industries and protect them against unfair competition from cheap products from other countries that are of even low quality.

Madam Temporary Speaker, this is an opportunity for our industries to grow. As a result, employment will be created for Kenyan youth who are languishing in poverty. Some of them are highly educated, but cannot support their families.

In terms of socioeconomic difficulties that this country is facing, I always say that if there is any stimulus that you do, please, never use food. Do not distribute food because it is expensive and prevents people's choice. If I wanted to eat *sukuma wiki* and you give me spinach, you take away my choice, although maybe it will give the same nutritional value. Some people do not eat certain foods culturally. Also, the cost of sending money is far much cheaper than the cost of transporting the food to whichever places.

I am pro-choice. If you give people money, they will stash some of it somewhere and start a small business when the economy starts picking.

We are introducing cash to the economy, which will start circulating to our people. As a result, money will change hands, create jobs and business opportunities, which will contribute greatly to the GDP.

The advantages around COVID-19 pandemic are enormous. For example, the environment is clean. There is a lot of reduction in pollution. We look at things from their adversity, but there is always an opportunity in terms of what comes out of them. Our country needs to take advantage and exploit natural energy.

The other issue that is related to COVID-19, which many people are not speaking to, is our Government asking for debt relief from our development partners. The impact of COVID-19 is creating economic hardships to many countries of world, including the most developed countries. Therefore, nobody expects us to be different. It is high time our Government reached out to them to write-off some of the debts. If for some reason they cannot, let them give us a grace period of a minimum of 10 years.

We need to create enough cash-base to be able to restart our economy. Surely, you cannot pay what you do not have. I am sending a message to our Ministry of Finance to start negotiation with the development partners on how to settle debts. We want to develop a relationship with them, so that we get a grace period of a minimum 10 years.

They could also write-off our debts, so that after this pandemic, we start on a clean slate and be able to recover as a country.

One of the reasons Kenyan manufacturing is very expensive is the high cost of electricity. If we can do a little investment in wind and sun energy and harness thermal energy, which is on-going, we can move our country forward.

The other opportunity is that we, as a country, can grow cotton and revive our industries such as Kisumu Cotton Mills (KICOMI) and Rift Valley Textiles (RIVATEX). Cotton is in high demand all over the world. These industries can only be revived if there is reduction on the cost of electricity. Those industries used cotton to make a variety of woven fabrics, clothing and other items. If we grow cotton, our industries will be at par with others in the world and compete in the global market.

I do remember we used to see very fine and pure cotton bed sheets from Ethiopia and Uganda. Today, that quality is not there. We need to take advantage of it in terms of beddings, pure cotton and other materials. I see an extremely high potential in terms of creating jobs, reviving industries and farmers getting markets for their homegrown products. Demand is created by improving those industries.

In terms of opening up our economy, I saw the other day the President giving an indication that he might consider opening up the economy. I think that is a great move. According to the World Health Organization (WHO), this pandemic is here to stay. Therefore, Kenyans will start starving if we continue with the current trend partial lockdown.

Needless to say, if we decide to open up, we must follow Government guidelines, so that not many more Kenyans are infected by the disease. As we are all aware, we have a fragile health system that will not be able to accommodate all of us if many Kenyans are infected at the same time.

I appreciate the President's indication that we might open up. After that, if Kenyans behave, I hope that we might be able to open up schools. Our lives need to go back to normal, but not quite normal because it will never be the same. Probably, in the next three or four years, we might be able to remove the masks. However, Kenyans should become more responsible in terms of their behavior, so that people can get an opportunity to be economically productive and put food on the table. This will enable us to avoid a situation where people become dependent on the Government, which is usually dependent on the taxes that we pay. If people who are supposed to pay tax do not have any income, some of the essential services will fail in the end.

I wish to thank all the Senators who have contributed to this Report.

I beg to reply.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. As was ruled earlier, this Progress Report does not involve counties as per our Standing Orders. We will, therefore, have a voice vote.

(Question put and agreed to)

Hon. Senators, we are left with only one minute and Sen. Musuruve was supposed to be prosecuting the next Bill for 10 minutes. However, for the convenience of the House, pursuant to Standing Order 31(2), I find it necessary that we end the business of the day.

When we come back, she will proceed with her 10 minutes on seconding of the Motion.

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is now time to interrupt the business of the Senate. The House, therefore, stands adjourned until, Tuesday 2nd June, 2020, at 10.00 a.m.

The Senate rose at 6.30 p.m.