

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 12th March, 2014

*The Senate met at the County Hall,
Parliament Buildings at 2.30 p.m.*

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

PRAYERS

MESSAGE FROM THE NATIONAL ASSEMBLY

REJECTION BY THE NATIONAL ASSEMBLY OF
THE COUNTY GOVERNMENTS (AMENDMENT)
(NO. 2) BILL; SENATE BILL NO. 4 OF 2013

The Speaker (Hon. Ethuro): Order, hon. Senators. I have a Message from the National Assembly on the subject of rejection by the National Assembly of the County Governments (Amendment) (No.2) Bill, Senate Bill No.4 of 2013.

Pursuant to the provisions of Standing Orders No. 41 and 149 and the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

Whereas the County Governments (Amendment) (No.2) Bill, Senate Bill No.4 of 2013, a Bill originating in the Senate was received in the National Assembly on 4th December, 2013 read a First Time and thereafter considered in accordance with the Constitution and the National Assembly Standing Orders;

Whereas the National Assembly on Thursday, 6th March, 2014, rejected a Motion for the Second Reading of the Bill;

Now, therefore, in accordance with the provisions of Article 112(1(a) of the Constitution and Standing Order No.149 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly; the consequence of which the Bill stands referred to a mediation committee in accordance with Article 112(1)(a) of the Constitution.

The message is from the Hon. Justin B.M. Muturi, Speaker of the National Assembly.

COMMUNICATION FROM THE CHAIR**CONSTITUTION OF MEDIATION COMMITTEE
ON THE COUNTY GOVERNMENTS
(AMENDMENT) (NO. 2) BILL**

The Speaker (Hon. Ethuro): Hon. Senators, as a consequence of the above message, I have a communication to make.

I wish to report to the Senate that pursuant to Standing Order Nos. 43 and 44, I have received the following Message from the Speaker of the National Assembly regarding the rejection by the Assembly of the County Governments (Amendment) (No.2) Bill, Senate Bill No.4 of 2013.

Hon. Senators, Article 112(1) of the Constitution provides that if one House passes an amendment Bill concerning counties and the second House rejects the Bill, it shall be referred to a mediation committee appointed under Article 113. Article 113 provides as follows:-

“(1) If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.

(2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill.

(3) If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.

(4) If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.”

Hon. Senators, under the circumstances, I concur with the Speaker of the National Assembly to form a mediation committee in accordance with Article 112(1)(a) of the Constitution. In this regard, I have already instructed the Senate Majority Leader and the Senate Minority Leader to propose three names who will be part of the mediation committee that will be appointed to look at a version of the Bill.

I thank you.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir, for that Message and Communication. I rise to seek clarification on the numbers to constitute the committee. We have three members of that committee who will come from this House but I assume in the tradition and structure of doing things, it will be on a two to one basis; two from the majority side and one from the minority side.

Other than that, Mr. Speaker, Sir, is to say that the communication that you have read to this House is what should have been happening all along. I want to be very clear; neither House is a rubberstamp of the other. As much as we would have wanted the National Assembly to pass that Bill, whatever views they had which differed from this House must be subjected to a mediation committee as provided for in the Constitution. So, I am happy, that, that is the process which is envisaged. For the first time, we are witnessing the two houses relating in accordance with the Constitution.

(Applause)

What remains, Mr. Speaker, Sir, and I want to urge you to pursue this rigorously with your counterpart in the National Assembly, is the operationalization of Article 110(3) regarding Bills before they are initiated before either House. What I have discovered, because last time you asked me to engage a little more with the Executive, is that the problem is with some middlemen; some people functionally in the middle somewhere who have arrogated themselves the right to determine which Bills go where. I want to report to this House that, that process that Article 110(3) anticipates is complied with. I am pursuing it very rigorously and so far, it is yielding fruits.

Article 110(3) is very clear that the two Speakers shall resolve that question jointly, not the Attorney-General. The explanation we are getting is that: “The Attorney-General, in the memorandum of reasons puts in a clause somewhere that this Bill does not concern counties.” It is not his job. It is just his opinion. Even the sponsor of a Bill could have an opinion. A Cabinet Secretary or the Attorney-General could have an opinion but it is just an opinion. In fact, just for emphasis, the only two people authorized to make that determination are the Speakers of the National Assembly and the Senate, jointly, not severally.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. I appreciate the contribution by the Leader of the Majority. But would I be in order to demand that these middlemen who mess about with the Senate are named so that we get to know who they are?

Hon. Senators: Shame! Who are they?

The Speaker (Hon. Ethuro): Majority Leader, let us dispose of that particular one.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, the term “middlemen” was not used in the commercial sense. It was used in the sense that there is a legislature, parliament, on one side and there is the executive on the other side as an arm of Government. I made it very clear to the Executive that it is not the role of the Executive to make laws. It is the role of Parliament. What the Executive can do is to propose laws which they think can help them realise their manifesto or view of things because they have been elected in office but they just propose. So, the word “middlemen” was used, not in the commercial sense of brokerage, but in the sense that, the only legitimate organs are the Executive, which has a right to propose laws. But in terms of the exclusive mandate of making laws, it is vested with Parliament, not some other functionary determining that: “This Bill should go here and the other should go there.”

Mr. Speaker, Sir, if you allow me, let me stir the process more than I have done. But let me assure this House that we will not rest until this matter is resolved to the full satisfaction of the Senate of the Republic of Kenya.

(Applause)

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. Thank you for this opportunity. It is interesting and amazing to hear Sen. (Prof.) Kindiki confessing that this is a Government that operates with middlemen.

(Laughter)

Be that as it may---

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Wetangula): But I am on a point of order.

The Speaker (Hon. Ethuro): What is it, Sen. (Prof.) Kindiki?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I know my brother, Sen. Wetangula, is on a point of order, but he is breaking the procedure in the pretext of being on a point of order. Is he in order to impute things that I have not said here on the Floor? I have not said the Jubilee Government operates through middlemen. I said there are people and institutions who have arrogated themselves roles they do not have between the Executive and the Legislature, simple as that. This is a House of record. Please, Leader of the few, do not impute improper motives on me.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, in simple English even to a nursery school child any object, person, man or woman who stands between the Executive and the Legislature is a middleman or woman. We have been told those are the people who have been frustrating this process. We want to urge the Jubilee administration to veer away from middlemen. We heard the President saying: "Business brokers are fearing corruption in his Government." If that is the style and manner of operation, God help this country.

Mr. Speaker, Sir, coming back to the point so that we do not engage in unhelpful public debate on this matter, it will be also instructive for you to inform the House whether in your discourse with your belligerent brother, you have reached an amicable agreement that now Article 110(3) of the Constitution will operate without any hindrance or not, so that we know whether we can put our machetes back into the sheath or we continue drawing them in helping you battle this impunity that has frustrated this Senate Chamber for such a long time.

Secondly, Mr. Speaker, Sir, a mediation committee of three from either chamber is a little too small. This afternoon, I consulted with the Clerk and I had proposed that we have five from each House, so that they can propose three, we propose two. This is a learning process and we need to build capacity through this kind of process so that those who start the mediation will be reservoirs for future mediations as we go along.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, indeed, I want to commend the Majority Leader for the remarks he has just made. Not just that, for the image of the Senate in the recent weeks, the Majority Leader has been discharging himself very well. This is commendable.

(Applause)

Mr. Speaker, Sir, allow me to request and convey the following to our good friend and a man who we know understands and probably interprets the Constitution better than

us, Prof. Githu Muigai, the Attorney-General. Tell him to relax. He is jumping the gun. His time will come. Once we are through with mediation and the Speaker presents whatever decision we shall have made to His Excellency the President, the Attorney-General will have unlimited opportunity to advise the President before he assents to the Bill. Remind him that in this case, he is no longer what he used to be in the old Constitution. He is not a member of the National Assembly neither is he a member of the Senate. He should wait, his time will come.

Sen. Ndiema: On a point of order, Mr. Speaker, Sir. The Majority Leader has indicated that in future, those Bills will be coming to the two Houses. But as we know, the Government operates with records; in this case, circulars. Would I be in order to request that the highest office issues circulars to all cabinet secretaries and all those concerned with a copy to the Senate and the National Assembly, stating this position clearly?

The Speaker (Hon. Ethuro): This was really my communication which apparently has been hijacked by the Majority Leader. I will give the Majority Leader one more opportunity.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I have no problem pursuing the route suggested by my colleague, Sen. Ndiema, because we must be taken seriously. We are not taking half measures. So, if it is something that needs to be in writing, we will ask the presidency to do a circular, which we are willing, once it is done, to even submit for record purposes before this House, so that we can settle this issue once and for all.

The Speaker (Hon. Ethuro): Well, on my part, one is the issue of the size of the mediation team. I just want to confirm that we had very fruitful discussions yesterday as your two Speakers. We discussed all those issues. We agreed on three members from each House. I know both of us have already communicated to the membership. So, I think to renegotiate that might be a bit difficult. But I will definitely appreciate the reasoning behind that proposal in terms of having more people participate and engage in order to acquire more institutional learning and memory, but that could be done another time.

Hon. Senators, in terms of the procedures ably demonstrated by the Majority Leader, I also want to add my voice, that this is a process in the Constitution. So, there was already an anticipation in the Constitution itself that there will be occasions, just like two human beings, even a happily married couple might always disagree on one or two things. It is not the end of the marriage or the end of a relationship. This is why the provision of the mediation is there for us to try and build a consensus on what is acceptable. Even as we prosecuted this particular matter, it occurred to us that the issues were not substantive to kill the Bill. Every legislative proposal basically is a proposal to be improved or otherwise. So, let us leave it at that particular level.

The challenge of the brokers was very important. Ordinarily, I would have put the Majority Leader to task because anybody frustrating constitutional provisions through brokerage is not only a criminal, but undermines the Constitution of the Republic of Kenya. But given that the Majority Leader this week has demonstrated extreme leadership, enthusiasm to duty, I have absolutely no reason not to give him the benefit of doubt because I would want this House to encourage him to continue that pursuit. We

will all support and encourage him to ensure that is done. I think from yesterday, we have given him that support. That is why we can see him walk with a bit of a spring!

(Laughter)

Let me leave it there.

The one by Sen. (Dr.) Khalwale, I think was for all of us. The Majority Leader has confirmed. But I thought this time he was going to remember his brother-in-law but the current Attorney-General does not enjoy the same privileges that the last Attorney-General enjoyed as his brother-in-law.

Next Order!

NOTICE OF MOTION

(Sen. (Prof.) Lesan stood up in his place)

The Speaker (Hon. Ethuro): Sen. (Prof.) Lesan, I was just checking to confirm if you are listed.

Proceed.

DEVELOPMENT OF POLICY FOR CARE OF THE AGED

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, aware that a good percentage of Kenya's population is made up of Kenyans aged 70 years and above and that some of them are affected by senile dementia but have no one to take care of them owing to the reality of changing circumstances; appreciating the introduction of social support programmes by the National Government; concerned, however, that the Government has not compressively addressed the challenges of the aged, further concerned that the magnitude of the problem of the aged is enormous; the Senate urges the National Government to develop a comprehensive policy for the aged and initiate innovative projects such as small scale residential homes in each county to enable them access necessary care and live dignified lives.

The Speaker (Hon. Ethuro): Next order!

STATEMENTS

APPOINTMENT OF COMMISSIONERS TO THE GENDER AND HUMAN RIGHTS COMMISSION

Sen. Billow: Mr. Speaker, Sir, I rise to seek a statement from the Chairperson of the Devolved Committee – sorry, the committee is not in place - I wish to seek this

statement from the Majority Leader regarding the Gender and Human Rights Commission. Two vacancies for the commissioners were advertised in May, 2013. The interviews for the positions were conducted in June, 2013.

Mr. Speaker, Sir, the President forwarded the two names to the Kenya National Assembly last week, one of whom was rejected. Of the five commissioners, there is no commissioner from North Eastern region of this country, which has been the worst hit in terms of historical injustices relating to human rights practices and even from the gender perspective.

Mr. Speaker, Sir, I seek the following:-

(1) Why did it take more than eight months to appoint these commissioners for a very important commission like this one?

(2) Can the Ministry table the names of the candidates that had been recommended by the interview panel to the President? There are names of people who did the interview and we believe it is important to know why some of the people from the Northern Region were not included.

(3) Will the Ministry ensure that North Eastern region which has suffered the most in terms of human rights abuses and lags behind in gender development gets an opportunity to have a commissioner in that very important commission?

The Speaker (Hon. Ethuro): Chair of the Committee? Majority Leader?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, you will guide us because I thought this question should be directed to the Chair of the Committee on Legal Affairs and Human Rights, unless there is a special reason. You have guided us properly on this matter, that chairs of committees should take charge of issues unless there are extra-ordinary circumstances where the default mechanism of the Majority Leader is invoked.

Sen. Billow: Mr. Speaker, Sir, the information that I have is that the Gender and Human Rights Commission, as we speak now, falls under the Ministry of Devolved Government, initially Devolution and Planning. Maybe I need to be guided.

The Speaker (Hon. Ethuro): Chairman, Committee on Legal Affairs and Human Rights.

Sen. Wako: Mr. Speaker, Sir, properly, that question ought to be with the Ministry which is dealing with it. But it really comes under human rights. It also comes under the exercise of the constitutional powers by the President. On both counts, whether it comes under the Constitution or human rights, whatever the issues, it ends up on the desk of the Committee on Legal Affairs and Human Rights. So, it is up to him to make use of the information received and contact the relevant Ministry.

The Speaker (Hon. Ethuro): It is so ordered, I am persuaded. Let the Committee on Legal Affairs and Human Rights handle it because there are issues of human rights involved.

Sen. Wako: Mr. Speaker, Sir, maybe we can bring the statement in two weeks time. I hope that the Majority Leader will also intervene on this particular matter so that the answer comes on time.

The Speaker (Hon. Ethuro): Order, Chairperson. You have squandered your own--- When you are making the argument you are very clear that you will make use of the office. But now you assume that assistance might not be forthcoming.

Sen. Wako: No, Mr. Speaker, Sir. I was just remembering what the Leader of the Majority said this afternoon; that there are some people who are standing in between the Executive and Parliament. If those people still exist, I would need his intervention.

(Laughter)

The Speaker (Hon. Ethuro): Let us have the statement in two weeks time. Sen. Khaniri, you may proceed.

OUTBREAK OF FOOT AND MOUTH DISEASE
IN WEST POKOT COUNTY

Sen. Khaniri: Mr. Speaker, Sir, I rise to issue a statement pursuant to the request by the Senator for West Pokot County. This is in regard to the outbreak of the foot and mouth disease in his county.

Mr. Speaker, Sir, the first cases of current foot and mouth disease in West Pokot County were reported on 31st December, 2013 in Kapenguria Sub-County, Mnagei Ward, Tartar Village. The serial type of the reported disease was established to be the South African Type A. That is SATA.

Foot and mouth disease is a highly infectious and contagious viral disease that affects cattle, sheep, goats, pigs and buffaloes. It can cause death of affected animals. The disease has severe implications for livestock production since it can quickly spread among animals through direct contact, contact with saliva contaminated with objects like farm equipment, feeds, vehicles and clothing. Foot and mouth disease is one of the trans-boundary animal diseases that limit access of Kenya's animals and animal products to lucrative international markets. Its successful control demands concerted vaccination efforts, strict monitoring of animal movement and trade restrictions and quarantines.

Mr. Speaker, Sir, following the outbreak, a temporary quarantine was immediately imposed on the affected ward. After laboratory confirmation, a full quarantine was imposed on the West Pokot and Pokot North sub-counties on 13th January, 2014. All livestock markets in the two sub-counties were closed and are still closed. These livestock markets are Cheptuya, Kishaunet, Serewo, Kitalakapel, Kanyarkwat, Chepareria, Chepkopegh and Kacheliba.

Prohibition of livestock movement into or out of the two sub counties is being enforced. All cattle dips in the two sub-counties were closed and dipping of livestock suspended. Farmers were asked to hand spray their livestock at home. This is the usual practise in the cases of highly infectious and contagious diseases such as the foot and mouth disease. The imposition of quarantine and the banning of livestock movement are disease control measures that curtail spread of the disease to clean areas.

Mr. Speaker, Sir, vaccination is an important intervention in foot and mouth disease control. Following the recent outbreak in West Pokot County, 2,100 head of cattle were immediately vaccinated around the focus of the disease to limit its spread. A further 10,000 doses of vaccine have been ordered from the Kenya Veterinary Vaccines Production Institute (KEVEVAPI) out of which 2,000 doses have been received. Vaccination is, therefore, ongoing to protect the livestock. The disease has been confined in the stated sub-counties and has not spread to other areas. The last reported and

confirmed case of the disease was on 28th January, 2014 in Mngei Location, Tartar Sub-Location. The County Government of West Pokot is ready and willing to assist in purchase of a foot and mouth disease vaccine and facilitate vaccination of cattle to avoid closure of livestock markets.

The County Veterinary Department is closely monitoring the disease situation and after vaccinating vulnerable populations of livestock and ascertaining control of the disease, it will consider lifting the quarantine and opening livestock markets. Cooperation and consultations between the national and county veterinary services have been enhanced in West Pokot County and other counties to control diseases of animals and effectively deliver other devolved components of veterinary services.

Mr. Speaker, Sir, on the impact of the disease in the county, to date, 10,000 heads of cattle belonging to some 330 families have been affected out of the total 314,000 Zebu and 58,000 dairy cattle in West Pokot. Sheep and goats are also susceptible to the disease but none of the 451,000 sheep and 444,000 goats in the county have been affected. West Pokot County has a population of 512,690 people. That is as per the 2009 census. This population largely depends on livestock and livestock related enterprises. Out of this population, 330 families have been affected by the disease.

Lastly, regarding school fees assistance to the students, that is the over 30 students that the Member mentioned from the county, it is important to observe that disease control is one of the devolved functions under the Fourth Schedule of the Constitution. That is a matter best left to the West Pokot County Assembly to consider.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, may I take this opportunity to thank the Chairman of the relevant Committee for bringing a comprehensive answer, although late as it had been required earlier. While appreciating this response, I am surprised to only get this very detailed narrative but without a very concrete answer as to what they have really done to eliminate the disease and to rescue the students that have just been thrown out of school for lack of fees. He eloquently and confidently mentioned here that West Pokot with a population of over 500,000 people largely depends on livestock and livestock related enterprises for their survival. Two months later, the markets have not been opened and it looks like the national Government has not moved in.

They are claiming that it belongs to the county government yet in the Fourth Schedule, we know that the veterinary policy which relates to the vaccination he is talking about when a disease breaks out anywhere in Kenya, it is the national Government that steps in to see to it that the problem is rectified. The county government only deals with animal control and welfare, including licensing of dogs. I am not talking about dogs in this matter, but I am talking about the things that make the people of West Pokot become civilized Kenyans like other people who live in this country, because we depend on livestock.

Mr. Speaker, Sir, I wanted to know whether the national Government has sent money or vaccines and if they have already moved in to lift the quarantine which has not been addressed in this matter. They are blaming the county government and yet the county government has no money set aside for that. Their business is very simple as indicated in Schedule Four.

Sen. Khaniri: Thank you, Mr. Speaker, Sir. The Senator has asked a host of questions. First of all, he says that I did not come up with measures. If he listened to me very clearly, I outlined the measures the Ministry has taken; imposing quarantine, vaccinations and all that. I think it is not right to say that I did not come up with the measures to eliminate this outbreak. I did that and very eloquently so. On the issue of assisting the students, I think the hon. Member knows very well the provisions of the Fourth Schedule in our Constitution. We clearly know the roles of the national Government and the roles of the county government.

This House is on the forefront of fighting to ensure that the county government is given its opportunity to play the role that is provided for in the Constitution. Therefore, where provisions are very clear, like in this case, I think it is important that we let the county government play their role. What we should be asking is for them to be facilitated. We should be pushing for them to be given enough resources to do this. With regard to this particular issue, the national government provides policy for that. Otherwise, implementation lies squarely with the county government.

Mr. Speaker Sir, with regard to opening the markets, the livestock markets will only be opened after it is ascertained that the situation has been controlled. With regard to vaccines, I stated very clearly that the county government is willing to provide the vaccination and they have already done that. So, the issue of provision of vaccination does not arise because there is enough vaccination for their livestock.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I want to seek clarification from the Chair of the Committee in the following terms: Over 50 years after Independence, why should our country be grappling with issues of foot and mouth disease, rinderpest and Rift Valley fever? Why are they unable to diagnose the diseases killing animals? They just call it Rift Valley Fever. There is also new castle for birds and so on. These recurrent diseases have wiped out fortunes of families especially in ASAL areas. Is it possible for us to get assurance from the Chairman of the Committee that proper communication will be made to the Government that it is time those diseases became part of our history rather than part of our nightmare? Even our export of meat and meat products to the Middle East countries is hampered by the fact that Kenya is classified as an animal disease zone. When countries with so little like Djibouti---

The Speaker (Hon. Ethuro): Order, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I am just seeking clarification.

The Speaker (Hon. Ethuro): Order! This is Statement Time, so clarifications must be clarifications and not substantive submissions.

The Senate Minority Leader (Sen. Wetangula): Okay, Mr. Speaker, Sir. Countries with so little like Djibouti are classified as disease free. Surely, if you compare Djibouti with Kenya, I am sure we can do better. Can we have an assurance?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the Government has, through the Chair, told the farmers in West Pokot that they should not take their animals for dipping and they should spray those animals at home. Spraying the animals at home has got a serious cost. The acaricides and the rucksack pumps are also expensive. Could the Chair tell us whether the Government has also supported farmers by distributing pumps and acaricides so that the exercise can take place at home?

Sen. Hargura: Mr. Speaker, Sir, I would like to seek clarification along the same line, that three quarters of this country is arid and semi-arid. It has come out very clearly that vaccination is still a very difficult thing to do while we have one of the largest vaccine laboratories here. Could the Chairman assure us that the Government is going to make use of that laboratory and provide enough vaccines so that we will not be having this erratic occurrence of diseases? Where they occur, I know that the vaccines are mostly provided by Non-Governmental Organizations (NGOs) like the *Veterinaries' San Frontier* (VSF) and the Government is not doing much. Could he assure us that the Government is going to take that issue seriously?

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I rise to seek a clarification from the Chairman whether the Government has explored and attended to the issue of the fact that most of these livestock diseases are reservoired in wildlife. There is constant migration or transfer of these animal diseases from wildlife to livestock which is domesticated. Could he tell us what the Government is doing to control or limit the transfer of these diseases from the wildlife to domestic animals?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, the Chairman in his last answer dismissed the request I had made that over 30, 000 students have lacked fees in secondary schools, colleges and universities which is a function of the national Government. It is not a function of county government as is stated in the Fourth Schedule. I want to encourage the Chairman to read it again so that he can realise that when I am asking this question, it is function No.16 of the national Government to attend to a problem like this. I am saying that the students are at home and they need to go back to school. Why has the Government not yet stepped in through the relevant departments, where necessary?

Sen. Khaniri: Mr. Speaker, Sir, I will start with Sen. (Prof.) Lonyangapuo's question. I sympathize with the situation and I will ask the Cabinet Secretary in charge to liaise with his counterpart in the Ministry of Education to see if there is anything that can be done to alleviate the suffering by the students and to see if the bursaries can be provided to the 30, 000 students. I will pass that to the Cabinet Secretary to liaise with his counterpart.

Mr. Speaker, Sir, I share the feelings of Sen. Wetangula, but I think we have been let down. That 50 years down the road after Independence and we are still grappling with diseases that could have been eliminated long ago. I know for the case of West Pokot, it was an isolated outbreak since it has not happened there in a long time. I think in this era and age, these are things that should be behind us. Therefore, I will pass the sentiments of this House to the Cabinet Secretary so that they can come up with a long and lasting solution to these outbreaks.

Mr. Speaker, Sir, the question by Sen. (Dr.) Khalwale; the reason why farmers have been asked to spray their own animals is, of course, to avoid the spread of the disease. I do not think that the Government is in a position to provide the pumps and the acaricides to individual farmers because this is normally done collectively when they go to a central place. That is the dipping area.

I also agree with Sen. Hargura that it is important that we make use of our locally produced acaricides by KEVEVAPI and the same will be relayed to the Cabinet Secretary. The same applies to the question by Sen. (Prof.) Lesan which was a very loaded question and maybe he should raise this as a substantive Question so that we can do a research on this and come up with a substantive answer. This is with regard to the

spread of these diseases from wildlife to livestock. I think I would request him to request for a statement so that the Cabinet Secretary can give us a proper and full answer on that particular statement.

Thank you.

CAUSE OF POWER BLACKOUT IN GARISSA COUNTY

Sen. Mwakulegwa: Mr. Speaker, Sir, I want to deliver a Statement which was sought by the Senator for Garissa on 5th March, 2014, regarding the cause of power blackout in Garissa.

The power supply to Garissa Town is from a diesel power plant with a total installed capacity of 4.8---

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir. I do not know whether the Senator for Garissa is in the House or whether he has designated another Senator.

Sen. Billow: On a point of order, Mr. Speaker, Sir. Hon. Haji had asked me to stand in for him on this Statement as I reported yesterday.

The Speaker (Hon. Ethuro): Yes, you did, and when the Chair rose to respond, I was looking at your direction and you were not looking at the direction of the Chair. So, I wondered for a moment whether that brief had been withdrawn from you.

Sen. Billow: Mr. Speaker, Sir, I was distracted by a Statement that one of the county Governors has been removed by a court. So, I was paying a lot of attention to that story. My apologies!

The Speaker (Hon. Ethuro): Proceed, Mr. Mwakulegwa.

Sen. Mwakulegwa: Thank you, Mr. Speaker, Sir. The power supply to Garissa Town is from a diesel power plant with a total installed capacity of 4.8 megawatts. The effective capacity being produced is 4.4 megawatts and the customer base in Garissa is over 11,000. On Wednesday, 5th March, 2014, at 8.30 a.m. a fire started from engine No.2 housed in the old power house. The fire exploded and spread to all the other engines housed in the old power house. The old power house together with the station's switch gear, cables and the accessories were completely damaged, cutting off supply to the whole of Garissa Town.

Garissa Town is an isolated power station and is not, therefore, connected to the national grid. Thus, there were no alternative sources of power to supply the town. But on the response by the concerned, the power plant team immediately put off the fuel supply to the generating sites and also isolated electrical supplies. A team from the Kenya Defence Forces and other Non-Governmental Organizations (NGOs) swiftly moved in to fight the fire and by 3.00 p.m. they had been able to contain the fire.

The Managing Director, Kenya Power and Lighting Company, Dr. Ben Chumo, and the Managing Director, KenGen, Eng. Albert Mugo, and a technical team from the Kenya Power and KenGen flew into Garissa and were on site by 12.00 p.m. the same day. The team assessed the situation and action plans were put in place to restore the supply. Works to restore the supply started immediately with an additional Kenya Power Company (KPC) team being flown from Nairobi to help the team on the ground. The team worked overnight and by 3.00 a.m. on Thursday morning, 6th March, temporary cables were installed and tested. By 10.00 a.m. on Thursday, a total of two megawatts

were installed and the power was supplied to the emergency sites. This facilitated the restoration to the hospital and water works. Another three pumps of 850 Kw each were delivered. They had been installed by Aggrecko by Sunday 9th March, 2014. By 3.00 p.m., they restored power to the entire Garissa Town.

Mr. Speaker, Sir, another fourth engine of 850 kilowatts is being installed, basically to alleviate the shortage which existed before the fire, so that the town could actually be given adequate supply. The long-term solution is that the Government is constructing a 132 Kw transmission line from Kamburu to Garissa. This will connect Garissa to the national grid and address the shortfall and challenges that have faced Garissa Town. The works are at an advanced stage and this will be commissioned by December 2014. Therefore, the power supply will be constant from then.

Thank you, Mr. Speaker, Sir.

Sen. Billow: Mr. Speaker, Sir, I want to thank the Chair of the Committee for that response. I want to also take the opportunity to thank Kenya Power and Lighting Company and KenGen, actually, for moving very fast to restore power supply to Garissa.

Mr. Speaker, Sir, I just wanted the Chair to clarify two things. To avoid similar challenges, has any investigation been done regarding the cause of the fire? If so, what is the cause of the fire that blew up all the engines? Secondly, with regard to the national grid transmission line that is being worked on between Kamburu and Garissa, who is the contractor and how far has that line reached so far?

Sen. Mwakulegwa: Mr. Speaker, Sir, the cause of the fire has been identified. In fact, by the time that the fire started, they had brought in one engine. By good luck, it was not in the same old power house. The cause of the fire is that the engines were very old and almost obsolete. That is why they have sent in brand new engines.

Regarding the second question about the contractor who is constructing the transmission line from Kamburu to Garissa, I do not have details. But assurance has been given that by December, this transmission line will be commissioned, which means that somebody is working on the line right now. But I do not have the name with me right now.

Sen. Billow: Mr. Speaker, Sir, I appreciate what the Chair has said, but the issue of the transmission line being built from Kamburu to Garissa has been going on for years. I think that it is important to get to know whether there is actually a contractor who has been engaged. Has the work started and where has it reached? I think that it would be important if the Chair could get us that information.

Sen. Abdirahman: Mr. Speaker, Sir, the issue of the Garissa power supply has been with us for long. When you talk about commissioning a project, you must have decided on the funding commitment and even the contractual obligations should have been made. I doubt whether the Chairman is giving us the right information. I want to request that this statement be deferred to allow the Chairman get actual details, so that we can have it done to our satisfaction, if he cannot do it now.

Sen. Hargura: Mr. Speaker, Sir, I think that from what has occurred in Garissa, we realize that there are many other isolated stations like Mandera, Wajir, Marsabit and Lodwar. They are not connected to the national grid; they all run on diesel powered engines and generators. What is the Government doing in order to come up with sustainable sources of power, like the renewable green energy which will not have the same problems like the diesel engines? It is cheaper to have isolated solar power systems

for those far-flung areas, knowing that even the national grid has its own problems. It is hydro-based and sometimes rationed. Why can the Government not invest in renewable green energy for these isolated centres?

Sen. Mwakulegwa: Mr. Speaker, Sir, as I said earlier on, I do not know the name of the contractor, but I have been told and confirmed that works are ongoing on the transmission line from Kamburu to Garissa. I could bring the details of the contractor later and at what stage they are. I can provide that information later.

Mr. Speaker, Sir, in terms of the other isolated power stations in Mandera and the other towns, as I supply the name of the contractor and other details, I will be able to give an update on that. But additionally to that, the Government has an objective to actually produce 5,000 megawatts in 40 months. Right now, they have actually put on the national grid 140 megawatts from geothermal and other sources. By December, they will be adding another 280 megawatts. So, they are in the process of lending more power to the national grid.

Mr. Speaker, Sir, in terms of the isolated stations, I could come back with more details tomorrow.

Thank you, Mr. Speaker, Sir.

Sen. Murungi: Mr. Speaker, Sir, I would like to request for two Statements.

STATUS OF LAND ADJUDICATION AND ISSUANCE OF TITLE DEEDS IN MERU COUNTY

Mr. Speaker, Sir, first, I would like to request for a Statement from the Chair of the Committee on Agriculture, Lands and Natural Resources. Given the fact that land adjudication and registration in Meru County started in 1960 and has been going on for the last 50 years and the Jubilee Government has promised to conclude this exercise and issue all the remaining title deeds this year, could the Chairman table a Statement from the Cabinet Secretary explaining:-

(1) The status of land adjudication and registration in each of the nine sub-counties of Meru County.

(2) The number of title deeds ready to be immediately issued in each of the sub-counties.

(3) The dates when the title deeds will be given to the proprietors in the various sub-counties.

(4) When the land adjudication and registration exercise will be finally completed in the entire county this year.

Mr. Speaker, Sir, that is the request for the first Statement. I would like a response from the Chairman.

Sen. Khaniri: Mr. Speaker, Sir, I will request for three weeks to table the Statement.

Sen. Murungi: Mr. Speaker, Sir, Sen. Khaniri is a very serious Senator. I will take his word and wait for the three weeks.

Sen. (Prof.) Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir. Would I be in order to request the Chairman of the Committee on Agriculture, Lands and Natural Resources to give this Statement for the whole of the country, since this issue is relevant to almost every county?

Sen. Khaniri: Mr. Speaker, Sir, it is true that the issue of land adjudication affects very many parts of this country. If you will allow me to enjoin Prof. Anyang'-Nyong'o's request, then I will ask the Cabinet Secretary to give me a Statement for the entire country.

Sen. Murungi: On a point of order, Mr. Speaker, Sir. I think that Sen. (Prof.) Anyang'-Nyong'o wants to sabotage the delivery of my Statement within the next three weeks. Could the Chairman deliver my Statement within three weeks, as he said and then take more time to do the exercise that Sen. Anyang'-Nyong'o has requested? He may deliver that one at a future date.

Sen. (Prof.) Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Kiraitu Murungi to impute improper motive on my part and use unparliamentary language with reference to exactly what I have said? Could he either use a more polite word or withdraw and apologize?

Sen. Murungi: Mr. Speaker, Sir, I do not think that the word "sabotage" is unparliamentary. But I could replace it with "undermine", which is more polite.

(Laughter)

Mr. Speaker, Sir, can I continue?

The Speaker (Hon. Ethuro): Let us dispose of this matter. Since the Chair has no difficulties with extending your request to cover the rest of the country, I think that it makes a lot of sense. I think your fear is just that maybe it might take more time and affect the delivery of your own Statement. But I am sure that your county is part of the great nation of the Republic. So, depending on the information that they get from the relevant Cabinet Secretary, if the Committee finds that they need more information, then they will come back to us. If you can obtain all the information within the three weeks, I am sure that Sen. Kiraitu would have no problem with that. If the Committee feels that they need more information, then they will come back to us. They will obtain all the information within three weeks and I am sure Sen. Murungi would have no problem with that extension. I really do not think Sen. (Prof.) Anyang'-Nyong'o was hijacking, sabotaging or undermining your Statement. I think he just wanted to benefit from the same as you are most likely going to benefit.

Sen. Murungi: I stand directed, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): In three week's time.

Then go to the next Statement, Sen. Murungi.

DELAY IN ISSUANCE OF BIRTH CERTIFICATES IN MERU COUNTY

Sen. Murungi: Mr. Speaker, Sir, I also seek a Statement from the Chairman of the Committee on National Security and Foreign Relations. The request being made is for a Statement from the Cabinet Secretary in charge of registration of persons specifying how many birth certificates have been issued in Meru County in the years 2012, 2013 and this year, 2014. We also need the Statement to explain why there is such lengthy and unreasonable delay in issuance of birth certificates in Meru County. We would like them

also to explain whether the Government will decentralize registration of births and issuance of birth certificates to the sub-county level.

Part of the problem is that even people without money are required to travel long distances to go and seek birth certificates while marriage certificates are given by pastors and priests in churches all over. There is no reason why birth certificates should be issued in one centralized place. So, can they decentralize the issuance of birth certificates at least to the sub-county level?

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

The Speaker (Hon. Ethuro): What is it, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, without appearing to be sabotaging, undermining or hijacking the request by the distinguished Senator for Meru, could the Chairman of the Committee also, in giving the answer, tell the House why registration of persons is not decentralized to counties; and when the continuous registration of voters by the Independent Electoral and Boundaries Commission (IEBC) as envisaged in the new Constitution will start?

I hope I have not sabotaged, undermined or hijacked the question.

The Speaker (Hon. Ethuro): Chair.

Sen. Murungi: You nearly overloaded my question but we shall be guided by the Speaker.

The Speaker (Hon. Ethuro): Let me have a copy of your Statement, then I can see whether the additions by Sen. Wetangula are an overload.

In the meantime, there is a request from the Senator from Wajir.

SEIZURE OF MOTOR VEHICLE REGISTRATION NO. KBQ 133U IN WAJIR

Sen. Abdirahman: Mr. Speaker, Sir, I rise to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations concerning the seizure of a car or a vehicle registration number KBQ 133U belonging to a Mr. Abdi Aziz Mohamed Ali of ID No.216816878 which has been held under Wajir Army Camp since 7th May, 2013. In the Statement, I would like the Chairperson of the Committee to address the following:-

(1) The circumstances that led to the impounding of the vehicle and the goods that it was carrying;

(2) Which steps the Government is taking to release the vehicle to the owner as it is being held unlawfully according to us?

(3) In case there is any damage caused to the vehicle and the goods, could he state whether the owner will be compensated for the loss incurred resulting from the withholding of the said vehicle and its goods?

The Speaker (Hon. Ethuro): Chair.

Sen. Hargura: Mr. Speaker, Sir, the Chair is out of the country. I am a Member of the Committee, I request that we be given two weeks to come issue the two Statements.

Sen. Abdirahman: Mr. Speaker, Sir, this is an old statement and I suspect the Ministry should be having a response as of now and since it is long overdue, I want to

plead with the Chairman to bring it probably towards the end of next week, if it is possible.

The Speaker (Hon. Ethuro): Order, you are repeating yourself.

Sen. Hargura: Mr. Speaker, Sir, I still indulge, we be given two weeks because it is even involving military issues which I think might take long to reply.

Sen. Abdirahman: It is okay, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): In two week's time. Chair, when you bring the response, you will need also to justify why you think when it involves the military it should take longer than usual. My understanding is that the military acts even faster than civilians.

There was an issue on the second statement which was sought by Sen. Murungi on the birth certificates. That statement was on how many certificates have been issued in Meru County, in 2012, 2013 and 2014 and why there is such lengthy delay in issuance of birth certificates; whether the Government will decentralize registration of births and issue birth certificates at sub-county headquarters. Other issues raised by Sen. Wetangula related to continuous registration of persons. I will agree with Sen. Murungi, this is a serious overload if not derailing the initial process. So, I will invite Sen. Wetangula to look for his opportunity to seek a Statement along his lines and the one for Sen. Murungi shall remain the way it is.

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

The Speaker (Hon. Ethuro): What is it, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, in law we have a doctrine called "the doctrine of *ejusdem generis*, that is, of the same nature: Registration and issuance of birth certificate or registration of persons and registration of voters are all a sequence. I do not see the overload but I respect your ruling.

The Speaker (Hon. Ethuro): Please, do. You are talking of a sequence, I would have been worried if they were simultaneous and that is where the difference is. I have heard someone say "just because I was born, I must also marry as a consequence."

Sen. Murungi: Mr. Speaker, Sir, I think you should be admitted to the bar.

(Laughter)

MANAGEMENT OF TURKWEL HYDRO
ELECTRIC POWER STATION

Sen. Mwakulegwa: Mr. Speaker, Sir, I would like to read a Statement which was requested by the Senator for West Pokot regarding the management of Turkwel Hydro Power Station. He sought to know whether the State is aware that the current chief engineer of Turkwel Hydro Electric Station has been causing conflict and fueling tension between the neighbouring communities living around the company's locality.

The answer to that is that Turkwel Power Station was commissioned in 1991 and the operations at the station have been adversely affected by the hostilities between the two communities living in the area. As a result of these poor relations, there has always been pressure to remove chief engineers no matter how well they have performed their duties. Within the life of the plant, five engineers have been forced out due to pressure

from one or the other of the communities. They were harassed and even threatened and the company had no option but to remove them in order to safeguard their lives. Several members of staff have been shot and even one lost his life while in the line of duty. Indeed, most engineers do not want to work in the plant due to the security and personal safety concerns at the plant.

Eng. Tarus was promoted to the post of chief engineer on 17th July, 2009, following a competitive interview process and has been carrying out his duties with due diligence without favouritism and discrimination to any of the two communities residing in Turkwel.

The second issue was to explain why several requests by local area leaders to the Managing Director of KenGen to have the officer removed have not been granted. The answer to this is that KenGen is bound by its human resources policies and availability of qualified technical personnel when placing or transferring officers from their positions. If requests for transfer by the community are received, then KenGen will investigate and if legitimate grounds for transfer exist, appropriate action will be taken.

The other issue was to state when the officer will be removed and a competent one appointed to take his place. Eng. Isaac Tarus was engaged as a graduate engineer on 15th November, 1997 and rose through the ranks to his current position of chief engineer, Turkwel. He is a graduate of Jomo Kenyatta University of Agriculture and Technology with a degree in B.Sc. Mechanical Engineering, Upper Second Class Division. Over the period since he took over the running of the plant, the station has performed well and continuous to do so under his management. In view of the above, the company deems Eng. Isaac Tarus to be competent. However, the issues raised in the statement will be investigated and determined if the company finds anything that implicates him.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to thank the Chairman for being quick in giving a response to the statement I sought last week. I am indeed surprised by the way he is trying to put his response to impute improper motive on the people of that region. From his statement on page one, he says that the people who reside in that region, that is, the two communities - the region has so many other communities residing there - he is claiming that the officers were harassed and even threatened and the company had no option but to remove them in order to safeguard their lives. The company has been in existence for the last 23 years.

I want to read the five names of the chief engineers who have been in the station. The first one was engineer Isaac Bondet Tanui who did his work during those early days and nobody disturbed him until he was transferred. The communities had no problem with him. Next, we had Eng. Rotich Abel, a very brilliant engineer. There was no problem in the two communities and everybody worked with him until he was transferred. Eng. Makhanu also worked there diligently until his time for transfer came according to the way the company had arranged. Then came the late Eng. Maluki, a very brilliant engineer and the communities had no problem with him.

When the new one arrived, that is, Eng. Tarus, the current drama and troubles you keep hearing from Turkwel began to emerge. Communities were pitted against each other. The other Kenyans who do not originate from Turkana County and West Pokot County were told to migrate to Trans Nzoia. That was the first mistake. Secondly, he began to show favouritism to one of the communities and that is how these small troubles started. You had three or four other people before. Are you saying that you have

exhausted other people and that you want to keep this one to be with us for six years when we have already asked that he be removed and they bring another one?

There is another line of thought that says that engineers do not want to go there. What kind of engineers are these? All of them are operating from there. We need the Chairman to remove that line of thought so that we get rid of the impression that the two communities fight engineers. No way! In fact, we want them to come back home. The engineers have carried every worker to Kitale and they are commuting 150 kilometers daily. That does not work.

Sen. Mwakulegwa: Mr. Speaker, Sir, I had responded by saying that there is a human resource policy that describes how long they can take and what evaluates them. The Report says that this employee or chief engineer has been the most productive person in the life of Turkwel George Hydro-Electric Plant. They are still carrying out investigations with regard to the complaints from the community. If they find that he has been implicated in one way or another, they will take appropriate action against him. However, they will not remove him.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir is the human resource policy document for KenGen meant for one being? I am asking this on behalf of the people from that region. We have had two more people coming from that region as Tarus. I have talked of Eng. Isaac Ondiek and we have no problem with him. We had no problem with Eng. Abel Rotich. There are also others. We are only asking whether a certain engineer can be moved. When you hear a Senator saying that one should be moved, he means well. We can get another one from within or without.

The Speaker (Hon. Ethuro): Order, Sen. Lonyangapuo. The Chairperson has said that the company is investigating. If they find merit in the allegations, then the movement may be effected unless there are other things that you are not telling us. You can confide to the Chair so that we see how to prosecute this. I think discussing individuals to that extent may not be appropriate.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I would have appreciated more if he told me to give him a specific number of days or weeks. I will still share with him the finer details that I have.

The Speaker (Hon. Ethuro): What is the time that has been given?

Sen. Mwakulegwa: Mr. Speaker, Sir, the company has been given time to complete their investigations. If they complete in one or two weeks, I will share with him. However, other finer details will help because I can pass the information to senior management. This would accelerate in making a decision.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF BILLS

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to move the following Procedural Motion.

THAT, pursuant to the provisions of Standing Order No. 125, the Senate resolves that the publication period of the following Bills be reduced from 14 days to five days.

- (i) The County Governments (Amendment) Bill, 2014;
- (ii) The County Governments (Amendment) Bill 2014;

- (iii) The Political Parties (Amendment) Bill, 2014; and,
- (iv) The Kenya Medical Supplies Authority (Amendment) Bill, 2014.

This is a Procedural Motion and I do not intend to take a lot of time. I will just paraphrase Standing Order No.125 which says;

A Bill, once published should not be introduced until after 14 days except the Division of Revenue Bill and the County Allocation of Revenue Bill which take seven days before they are reintroduced.

Mr. Speaker, Sir, the end of Standing Order 125, says in part, “unless a shorter period is provided for by a resolution of the Senate.”

The request being made to this Senate is that we reduce the period of publication for the four Bills. This will provide for a shorter period between when they are published and when they are introduced to this House.

According to the Standing Orders, there must be a reason why a Bill may not be published for fourteen days or seven days depending on the type of the Bill. Hon. Senators are aware that some of those Bills were published in the last session and lapsed. So, it is assumed that even if we are republishing them afresh, the public interacted with the Bills in the last session. Secondly, there is increased effort, after we resumed, to enact a number of Bills in this Session. Therefore, it is in this context that we want to make sure that we have Bills coming as soon as possible. We are also recognizing that some Bills had been published before in the last Session. Thirdly, the entire legislative process is long enough to allow public participation even after the Bills have been introduced in this House and for those reasons, I urge hon. Senators to allow that the publication period for these Bills be reduced from 14 days to five days for the reasons stated.

For those reasons, I beg to move. I would like to request Sen. Boni Khalwale to second the Motion.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, this being a procedural Motion, there will be no reason to belabour it. The reasons advanced by the Senate Majority Leader are quite plausible. I would like to emphasise that most of these Bills were published way before we went on recess last year. Therefore, there is every good reason for us to fast track them.

I second.

(Question proposed)

This is not a matter affecting counties and each Senator has a vote.

(Question put and agreed to)

BILLS

First Readings

THE COUNTY GOVERNMENTS (AMENDMENT) BILL 2014

THE COUNTY GOVERNMENTS (AMENDMENT)
(NO.2) BILL, 2014

THE POLITICAL PARTIES (AMENDMENT) BILL, 2014

THE KENYA MEDICAL SUPPLIES AUTHORITY
(AMENDMENT) BILL, 2014

*(Orders for First Readings read –
Read the First Time and ordered to be
referred to the relevant Senate Committees)*

MOTIONPROVISION OF EDUCATION FOR DECEASED
OFFICERS' CHILDREN

THAT, aware that many officers serving in Kenya's National Security organs die in the line of duty; further aware that most of them are very young with those who are married having young spouses and children; concerned that the compensation given to their next of kin is not adequate to cater for the needs of their immediate families members, particularly their children's education, family upkeep and other basic needs; the Senate calls upon the National Government to provide for the education of the deceased officers' children up to university level to cater for basic needs of their immediate families.

(Sen. Muthama on 12.3.2014)

(Resumption of Debate interrupted on 12.3.2014)

The Speaker (Hon. Ethuro): Sen. Muthama, you have a balance of 12 minutes.

Sen. Muthama: Mr. Speaker, Sir, I will try to use the 12 minutes to the maximum.

The Motion I am moving now which I started yesterday is very clear and direct to the point. My concern is about young people who have sons and daughters. They get employed in the military and other security organs. Most of them are young officers who do not have any technical background by the time that they are put on the front line of their profession. Most of them, once they die in the line of duty, do not get compensated.

Mr. Speaker, Sir, from experience, when our young boys and girls were sent to Somalia, some of them were killed there and their bodies were flown back to this country. About three to four of them came from Kangundo Constituency that I used to represent. I attended their funeral services and the most devastating point was that one with a very young family with children between two and four years old was not compensated. Their wives were moved out of the military camps and taken home. In the process, I had to hold fundraisings to assist the families of the deceased soldiers. That is as a result of bad arrangements within the Government. You can imagine a young woman being left with two children to fend for when her young husband has been killed and they

are taken back to their rural homes where there is no water and other basic necessities, yet these children have to be taken to school.

This Motion should take care of those families. I want to give a very good example of what happened at the Westgate Mall attack where we kept on complaining that our military officers were not professionals because instead of going to contain the situation, they went to steal water, milk and bread. This was as a result of their lives and those of their families not being guaranteed. For us to come out as leaders and be seen to be leading, it is not about the Head of State, the Cabinet Secretaries, the Chief of General Staff or the Inspector General of Police, it is about the Kenyans we are leading. When we talk about spending money, the low class people in this country do not see the money that is being spent and squandered, left right and centre.

Mr. Speaker, Sir, you are my witness that you are guarded by police officers who earn peanuts. Their salary is between Kshs15, 000 and Kshs18, 000. They can see you contributing Kshs20, 000 in a function and the same thing happens the following week. In a month, they will have witnessed you giving out between Kshs80,000 to Kshs100,000. To the mind of this guard, that is a big amount of money. They also know that you have an insurance cover for yourself and your family when it comes to hospitalization whereas the money they earn is what they are supposed to use to cater for the treatment of their families. There is no guarantee that should they face armed thugs and get killed, their children and wives will ever be taken care of.

This Motion is urging the Government to make sure that they are given full insurance even if it is not the Government that is going to compensate the victims. The Government should have an insurance cover for the police officers who are killed in the line of duty in order to take care of their children from Class One up to Standard Eight and then from Form One to Form Four and at the university level. If that insurance cover can be put in place, I want to assure this House that we will have well disciplined police officers.

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

*[The Temporary Speaker (Sen. (Dr.)
Machage) took the Chair]*

Mr. Temporary Speaker, Sir, if you look at the houses that our police officers live in, some of them are forced to share single rooms with their families. You can imagine a police officer who is supposed to protect billions of shillings from being stolen from the Central Bank of Kenya and many other banks living in squalor. Many other police officers live in tents. You can imagine a police officer who is supposed to be armed with an AK 47 living in a tent with his wife. Even with that suffering, they do not have any guarantees about their families. They escort money and protect people's lives, but when they are killed, their families are not compensated.

It was estimated in 2009 that we had about 42,342 police officers. It was reported that they lack about 30,000 housing units. Up to now, I want to tell this House that nothing has been constructed. If you look at how our police officers are transferred from one police station to the other, they actually pray before they move to the next police station. Those who are working at the Central Bank of Kenya earn a little bit more than

those who are stationed in various police stations. My Motion is urging the Government to, at least, for once, come up and start an insurance policy which will take care of families of our armed forces; that they will have a medical cover for the rest of their lives.

Mr. Temporary Speaker, Sir, secondly, we do not need to give them just food or their retirement benefits, but also guarantee their children and partners a life cover in case of death. The children who are left behind should be educated by the Government up to university level. By so doing, we will be encouraging our police officers, military officers and Administration Police officers to work hard with a guarantee that their lives are secure. If someone is killed in the line of duty, that person should be guaranteed that their children will be educated. If you look at the money that has been alleged to have been squandered in this country, you wonder what kind of policies we are looking for if Kshs400 billion can be lost in one year in our national Budget and yet starting an insurance cover for these officers will probably not cost more than a Kshs120 million.

This House should know that today lecturers of our national universities are on strike despite the fact that the courts have issued orders to stop the strike. These lecturers are being forced by circumstances to disobey the court order because it does not change their lives.

I beg to move and ask Sen. (Dr.) Khalwale to second the Motion.

Sen. (Dr.) Khalwale: I thank you, Mr. Temporary Speaker, Sir. Allow me to commend the Senate Minority Chief Whip for having had the foresight to bring to the attention of this House this very important matter. We are talking about the interests of children who are orphans, and not just ordinary orphans, but orphans of men and women who died in line of duty. These young people who die in the line of duty, the lowest common denominator in all of them is what they say as they leave to go out on duty; "The Lord protect me so that I come back and take care of my wife and children". Therefore, because they live on hope, that hope should not be limited to only their prayer, but we should extend it to a resolution of this House so that they know that there is a Senate in this country that is aware that they have put their lives on the line.

Mr. Temporary Speaker, Sir, those who die in the line of duty are national heroes. They therefore deserve State commendation, to be immortalized and while still alive, they deserve a good pay. Many of these Senators have travelled widely and if you land at the John F. Kennedy International Airport in New York, the world centre of commerce, one thing that is very clear as you walk along the corridors towards the refreshment facilities, you notice how they have immortalized their youth who died in the line of duty. This is recognition of the fact that for you to die for your country, it is the biggest sacrifice that you can give to your country.

I, therefore, want to second and support this Motion very strongly and decry the sorry state; the case of the state of the orphans of the men who died for the nation in the following incidences. We still have the children of the heroes of *Mau Mau* and if you look at them, it looks like it was their mistake that they were born in the lineage of men and women who chose to fight and give us freedom. Those ones who came from families of collaborators are the ones who seem to be enjoying. We should remember the police officers, the General Service Unit officers, military officers, officers in the Administration Police, not forgetting the heroes from the police reservist. We must accept that without them, the engine of security in this country would have stopped. We are not asking for too much. I remember only last week Sen. Orengo seconded my Motion that

was requesting that we give some form of stipend to heroes of this country. We lost the Motion but the country heard us. I beg that we do not lose this one because we shall demotivate our own youth whom we rely on for our security.

Mr. Temporary Speaker, Sir, in support of this Motion, one cannot run short of examples. There are so many examples of this thing. As an example, our young people die fighting dangerous criminals in Nairobi, Mombasa, Kisumu and, in fact, just about all urban centres in the county. Our young people put their lives on the line. When these people die during an exchange of gunfire here in the City or elsewhere, we have a special group of people called human rights activists. You never hear a single word of praise for these police officers who lose their lives during that exchange of fire. You will instead hear a lot from the human rights groups who are quick to focus only on the criminals with the trademark condemnation of “extrajudicial killings”.

Mr. Temporary Speaker, Sir, I, like many Parliamentarians in this Republic, have spoken out against extrajudicial killings. But as we do so, we must always temper it with the need to realize that, in fact, some of those young people do it, not out of love, but because they are confronting dangerous criminals. How else on earth can a policeman with a G3 rifle confront a gangster who is brandishing an AK47 rifle and other heavy power machine guns? Can he confront him with a walking stick or whistle? It is very difficult. It is, therefore, important for us who condemn the issue of extrajudicial killings to emphasize to the police to reform their training and equip the youth better with teargas, rubber bullets and all those modern techniques of fighting crime.

Mr. Temporary Speaker, Sir, if you go to the bank you will see somebody guarding money with a *rungu*. The person who goes and breaks into the bank will never come with a *rungu*. Maybe the time has come for us to pass a law to ensure that all security guards in banks are armed with AK47 rifles. We should pass our law where all our assistant chiefs and chiefs will be given firearms to fight crime because these people are not joking.

Mr. Temporary Speaker, Sir, the young people who died at Westgate have all been forgotten now. There are those who died in Somalia and are still dying, facing the *Al Shabaab*. They are protecting us. A case in hand that will persuade you is in Kakamega. There is a young Luo girl called Ms. Doreen who works with NTV. She got married and soon after the husband was posted to Somalia. He did not last there for more than a week. He lost his life. When she heard what happened, she collapsed. Sometimes you see her with a camera and the esteem, beauty and bounce that was in the young girl is gone. All that she was given was a nice speech from the Commissioner of Police and a 21-gun salute and the people walked away. We can do more.

Mr. Temporary Speaker, Sir, I know of a case of the late Major Ong’ayo, who was a friend of Moses Wetangula. In fact, they were agemates. They went to the stream at the same time for circumcision. Major Ong’ayo lost his life in Bosnia and left a young wife, Marsela. Madam Marsela has struggled with the children of Major Ong’ayo. He had brilliant sons and daughters. Despite the exemplary duty that Major Ong’ayo gave this country, the State does not remember his family that has been struggling and living on a pittance.

Mr. Temporary Speaker, Sir, this is the time for us to think hard and long, especially those at the national Treasury. We need to see how best we can create a fund that would be managed deliberately for this purpose. Our systems here, in financial terms

are quite solid. We cannot compare ourselves with other African countries. I am sure that with an authority like the Retirement Benefits Authority (RBA) in place, there would be no risk that this money would face. We would be able to manage these funds, identify the beneficiaries and make sure that people are brave when they join the armed forces.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to second.

(Question proposed)

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Temporary Speaker, Sir, for allowing me to contribute to this Motion. I also want to congratulate the distinguished Senator for Machakos for bringing such a Motion that is aimed at helping helpless Kenyans.

Mr. Temporary Speaker, Sir, like in all combat situations, generals do not fight. They send the juniors to the war zone and frontline. Even in the police, the Inspector General of Police will hardly be seen at a scene of robbery where criminals are brandishing guns. It is the young constables whom you will find there. There are many cases. I believe each and every Member here can narrate a story, like the one of my late friend, Constant Ong'ayo, who died in Bosnia. There are many young widows in my village whose husbands have died in the line of duty.

Mr. Temporary Speaker, Sir, what normally happens is that there will be a grandiose send-off. The police will come there and fire in the air 21 times. They will frighten villagers, and then after, that is the end of the story. Nobody hears about that family again. In fact, if the widow of such a slain officer lives in Government quarters, by the time they finish the burial and go back, she will find that the house has been allocated to another person. She has to vacate and leave to nowhere. Then she will now be at the mercy of all manner of middlemen and brokers, just to get the gratuity and terminal benefits which are a pittance. I have known cases where slain officers' widows have taken ten years just to get payment of the terminal benefits of the husband of about Kshs100,000. In the meantime, thanks to the Constituencies Development Fund (CDF), sometimes, bursaries help. But they do not help enough. In the village, for example, a widow goes to a bursary committee and because of pressure of population and demand, for school fees of Kshs50,000, she is given a cheque of Kshs5,000. This is not even enough to shop for the child to go to school.

Mr. Temporary Speaker, Sir, in a country where we have more than our fair share of violent criminals--- You have seen the battles that happen on the streets of Nairobi with bank robbers and visitation of the *Al Shabaab* to our security forces. Some are kidnapped and killed. Others are just shot at pointblank range. At the end of the day, a senior officer comes to the funeral and reads a rehearsed statement, saying that this officer has left a gap that will never be filled. As he is saying that, the woman is being evicted from the house and the gap that they are crying about has already been filled. There is somebody else already doing the same job.

Mr. Temporary Speaker, Sir, that is why I support this Motion. It is not the mistake of our patriotic Kenyans to join the forces. In fact, joining the forces is a patriotic duty. I have always thought and felt that we need compulsory military service for every young adult Kenyan, so that sometimes when it requires for everybody to be called upon, we can defend our country. You remember the stories of Mohammed Ali in the United

States and how he was stripped of his title simply because he refused to go to Vietnam. A patriotic duty must be matched with responsibility from the State, to make sure that those who have volunteered to go and serve the country, died in the line of duty and widowed because their loved ones died in the line of duty, have to be treated as Kenyans who have made sacrifices and deserve to be given a better treatment than we have been doing.

Mr. Temporary Speaker, Sir, we are not talking of a lot of money. The amount of money that is wasted in all manner of things in this country is a lot. For example, we have ghost workers. In some offices, you find ten people doing the job that can be done by one person. There are cases of people who go to Government offices, leave their jackets and come back in the evening to pick them and go away. We also have cases at City Hall of people who travel from upcountry just to get their salaries and go back. They are always called ghost workers and yet, they are actually not ghosts. People know them, but do nothing about it. If we can seal all those loopholes, we would not even be having the President talking about pay-cuts in a manner that we are hearing. This is because those pay-cuts do not help. We want to manage, create efficiency, reduce wastage and put money to better use.

Mr. Temporary Speaker, Sir, even more important, the Government does not have to spend its money. Just set up a serious insurance cover that covers the family post the head of the family in case of any eventuality. If a young officer dies on the frontline, the insurance takes up. The Government will have committed itself and paid the premiums. From the time such an event happens – we do not wish it to happen, but it does happen – then the Government with the insurance, will take up the matter. We will not even go to the Exchequer and say: Give us money for this. The Exchequer will be making a one-off payment per annum in terms of premiums which are not heavy. The results and benefits are so immense that it is actually a compelling reason for this Motion, not only to be passed, but followed to implementation.

In fact, I wish that Sen. Muthama or somebody else who will speak after me could mount an amendment to create compulsory insurance for these officers, so that we are not all the time told by the mandarins at the Treasury that there is not money available. It becomes automatic and taken up by insurance. This is done in other jurisdictions. So, it is not something new for Kenya and our officers.

Mr. Temporary Speaker, Sir, the other issue even as we talk about this is the manner in which our security forces are looked after. If you go to a county like Turkana that I am so close to because the chairman of my party, the distinguished Senator for Turkana, Sen. Munyes invites me there quite regularly, and in a county where cattle rustling is very rife and very common, you find a local citizen carrying an AK47 gun on the shoulder and a policeman is standing there with a G3. How can you battle an AK47 with a G3? So, when these Toposas strike from South Sudan and when the police hear the sound of gunfire the first thing they do is to run as fast as their legs can take them. This is happening because you cannot possibly resist an AK47 with a G3.

We need also to minimize deaths and injuries that take these officers out of duty. We need to equip them properly; we need to give them facilities to work. You can imagine the case that happened in Suguta Valley. Imagine fresh graduated police officers or young men who did not even know the terrain were dispatched to fight cattle rustlers there. They did not know how to battle cattle rustlers, in the first place. They were freshly trained or half-baked and after six months they were told to take their guns and follow the

rustlers into the valley. You remember they were all trapped and shot dead. We lost over 30 officers at the same time. Again 21 guns were shot in the air for each one of them and that was the end of the story. Yet we could have done things better.

What I am saying is that the State must be responsible and responsive to the needs of its citizens who sacrifice their time, lives and die in the line of duty. I believe this is something that my brother Sen. G.G. Kariuki who has been a Minister for Internal Security could agree with because I am sure he was visited many times by similar requests. For example, they would confront him and say: "My husband died, I do not know what to do." "My son died and he was the only one who could make me have a piece of bread once in a year at Christmas and I do not know what to do."

With those many remarks, I fully support the Motion. We must be a responsible country and help those who died in the line of duty.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, first of all, I want to thank the Mover of this Motion. I am very sure he thought very deeply so that he could come up with something which is so important for this nation. This Motion is so important that it is urging the national Government to provide education for the children who are left without fathers as a result of death in the line of duty. This matter has been there for a very long time although the Government has tried looking at the past.

The Government has tried to do something under Cap.189 of the Penal Code. They have directed how much should be paid to the families of the deceased. They have explained how it should happen, but I think that is not enough. Sometimes we find it very difficult to repeat ourselves while talking about the security of this country. Last week we did nothing, but talk about security. Today it is again security. Therefore, security is a very serious matter affecting this nation which must be viewed by this Government the way everybody views it.

Mr. Temporary Speaker, Sir, the morale and loyalty of our people, including the workers and the police force can only be raised if they know their family is protected or secure when they are dead. I do not know which country just let its officers go and die without care. No one is ready to go and die because he is following *mheshimiwa's* cattle which have been stolen by armed gangsters. So, we expect young officers to follow them and yet the gangsters are heavily armed. This is done without any guarantee over what will happen to their families. The police need to be treated just like me and the Mover of the Motion. This is because they are very important people. If you ask me to go and die for you then you have to provide for my family if I am not there. I want to be sure that my family is really fully protected and guaranteed of their lives after my demise.

Regarding the issue of guns; that is, G3 and AK47, they are equally very powerful guns and are from different countries. The AK47 was produced because of G3 which is still a very powerful gun to be used in battle field. Therefore, that is not the major weakness. The major weakness is the morale, confidence and lack of loyalty. All these must be dictated by factors or complementariness that the Government need to give to these people. If you give me the authority to do something and you back me, then I will go and die for you. That is where we have been failing.

We come to the House here and when issuing statements, we just say that police officers do not have houses, vehicles and other things. This is the true position, but it is not news to anybody in this country. It is not a discovery that they have no vehicles. It is something which is known by everyone. What are we trying to do, as a nation, to make

sure that we provide the police men and women with facilities to enable them to work as hard as we expect of them to do? For example, when 42 officers were killed in Baragoi, that matter just ended like that. The 42 officers were not just monkeys from forests. They were human beings just like you and I. They also had families. We are not sure that their families have been provided with whatever would make them feel comfortable in future.

Mr. Temporary Speaker, Sir, when officers die under these circumstances, some are paid very little money, which I think is peanuts, through the provision of Cap.189. This is the Act that the Mover of this Motion needs to look at, perhaps bring the amendment to improve on whatever has been recommended in Cap.189. That will give this Motion some teeth and the credit it deserves because we are going to have it amended.

In Tana River County, seven officers were killed in September, 2012. So, if we go by what is happening the whole nation will be tired. Sometimes I find myself completely powerless. Either the National Assembly or the Senate must start now thinking which way to go to defeat the current corrupt system in terms of changing our philosophy in security matters. We have to get a doctrine which is modern and which can work with the current modern technology. We must know that cattle rustling has become a business. We need to destroy that industry. How can we do this? In fact, is there any group in any world that can defeat the established Government unless some people are involved in the same game?

When I was the Minister of State, we used to know the criminals and the thieves. We only waited for them to steal so that we could catch up with them. They used to be known. Even today, they are known. So, let us think again and again. Are we fighting a war that we can win? Are we going to win the war on insecurity in this country? Probably not, unless we become new people. We have to be new in terms of our thinking and new in expectations, so that we know what we want to do. So, for people to meet in a place and sit in a corner to discuss security matters is a waste of public funds. If the President or the people in charge of security decide to change today---

The Temporary Speaker (Sen. (Dr.) Machage): Order!

Sen. G. G. Kariuki: With those few remarks, I beg to support.

Sen. Orengo: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Motion. I commend the distinguished Senator from Machakos for bringing this Motion. Over the last one year, he has brought many such Motions. He should be commended for that. Since I have a very short time, I want to move an amendment to the Motion in the following terms.

I beg to move:-

“THAT, the Motion be amended by deleting the full stop at the end and adding the following words; “By establishing a specific insurance cover and scheme for that purpose.”

I have been informed and stand educated by the distinguished Senator from Kitui, that, in fact, there exists life insurance policies for our men and women in arms, but more particularly in the armed forces as opposed to the police service. I cannot doubt him because he not only served in the defunct provincial administration, but was also a Minister in charge of defence during the last Parliament.

Mr. Temporary Speaker, Sir, if you look at this Motion and look at the amendment that I am proposing, the financial outlay for the Government is not much

because it is just targeting the family, children and members of the Kenya national security organs who die in the line of duty. Whether it is in Somalia or internally, the number of men and women who die while in the line of duty are not very many. They are there, but I do not think that they are to an extent that the Government would be worried even if it meant increasing the wage bill because this would be by bare minimum.

When you look around this country, you will see that it is important for us to motivate men and women who serve in the security organs. We live in a country where our borders are porous. There have been complex incidences of one sort or another particularly on the eastern border. There have been skirmishes on our northern border. If we have men and women who are serving in the security organs, but are not motivated, our security will be jeopardized.

It would be wrong for any system of Government and in any country, including those in the First World, to put a high alert on security. Entering some of these countries in the West is extremely difficult even for leaders who are coming from other countries. These people are very security conscious and you will see that as soon as you step in those particular countries. I think we are trying to do something about it. However, the only difference is that if you see the living conditions of our men and women who serve in the security forces, be it as it may, sharing houses or rooms--- *Nasikia ukitaka kujenga taifa, lazima uhame.*

The Temporary Speaker (Sen. (Dr.) Machage): Use one language.

Sen. Orengo: Mr. Temporary Speaker, Sir, I hear that if one wants to build the nation, they are required to take a walk for an hour or two. Under those circumstances, it is very difficult to motivate a person who has no privacy even in his family environment. This person cannot even attain most of the things that we take for granted. If there is one thing that we can give to them is to ensure that their children go to school once they die in the line of duty. They should not just go to school, but go all the way to university level.

Already, we have what we call the universal free primary education. When I went to school, the State used to meet all the requirements for university education. So, I think that any Government, worth its salt, can afford this very little contribution towards the lives of the families and particularly the children of those who pay the ultimate price. Those who die in the line of duty pay the ultimate price by doing what many others do for their country.

There was a famous American General, John Patterson, who used to say that you do not die for your country, but make the other person die for his country. This observation is very important. For us to make a soldier die for his country is very difficult. The equipment we give to our soldiers, as it has been said, particularly by the distinguished Senator from Laikipia, is nothing compared to what criminals and criminal gangs like the *Al Shabaab* are using. They are using very sophisticated equipment. Our security forces respond by using G3 rifles. So, this would be a little contribution. I think that this is a better contribution than the one that the state is asking us to contribute.

Indeed, in my estimation, cutting salaries of public servants is like demanding a small harambee from Members of the Public Service to enable the Government run. This is a comparison of a harambee because they are asking for what we earn, but compulsorily. These are practices of the past. They are practices of the KANU era where you force people to give contributions.

There should be a legal framework. The distinguished Senator from Machakos should come up with a policy paper. Eventually, we can prepare a draft Bill so that what he is saying is covered in some legislation so that men and women who spend their lives in the bush and their lives come to an end, because they were looking after us, their children get not only universal primary education, but go beyond and have university education. This should also cater for the basic needs of their families.

In my estimation, if I were to do a quick estimation, this would not be 0.0001 per cent in terms of premiums paid to an insurance firm of what will be spend on the laptop project. Everything that the Jubilee Government is trying to do has a devil somewhere. Anything they touch has a scandal because there is no legal foundation for people who want to make money quickly. What the Senator for Machakos is trying to say is that there is a decent way of doing things instead of providing for these mega projects where people are losing a lot of money.

Prof. Kindiki said that the best way to change people's minds is by going for these little things like what Sen. Muthama is suggesting; instead of going for grand projects which have not been properly researched and end up with scandals that we will begin to see with the lap top project and the railway project.

I move and ask the Senator from Kitui, Sen. Musila, to second this amendment.

Sen. Musila: Thank you, Mr. Speaker, Sir. I stand to second this amendment. In seconding, I want to thank the Mover of the original Motion because the pride of any nation is through its security forces. Anything that happens surrounds the security of the nation. For some time now, we have realized how important it is for us to look after our military and our security personnel, particularly when they are injured in the line of duty. This has not just come up now. It was realized some time ago when an insurance firm by the name United Insurance Company was used by the armed forces as its life insurance cover provider.

Unfortunately, this insurance company went under. Many members of the armed forces who were maimed, injured and killed were not compensated; neither were their families. As I speak, the company is under receivership. Therefore, it is timely that this matter is sorted out as quickly as possible. I want to confirm that having served in the Ministry of State for Defence, as recently as two years ago, there exists a life insurance policy for all military personnel. I am not very conversant with the Kenya Police and others. As I speak, I can confirm that the military personnel like the army, navy and the air force have insurance covers.

Mr. Temporary Speaker, Sir, this Motion has been improved by the amendment that I have stood to support. The insurance cover that exists now is for life. This one is paid out once one has been injured or dies on duty. The amendment that has been introduced by the distinguished Senator for Siaya provides a specific amount for education that will go to cover officers. That is what hon. Sen. Muthama is proposing. This is an education fund that will be provided by the insurance company, not just to be paid after death, but one that will continue to be paid until the next of kin; the children are educated. Since there is a policy that already exists, I want to propose that if the Government agrees to this amendment, this will be a top up to the premium that is paid. That is why this is a big improvement to what Sen. Muthama intended.

Having said that, I want to decry the delays which were pointed out by Sen. (Dr.) Khalwale regarding payments. Whenever servicemen or public officers die, it takes too

long for them to be compensated. This is despite the fact that during the Ninth Parliament, I sponsored a Bill which was passed by the House and assented to by the President and which, as I speak now, is law. Among other things, that amendment provides that when a public officer dies, the next of kin are paid their dues within three months. That is the law as it stands today. However, that is not happening. It is still taking years after a public officer has died for his dues to be paid. This goes to show that there is a serious problem in the implementation of law. We get to know that an officer has died. After that, a Member of Parliament or Senator has to knock the doors of the Pensions Department to demand payment.

I want to appeal, as we pass this Motion, to the Pensions Department to adhere to the law and ensure that all those who are killed while serving in the public service, either in the military or ordinary civil servants, have their pensions paid out within three months in accordance with the law. The law goes on to state that if there is any delay of more than three months, interest accrues. Eventually, even if it is after a year, the interest that is due at bank rates is paid. This is not happening.

As we pass this Motion and urge the Government to provide this facility to security officers, I also urge that the Government enforces this law to ensure that pensions and dues of deceased officers to their next of kin are paid immediately within the law and not later than three months. If there is any delay, interest should be paid.

I beg to support the amendment.

(Question of the amendment proposed)

Sen. Obure: Thank you very much, Mr. Temporary Speaker, Sir, for giving me the opportunity to support the Motion as amended. The spirit of this Motion moved by Sen. Muthama is very good and the amendment even adds more value. This demonstrates the fact that this Senate recognizes the heroic work of men and women working within our security apparatus. For example, officers working in the military, the police and various other security organs, including the administration.

It also demonstrates that we are concerned about their welfare and the welfare of their families. We all agree that officers working in our security organs are severely exposed to various forms of danger and threats. These are threats from external sources, from within and in various ways, including robbers and terrorists. Many of our officers are often called upon to be in the battle front and that exposes them to a lot of risk. Those working in our security organs are called upon to give us protection as citizens so that we are safe and comfortable and so that we can feel that our properties are safe.

They are, therefore, performing very essential services to the citizens through their work of enforcing law and order. Because of their work, today we can talk about peace and tranquility in our nation. We are also able to engage in the various economic activities, carry out investments and even attract investors from outside the country because of their hard work. All these efforts help to grow our own economy.

Mr. Temporary Speaker, Sir, we must also recognize that some of these officers working in our security organs are also citizens. They are fathers and parents. They have children and wives. Therefore, their immediate families are equally exposed. They are bread winners. If they are not there, their families are severely exposed. They will have no other source of livelihood if these officers are not there to provide for them.

I know of one man from my county who worked tirelessly to try and reduce the cattle rustling menace in Samburu and he died in the line of duty, leaving behind a young family. It is a pity that today that family is hopeless. They are paupers in every respect because whatever scheme is in place for this category of officers is sincerely not adequate. It is for this reason that I support this Motion very strongly because as a society, I think we should be able to provide something more for these officers who are doing such useful work for this nation.

Mr. Temporary Speaker, Sir, I, therefore, strongly support the amendment which states that the national Government should create an insurance scheme which will provide a cover that will ensure that the children or the families left desolate in that manner are provided for. I am familiar with the workings of the insurance. I know that this will not cost the country a lot of money. It is affordable and workable. I, therefore, feel that this is a very modest request to make to the national Government so that those left behind, particularly the children, have something to fall back on so that their lives can go on without much interruption.

Mr. Temporary Speaker, Sir, with those few remarks, I support the Motion.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, I want to join my colleagues in thanking the originator of the Motion, Sen. Muthama and Sen. Orenge who also added more value to the Motion. We, as a nation, have not been able to look at the up of the eye of the people of Kenya keenly. These are the officers who serve as security forces in this country. You know this is a wide area. It includes the police, the General Service Unit (GSU), the Administration Police (AP), the prison officers, the Kenya Defence Forces (KDF) *et cetera*. I do not know how the officers in the National Intelligence Service (NIS) are taken care of here. However, we have not done very well in looking after the families of our officers who die in the line of duty.

Those of us who come from the periphery of Kenya, near the border of Kenya and Uganda, see the miseries some of our officers stay in, in the process of keeping our security at the border. If one of them dies, it is so painful that we quickly forget about them. Even when they are alive, we have tortured them as follows: That the houses some of them stay in, in the course of dispensing their services and protecting me, you and every other Kenyan, are deplorable. The only thing that is catered for fully is the uniform. It is only from the uniform that you will know that this is a serving police officer. If you come to Nairobi, for us to have peace at night, you should see the work they do. They patrol throughout the night while we sleep. Look at our roads during the rush hour. These officers have become the solution to the traffic mess in this country. It is a pity that we have not prepared for them when they die in the line of duty. We do not fully compensate their next of kin.

Mr. Temporary Speaker, Sir, it is in order that we really embrace this Motion and be able to improve it, so that we see how the Government can fully compensate an officer when he dies in line of duty. We need to salute our fallen heroes in the armed forces and other disciplined forces because they are the protectors of the people of Kenya. Those of us who have gone to Europe or America know how they value a fallen officer. They take care even of the graves where they are laid to rest. When our officers are killed in Kenya, nobody cares. If you recall the massacre that happened in Samburu in Suguta Valley where 42 officers were killed, nothing happened to fully compensate their next of kin. We read in the newspapers that some of the families whose bread winners were involved

in the incident, the Government has forgotten them. How much does it cost to honour a profession that protects the integrity of the people of a nation? It just calls for a firm decision to say that we should go further to establish this fund. The families of those people want to also continue living decently like other Kenyans.

Mr. Temporary Speaker, Sir, I remember one young man who died in 2002 in West Pokot. This young man was called Benson Torus Loping. To date even the little money that was supposed to be paid has not been paid. The parents have followed up the issue until they have given up. I have also followed up the issue. Normally, they would tell you that the issue has been taken up by the nearest office, which is Eldoret. When you go to Eldoret, they tell you that it has been referred back to Nakuru. When you go to Nakuru, you are told that it has come back to the headquarters here. What a pity that they were supposed to pay a pension for an officer, but they have not. We have difficulties in paying the pension of somebody who has gone, and yet we enjoyed their services when they were alive.

Mr. Temporary Speaker, Sir, the same case applies to people who have retired. It is so difficult that people do not want to even think about their retirement. It becomes a burden to come looking for that little money. If we can go ahead and establish this fund as proposed in this Motion, we will assure the children of our fallen heroes who will be left behind of a bright future. The children and their families will know that, at least, the services of their parents were valued when they were alive. We also know what happens today during recruitment into the security forces. There is corruption during the recruitment. Therefore, the families of those who end up being recruited put a lot of hope in them. So, whenever tragedy strikes, it becomes very painful.

Mr. Temporary Speaker, Sir, the insurance that we are thinking about here should even cater for their housing. If the officer dies, part of the funds can be used to build a house or home for his children if they do not have one. This will boost the morale of our officers and make them serve this great nation with a lot of dedication.

Mr. Temporary Speaker, Sir, as you know, our borders are very porous. We rely heavily on only our security officers to man them. For that reason we need to stand firm with them, so that they can work with zeal. Somebody mentioned what our officers are doing in Somalia. We stand tall in the whole world because of our officers. But have we stood with the families of those who have lost their lives? This Motion calls upon all of us, as Kenyans, to always stand with our officers. We need to salute them when they die in the line of duty and, at the same time, take care of their children. We could even visit the graves of officers who fell in the line of duty with flowers. This is done in other countries. So, we need to come up with something that we can stand and say that we valued them when they were alive.

Mr. Temporary Speaker, Sir, I support this Motion.

Sen. Sijeny: Mr. Temporary Speaker, Sir, thank you very much for giving me the opportunity to contribute to this amendment to the Motion.

Mr. Temporary Speaker, Sir, this is a very noble idea. Our officers can be referred to as heroes because of the duties that they perform. They sacrifice their lives. This has become a reality nowadays more than before, because in the past, the security officers were not very busy since Kenya was quite peaceful and the neighbours were not as violent as they are now. Also, terrorism was not a thing of everyday. During the Westgate attack, for example, we could see in the media security officers moving in and some of

them lost their lives in the process. Most of them are not old people, who have, probably, invested heavily in the education and future of their children. Everybody works to take care of their children and secure their future.

Mr. Temporary Speaker, Sir, the security officers go through a lot of hardship in order to not only protect the property of Kenyans, but also secure the future of their families. What is more peaceful and satisfying than knowing that once you are dead your children will get educated? This gives them the opportunity to work without a lot of stress. They will even avoid being swayed into corruption, because they know that they do not have to indulge in any get-rich-quick schemes in order to secure the future of their children. We know that education is not very cheap, especially at the university level.

Mr. Temporary Speaker, Sir, this insurance fund will help also the widows and diminish the stress that they are left with. Most people want to inherit these widows, especially where I come from, in the pretence that they want to take care of the future of the children. But most of the time, the moment they inherit them, they spend all their money and within no minute, the children will be on the streets begging. They even become thugs and a burden to other relatives, just because there was nothing in place to ensure that they get education. If that is done, that will be the best gift.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir.

Is the distinguished Senator in order to attack my culture without specifying that the culture she is referring to cuts across two communities and that what obtains in her community does not obtain in the Abaluhya Community? This is because we take care of our widows, children and women. We preserve their legacy and, indeed, make sure that our brothers' children get that money. Is she in order?

The Temporary Speaker (Sen. (Dr.) Machage): To my knowledge, the people who should have said their culture has been attacked were not in the House. Actually she looked around and none was in the House.

Continue.

Sen. Sijeny: Thank you very much, Mr. Temporary Speaker, Sir, for the protection. Just for information of the Senator, I cannot give all the details, but I am also a family lawyer, I have records which I can give if the Senate demands. I have examples of families who have been robbed of their wealth after their bread winners died.

Mr. Temporary Speaker, Sir, education is key in any nation. Once the nation is well educated through their children and youth, we will be improving on the economy. There will be less poverty and even the population would be controlled because people are working hard, they are studying and acquiring properties and there is no free time to indulge in other things which give them more burdens. This is something which is possible.

Here, I speak as an advocate. The Law Society of Kenya (LSK) has such a fund. I am a life member of the Advocates Benevolent Fund. So, my children know that should I drop dead today, they will be educated up to university level. I also know that it is well supervised. Records are kept and accounts are given. What I would like the State to know is that it is a workable thing. It is the best gift that they can give to officers.

With those few remarks, I beg to support.

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, I think it would be prudent to dispose of the amendment so that we can continue with the main Motion.

*(Question that the words to be left
out be left out, put and agreed)*

*(Question that the words to be inserted,
be inserted, put and agreed to)*

(Question of the Motion as amended proposed)

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Karaba.

Sen. Karaba: Mr. Temporary Speaker, Sir, this Motion is important. It is something that should not even have taken too much time because it is obvious. It is asking for something that should be done after an obvious thing has happened. When somebody dies in service, obviously, he or she is supposed to be compensated. This is what we are trying to drive towards. We are trying to get the Government machinery to know that something obvious should not take a lot of time being discussed in a House like this one. However, the absence of that action is what is prompting Sen. Muthama to move this Motion, which I support.

Mr. Temporary Speaker, Sir, we talk of many things and this is something that exists in many countries. Most countries in the world which have state facilities like the United States of America (USA) and other Western countries, this fund is there. As soon as you die or have problems in the service, the Government comes in and takes the decision. They take the children and compensate the spouse. Therefore, this is something we need to introduce or borrow because it is happening elsewhere.

Mr. Temporary Speaker, Sir, there is something I have observed here. Once we discuss and pass a Motion or a Bill, we always hope that it works. According to what I have heard, especially from Sen. Musila, in the Ninth Parliament we passed a Bill, where if somebody retires today after 90 days all the benefits are paid, but this does not happen. So, this could also be another Motion which could be popular, but if it is passed and nothing happens, I want to urge Sen. Muthama to team up with the relevant Committee so that this Motion is not just dumped. We should follow it up. In recognition of what Sen. Musila did in the Ninth Parliament, the moment somebody has left or died in service, benefits should not stay for ten years before they are paid. They should be paid immediately. The moment you pay ten years after death, those benefits will not help anybody.

So, we are saying that this Motion is a reminder and it is coming at the right time. This is the time we are reawakening. It is like during the 16th Century renaissance although we are now in the 21st Century. What we are trying to say here is that services which are offered by our soldiers are necessary. It is a requirement and mandatory for them to serve us. Without those services, we would not even be alive. So, imagine yourself not being here if it were not for the protection from the servicemen. These servicemen live in a very terrible environment. They stay out in the cold.

I know we also have guards guarding our homes at night. These are the people we are talking about. They stay out in the cold and they do not even live with their children because they are transferred every three months. They work in difficult terrains and in very harsh conditions. These are the people who do not even have follow up of what happens in their families. You will find that somebody is married today. After three

months, he is transferred to Garissa or to Pokot County. These people are always on the move and have no fixed abode. After they die, the misery continues to follow them because they suffer enough even when they are alive. They do not even live with their wives or children. So, even when they die, the agony continues.

That is what we are trying to prevent. If we were to really help our servicemen, let us pass this Motion, follow it up and make sure it is implemented to the letter. That is the only way we can provide our people with what is required humanly. That is a right that should be given to our soldiers. We are comfortable because there are systems in this House. I see that door closed sometimes. I always ask the security officer why he is closing the door and he tells me it is because they fear that somebody can throw a hand grenade inside here. That is the answer I was given. We are scared of that risk and the safety is maintained by the soldier. This is the person we are talking about; the person who maintains peace in our country. So, when something like this happens and he dies, the relevant institutions should step in and compensate this person who has made us be what we are, who has made the Speaker be what he is and to sit where he is seated, comfortably. These are the people we are talking about.

I support the Motion because I want the Government to look for ways and means of making sure that the families of these people are comfortable even after they die. That is the discontent that we have. When you visit countries like Canada, Toronto, where I have been, you will find that a soldier has a reserved seat in a bus. When he gets in, but has no medal, he knows that the seat is for a retired soldier. There are also other seats in the bus for other people who are recognized. These people should be respected because without them, we would not be having what we have. Without them, we would not have safety on our roads. Without them, we would not have safety in our houses. These are the people who have made our country to be what it is because there is peace. Without them, there would be no peace, no industries and no tourists coming in. So, we would not be talked about as a developed country.

For us to claim that we are developed and that we are doing well, it is important to perpetuate the idea of maintaining peace. This is maintained by the security officers and we should reciprocate by providing what is necessary to these people and that is nothing else than passing the Motion. We should have a group insurance policy cover so that once they are not here with us, their families and spouses are safe even after they die. That is the difference between us and some countries in the Arab world and in South East Asia. People are devoted to protect their countries.

A country like China has 1.3 billion people and yet there is peace. How many soldiers are involved in maintaining that peace? What kinds of policies are maintained? There must be a very good system which makes soldiers feel at home and even if they died, their families would be comfortable. Similarly, we have problems coming from the Arab countries. These people known as suicide bombers are lured to do it because they know of their fate. After committing suicide, they know that all will be well with their families. That is very unfortunate because that is their character. In Kenya, we should compensate officers' families as soon as they leave us because they have provided services to all of us.

As I conclude, we should also remember teachers who work very hard. We are not opposing the Motion, but we should also include them because these are people who have done very well. It is a pity that after they retire, they do not get the benefits until

after they have died. Those benefits are not there. So, we are asking the Motion author to consider, including teachers who from 1997 petitioned the Government, but did not succeed.

The Temporary Speaker (Sen. (Dr.) Machage): Mr. Karaba, unless you want to move an amendment to include teachers, you should stick to the Motion.

Mr. Karaba: Mr. Temporary Speaker, Sir, quietly, we should sneak in teachers. I support.

Sen. Ndiema: Thank you, Mr. Temporary Speaker Sir. I stand to support this Motion as amended. I thank Sen. Muthama for the timely Motion. We are all aware that our armed forces; the police, army and all other rangers are in danger because of wildlife and many other risks. The guards who work in security firms are in constant danger because of the nature of their duty. All these people are exposed to things that would be minimal to others. We are talking about fatality here, but we should not also forget those who are maimed in the line of duty to a degree of disability.

It is a pity at times when we see officers who have been injured not being able to perform. They are forced to go home. Some of them refuse to go home, but hang around in the camps to get assistance from their colleagues. At times, their colleagues arrange funds locally to assist them. What does that do to the moral of the unit that they serve? This does not only demoralize the family or the individual who has been maimed, but the whole force. There are also circumstances that officers operate in that make them break down because they are not accommodated well. They know that there is no adequate provision for their children in the event of death. Some break down mentally and permanently to a point that they cannot cater for their families. We have seen such cases of children visiting Members of Parliaments for assistance. We have had to do harambees to assist them. Surely, the Government, which they served, should take care of them.

There are also cases where officers have gone missing in action whether in Baragoi, Sierra Leone and so on. It is unfortunate that once such a situation arises, it takes a lot of time for the relatives, wives and children to receive compensation. In the Government, when a person goes missing, the first assumption is that the person is alive, for a certain period of time. For someone to be presumed to have died, it takes several years. Within that period, a child in class one would have gone up to class seven or eight and, perhaps, failed in his Kenya Certificate of Primary Education (KCPE) due to lack of parental care.

These are situations that should be considered in whatever scheme that may come. In combat, it is not only the strength of firearm that determines the outcome of the battle. It is not even the numbers; but more importantly, it is the team that is there. A person's morale is boosted when he is sure that he knows that his nation is taking care of him and his family in the event of any eventualities. It appears that sometimes the criminals who include terrorists and armed robbers are ahead of the security agents. Sometimes when they go to jail they have a way of ensuring that their families are taken care of. The terrorists are assured from when they are being recruited that their families will be safe and yet these are the people who are supposed to face off with our security personnel. Our security agents should equally be morally armed through what we are proposing in this Motion.

Mr. Temporary Speaker, Sir, if we do not provide such incentives, in the event of an eventuality, we know that nature hates a vacuum. So, what normally happens is that

our security officers will gang up and provide for themselves in the manner that we have seen. Unfortunately, they will do this through corruption, or even co-operating with the criminals because they have to cater for themselves and their families in the event of any eventuality in the way they think best. If we were able to provide for them, perhaps, corruption would be minimized.

When it comes to following up whatever payments are due to them, most widows are taken advantage of by brokers and sometimes members of their families who pretend to know how best to follow up the dues. At the end of the day, they do not even receive whatever dues they are owed because there is nobody to take care of them. I am thinking that in establishing this insurance policy, every department that is concerned should also have a liaison office specifically dedicated to follow up on pension matters, gratuity and even insurance matters on behalf of the fallen officers after they have gone until the last penny has been paid so that their families do not have to travel from upcountry all the way to Nairobi to be paid.

Mr. Temporary Speaker, Sir, I know for the Kenya Defence Forces (KDF) when it comes to criminal cases and so on, the military provides advocates or lawyers to defend the officers even when they are in Somalia and many other places. Why can we not do the same for their families?

With those few remarks, I beg to support.

Sen. Elachi: Mr. Temporary Speaker, Sir, I also rise to support this Motion. When you look at the history of our disciplined forces, sometimes, we ask ourselves whether, indeed, we are willing to see them protect us or we are willing to engage them to know how to use the different ammunitions that they have in order to survive. I will give an example, when there was the issue of a haul of drugs in Mombasa and every police officer who had any link to the issue was assassinated. In one way or another, they were simply killed. There was a documentary that was aired on *Citizen Television* where the children were narrating their life stories and saying how they were suffering; without school fees and nobody willing to come near them because their fathers had died in the course of following drug barons in this country.

Sometimes you find that there is a lot of fear in Government because of the different people or gangs that we deal with. Therefore, we tend to shy away from dealing with such issues. This Motion is, therefore, addressing such scenarios. There was a case in 2007 of Administration Police (APs) officers that were on their way to South Nyanza and they were killed in the line of duty. They were going to protect the ballot boxes before the elections, but they were ambushed and killed. Nobody knows where their families are today and how they have survived. It has reached a point where as legislators we now need to ask ourselves how we can come up with a law not just for pension, because the pension law is there, but they suffer to come and look for it every month.

It also talks of compensation when death has appeared, where a lump sum is paid. This sometimes brings conflicts in the family which ends up not benefitting the children. Recently, there was a case of the late George Saitoti, Orwa Ojode and the two pilots. Today I do not know where their children are, if they are being taken care of or whether the pension due to them was paid. At that time, I looked at a small baby of one of the victims who was just one year at that time and I wonder whether they will get proper education. So, there are many things that come out.

Mr. Temporary Speaker, Sir, sometimes when we look at reality, we must accept that there are some things that we are doing wrong as a country. Therefore, if we want to have good disciplined forces, we must first take care of their welfare when they are alive and assure them of their families' welfare in case they depart in the line of duty. Their families should feel proud the way the American families feel proud to be patriotic and fight for their country. This also depends on the individuals and the institutions that are there. At the end of the day, the President wants change. However, he has a troop of many people who have different ideas and thinking. Some are still in the old way of thinking where you do things in a slow manner; where they have to be begged to give services. When a pensioner is paid, he or she has to share it out with the payee and yet he or she has come all the way from, for example, Kakamega where some transport was used. This is a very sad culture.

When you look at every police officer who has been killed by armed gangs or robbers, we have never been showed the other side of the story; that, indeed, they fought for the country. We are not shown even the KDF who are in Somalia fighting for the country. We do not even spare a day in a year to remember them. We do not remember or celebrate them even once a year. Catering for the education of the children will make them realize that, indeed, their father worked. They will feel like they are enjoying the fruits of the duties that he did for the country. We need to find ways of enforcing the culture of appreciating what others have done. This should not just stop at the burial, but go beyond.

In Kenya, after we bury someone, we are done with them. I was surprised to know that in Ghana, they even make posters when you have died to celebrate you. In our country, if you die in the line of duty, the only thing that they will do, which they did in Murang'a when we were burying the young girl who was a pilot, was the 21-gun salute. This does not even show that, indeed, we have celebrated their lives or even guaranteed the future of their families.

Mr. Temporary Speaker, Sir, I want to give another example of Tana River County. Young police officers were sent there during the conflict directly from college. Eight of them were butchered because they did not know the area. I remember that some of them were from Busia and their parents were affected. They wondered whether they did the right thing to allow them to join the forces, because they never even worked or received salary for one month. So, we need to look at the whole package for the security officers. We are even talking about the challenge of gayism and so on. These officers leave their wives in the rural areas and go to work. They end up living with other women and they end up killing one another.

How can we ensure that their families can have that dignity which the Constitution is very clear about? The late Michuki had started a very good programme to give these officers good housing. He knew that the moment we give them good shelter and allowances, they will start appreciating their work. But if we keep forcing them to work under difficult conditions, they will not perform well. For example, if we let our traffic officers stand and control traffic for the whole day, they will definitely engage in corruption and ask for money for them to survive.

Mr. Temporary Speaker, Sir, even as we do the vetting of the police officers, we need to ask ourselves whether we are doing it in the right way. Is the process becoming too personal, that some of the officers are jittery? Some of them are even resigning so

that they do not undergo the vetting process, yet they have been in the force for many years and are experienced. They are resigning because they feel that their rights in terms of defending themselves and owning property are also being violated. This House has an opportunity to also look at that, so that we do not go so deep and hence, bring anger in the service. We know that this is a very sensitive service.

Mr. Temporary Speaker, Sir, I beg to support.

Sen. Chelule: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion which was moved by Sen. Muthama and thank him for bringing it.

Mr. Temporary Speaker, Sir, there is one thing that makes me happy about this Motion, that is, the establishment of an insurance scheme. This will make work easier. We all know that people have had problems when following up compensation. They have visited several offices and undergone tedious processes going for their compensation. Once we have an insurance scheme in place, I believe that there will be a secretariat that will deal with this problem. I know that there will be proper management of files. It is shocking at times that when one is following his or her dues, at some point, they will be told that the file is missing. The moment we have a proper structure that will be managed by the right people, I believe that there will be a flow in the process. This will really help the widows or whoever is affected.

Mr. Temporary Speaker, Sir, I support this Motion very much because it will ease the process for those affected. I know that there will be adequate compensation through this process and it will be done in the quickest way possible.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

Sen. Omondi: Thank you, Mr. Temporary Speaker, Sir, for allowing me to contribute to this Motion.

First and foremost, I want us to remind ourselves that the Bible says: "Be your brother's keeper." Our disciplined forces are our keepers. We must also be their keepers to accomplish the word of the God. The indecent lives of the disciplined forces in this country begin the day that these ladies and gentlemen go out for recruitment. The exercises are so vigorous. After they have secured an opportunity, the training itself is so hard and harsh. I know that every Kenyan citizen works very hard in school or training. However, at the end of the day, they are able to enjoy the fruits of their labour. But for these officers, it is vice-versa. What they reap is working under indecent conditions.

Mr. Temporary Speaker, Sir, my colleague, Sen. Ndiema, reminded me of a sad story. I visited one of the prisons in Kenya in 2012 under the persons with disability movement. I was doing an audit to know how accessible the prisons and police posts are. I learnt that some of the officers, after acquiring disability during the line of duty, even if they are retained in their places of work, nothing is added. Nobody thinks about their additional special needs. We came across a police officer in one of the prisons using a potty in the house and the wife carries it to the toilet which is far. I wondered what kind of life that officer was living. The officers opened up after a lengthy discussion and told us what they were going through after acquiring a disability. They are deployed in the offices to do light duties, but without other things being catered for.

Mr. Temporary Speaker, Sir, I want to support this Motion strongly because the development in this country is protected by our disciplined officers. They make sure that theft is reduced and development is growing. The security that we enjoy is in their hands. It is so sad to see that these officers are exposed to a lot of risks and carry a lot of blame

for anything that happens while they carry out their duties. For example, if they act, the blame is that they used extra judicial force. If they relax, people will ask where they were when something was happening. The human rights people are also on their shoulders. When they die while on duty, where are the human rights people to speak on behalf of this people who died while working for this country?

Let the truth come out that, indeed, the disciplined forces in this country live indecent lives. After they pass on, their families are exposed to a lot of injustices. The families use the little resource they have to pursue their benefits. It is like using the benefits long before they are paid.

Mr. Temporary Speaker, Sir, we need to have policies geared towards improving living standards in terms of reasonable accommodation for these officers. We also need to have improved salaries for them so that they can be motivated. As we do that, there are two things we need to do; one is having a policy or a law in place and, second, is implementation of the policies. In this country, we have so many laws, but the problem is implementation. We need to look into that issue. We need to enforce the existing laws to make sure that these officers get their benefits. Where we see that there is a gap, we need to make a law. For example, the one being suggested by Sen. Muthama the insurance, we need to have it in place and ensure that it is implemented.

Mr. Temporary Speaker, Sir, the disciplined forces retire as poor Kenyans simply because the salary they get is small and they live hand to mouth. If they are lucky enough to retire, they have nothing and they end up being miserable like somebody who never worked.

With those remarks, I want to strongly support this Motion.

Sen. Gwendo: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to support a very human Motion. It shows that Sen. Muthama has a heart and he has thought about something that many of us had not thought about. I believe that all Senators in this House have bodyguards and guards at home. Some of them even have a relative in the disciplined forces. So, congratulations to Sen. Muthama.

When we look at most of these families, when the bread winner dies in the line of duty, they are all left languishing in poverty. This is because in our African socialization, most of the women remain in the village and the man goes to work. When the man dies and there are no benefits accorded to the woman, it is poverty that follows. Children do not go to proper schools; others die of malnutrition and things like that. If these families have an insurance policy or something to look forward to, they will be happy to see the man work out there knowing very well that in case something happens to the man, there is something to look forward to. We have other countries like New Hampshire in Rhode Island where they have a specific policy for a spouse of a police officer killed in the line of duty. I believe that if we can take this line, then people in this line can appreciate more and can do their jobs well knowing that if something happens while on duty, their families will be well taken care of.

With those few remarks, I beg to support.

The Temporary Speaker (Sen. (Dr.) Machage): Seeing that there is no other interested Member who wishes to contribute, I now call upon the Mover to reply.

Sen. Muthama: Mr. Temporary Speaker, Sir, allow me to sincerely thank my colleagues who have contributed to this Motion. From what was captured on the Floor of this House, it is clear that there truly was need for this Motion. The Government has to

take serious steps by making sure that issues which have been raised are met without delay. The illustrations that we have been given here, for example, we heard what Sen. Elachi say about what happened in Tana River County. We have also heard what was said by Sen. Wetangula, Sen. Orenge, Sen. Obure and Sen. (Dr.) Khalwale. When the Phillip Ransley task force was formed, it came up with several issues. One of them is what we are discussing here. This issue was not fulfilled by the Government that was in power and even the current one has not done so. One of the issues that was recommended by Ransley was a comprehensive medical insurance cover to take care of the health of officers and their families. So, it is not something new. I want the House to know that Ransley was not a Kenyan, but he could identify these problems.

The other issue was for the Government to make sure that there is compensation for the officers who die while serving this country. I just want to bring up a very devastating issue which was raised by my bodyguard when he read the Order Paper in the car yesterday. He turned to me and told that the bodyguards of the late Prof. George Saitoti were not compensated. Their families were paid absolutely nothing. The question we are asking is: Do these officers know how safe you and I are? We are guarded by the same officers who are aware that their colleagues have died. One officer who was guarding an Assistant Minister was not compensated. We are endangering our lives thinking that we are safe, while we are not.

Sen. Elachi has talked about the deaths in Tana River County. Baragoi was more painful and totally unacceptable. This was demonstrated very clearly by the Inspector General of Police. The officers who had been sent to Baragoi were young officers. They were fresh from college. They were sent to the ground and we all know what happened. These young officers had sent their children to schools. From there, they were hired by the Government which is the top employer in this country. When they died, that was the end of the story. We are sending a very strong message to the Government. Kenyans in this country have equal rights and that is what the Constitution says.

We, as leaders, can change that in this House. Once we walk out of this House, we should be respected. The respect will not come from the cars that we drive. No, it will not land on us because of the houses that we live in. It is not the lunches that we eat at the Intercontinental Hotel or Serena that will bring us respect. Our respect will be based on the services that we have given to Kenyans who cannot stand on this Floor and ask for their rights. I want to assure this House that if we pass this Motion, we will move forward and help Kenyans without appearing to be serving our own interests. That is what leadership means.

Kenya is not performing well when it comes to attending to the concerns of those who deserve to be taken care of. We tend to think about what the Office of the President is spending and what is available to the Ministers, elected Members of Parliament, Senators and Principal Secretaries. However, I want to quote what JM Kariuki said before he died. "This is a country of seven millionaires and seven million beggars."

When you go to your home or wherever else you go, you depend on the security people. If you woke up at night and found the house burning, you would have to look for three keys; one to open the wooden door, another to open the steel door and another one to open the gate to allow your neighbours to come in and rescue you.

It is time to change. We have created this, but we can change it. If we can install confidence in these officers and take care of them, there would be peace, unity and protection of lives in this country.

I beg to move.

The Temporary Speaker (Sen. (Dr. Machage): Very well.

(Question of the Motion as amended put and agreed to)

Resolved Accordingly:-

THAT, aware that many officers serving in Kenya's National Security organs die in the line of duty; further aware that most of them are very young with those who are married having young spouses and children; concerned that the compensation given to their next of kin is not adequate to cater for the needs of their immediate families members, particularly their children's education, family upkeep and other basic needs; the Senate calls upon the National Government to provide for the education of the deceased officers' children up to university level to cater for basic needs of their immediate families by establishing a specific insurance cover and scheme for that purpose."

ADJOURNMENT

The Temporary Speaker (Sen. (Dr. Machage): Hon. Senators, the remaining one minute will not be enough to prosecute the next Motion on the Order Paper. Therefore, it is now time to interrupt the business of the Senate. The Senate stands adjourned until tomorrow, Thursday, 13th March, 2014 at 2.30 pm.

The Senate rose at 6.29 p.m.