

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 11th October, 2018

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

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

PRAYER

PETITIONS

ALLEGED GRABBING OF LAND ALLOCATED FOR SETTLEMENT OF KIANG'OMBE SQUATTERS

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, pursuant to Standing Order 226(1) and 230 (2)(b), I hereby report to the Senate that, a Petition has been submitted through the Clerk by residents of Kiang'ombe Squatters Settlement Scheme in Thika Sub County, Kiambu County, concerning the alleged grabbing of part of the land allocated to their settlement.

As you are aware, under Article 119(1) of the Constitution:

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the said Petition are as follows:

(1) That the petitioners who were then squatters were allocated by the first President of the Republic of Kenya a parcel of land measuring approximately 95 acres in Makongeni, Thika Sub-County, in Kiambu County, where they were to be settled.

(2) That the process of demarcation of the said parcel of land and issuance of title documents to the squatters took inordinately long, during which time private developers grabbed part of the land, were issued with title documents and proceeded to develop the same.

(3) That of the 95 acres set aside for their settlement, approximately 28 acres have since been grabbed by the said private developers.

(4) That the grabbed parcels include land set aside for public utilities, including schools and hospitals, which has forced the squatter families to travel long distances to access these facilities.

(5) That efforts to have the title documents issued to the private developers cancelled and the said land reverted to its rightful owners have so far proved futile.

The petitioners, therefore, pray that the Senate investigates this matter with a view to ensuring that the title issued to the said land grabbers is revoked, and that the rightful

owners are settled on the entire parcel of land allocated to them and issued with the title documents thereon.

Hon. Senators, pursuant to Standing Order 231, I shall now allow comments, observations or clarifications in relation to this Petition for a period not more than 30 minutes.

Thank you.

I see no request for interest. Therefore, pursuant to Standing Order 232(1), the Petition stands committed to the Standing Committee on Land, Environment and Natural Resources.

In terms of Standing Order 232(2), the Committee is required, in not more than 60 days from the time of reading this prayer, to respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Senate.

Thank you.

PROPOSED ISSUANCE OF CURRENCY FOR THE
VISUALLY IMPAIRED AND BLIND

Where is Sen. Mwaura? He is not present. I, therefore, defer the next Petition.

(Petition deferred)

Next Order.

(Sen. Dullo approached the Dispatch Box)

Order, Sen. Fatuma Dullo! Order!

(Sen. Dullo went back to her place)

You can now proceed. Sen. Dullo.

PAPERS LAID

REPORT OF COB ON ANNUAL NATIONAL GOVERNMENT
BUDGET IMPLEMENTATION REVIEW

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Thursday, 11th October, 2018:-

Report of the Controller of Budget on the Annual National Government Budget implementation Review Report for the Financial Year 2017/2018.

I thank you.

(Sen. Dullo laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): There is another Paper to be laid by Sen. Dullo.

REPORT ON THE FINANCIAL STATEMENTS OF
BUSIA COUNTY AGRICULTURAL DEVELOPMENT FUND

Sen. Dullo: Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 11th October, 2018:

Report of the Auditor-General on the financial statements of Busia County Agricultural Development Fund for the year ended 30th June, 2017.

(Sen. Dullo laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Next Order.

(Sen. Mutula Kilonzo Jnr. stood in his place and spoke off record)

Order, Senator for Makueni. You do not just rise up and announce that there is a Paper. You say: 'Point of order.' The Chair will then ask: 'What is it, Sen. Mutula Kilonzo Jnr.?'

Sen. Mutula Kilonzo Jnr., do you have a Paper to lay?

Sen. Mutula Kilonzo Jnr.: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Please, proceed.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Deputy Speaker, Sir. I am properly guided. It is the first time that has happened, and it will be the last.

REPORT ON THE 39TH ANNUAL FORUM OF
PARLIAMENTARIANS FOR GLOBAL ACTION

Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 11th October, 2018:

Report of the Kenya delegation to the 39th Annual Forum of Parliamentarians for Global Action.

(Sen. Mutula Kilonzo Jnr. laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Next Order.

NOTICE OF MOTION

NOTING OF THE REPORT ON THE 39TH ANNUAL FORUM OF
PARLIAMENTARIANS FOR GLOBAL ACTION

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion-

THAT, this House notes the Report of the Kenya delegation to the 39th Annual Forum of Parliamentarians for Global Action, laid on the Table of the Senate, today, 11th October, 2018.

The Deputy Speaker (Sen. (Prof.) Kindiki): Next Order.

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators. We will strictly keep the time available for Statements. The quicker the issuance or requests for the statements, the better. When the time lapses, we will cease this Order and move to other Orders.

We will start with requests for Statements.

INTERNATIONAL DAY OF THE GIRL CHILD

Let us have Sen. Chebeni on behalf of Sen. Kasanga. Since Sen. Chebeni is not in the House, the Statement is deferred.

(Statement deferred)

Next is a statement request by Sen. Sen. Dullo. Please, make it as brief as you can.

BOUNDARY DISPUTE BETWEEN GARISSA
AND ISIOLO COUNTIES

Sen. Dullo: Mr. Deputy Speaker, Sir, pursuant to Standing Order 48(1), I rise to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the boundary dispute between Garissa and Isiolo counties that has led to breach of security within Isiolo County.

In the Statement the Committee should-

(1) The circumstances under which one Mr. Ali Guyo Roba was abducted and found dead yesterday.

(2) State the mechanisms put in place to resolve the outstanding boundary dispute between Garissa and Isiolo counties.

(3) Explain what is being done to enhance security in the area, specifically in Duse, Belgesh and Eldera areas within Isiolo County.

(4) State when the Government will establish police posts and enhance the numbers of Kenya Police Reservists (KPRs) to complement security in the affected areas.

(5) Explain measures being put in place to resettle Internally Displaced Persons (IDPs) from Eldera, who are currently camping in Garbatulla Sub-County, including the school going children whose learning has been interrupted.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is that all? Okay.

The next Statement is by Sen. Khaniri.

HIGH COST OF LIVING IN THE COUNTRY AND
GENERAL MISMANAGEMENT OF THE ECONOMY

Sen. Khaniri: Thank you, Mr. Deputy Speaker, Sir, for the opportunity. Pursuant to Standing Order 47 (1), I rise to make a Statement on an issue of general topical

concern, on the current high cost of living in the country and the general mismanagement of the economy.

The country has been staring at an era of high cost of living. This high cost of living depicts a failure by the national Government to cushion its citizens, as it is the responsibility of the Government to ensure prudent management of the economy.

Several issues concern us today. One is the huge total debt that stands at approximately Kshs5 trillion, which translates to 57.1 per cent of the Gross Domestic Product (GDP) and an average debt of about Kshs90,000 per person; the rising cost of living, food shortage and glut at the same time, exorbitant tax regime and corruption.

When the Jubilee Government took over power in 2013, the economy had shown signs of picking up. We had a well-structured development blueprint in the Vision 2030. Then, the President defined his agenda as contained in their manifesto. This included things like laptops for Standard One pupils, Galana-Kulalu Irrigation Project, expanded National Youth Services programs, construction of numerous stadia across the country, among other ambitious development infrastructure.

The Government had to source for funds and hence, opted to float Eurobond I and II, and signed a number of development contracts that were to be financed through loans. This move has increased the country's debt three-fold within six years. The debt increased from Kshs1.5 trillion in June, 2012 to over Kshs5 trillion as it stands today.

Mr. Deputy Speaker, Sir, Kenyans have expressed concern on the ballooning foreign debt, especially from China. It is a fact that the Jubilee Government has already accumulated too much debt. Some of the projects that the Government has heavily invested in have no immediate value for money and most people cannot point their direct benefit. The huge loans require servicing, which in turn means increased taxes, more borrowing and inflation.

The majority of my constituents in Vihiga are suffering and most of them cannot afford to have three straight meals in a day. Recently, the National Assembly acrimoniously passed the Finance Bill, 2018, which was assented to by the President. This Act of Parliament only broadened and increased taxes and, as a result, pushed the cost of living further up. The most punitive measure from the Act is the 8 per cent Fuel Levy and increase in the price of kerosene.

Currently, there is a logging moratorium which has led to increase in the price of wood fuel. Most families had opted to use kerosene stoves for cooking, which has now seen increase in pump prices. This is placing most Kenyans between a rock and a hard place. Furthermore, the fuel tax was preceded by an increase in electricity tariffs in August, 2018. This high cost of factors of production is also affecting companies which are closing shop and relocating to other jurisdictions and countries.

Mr. Deputy Speaker, Sir, it is unfortunate that people and animals die of hunger and famine in Kenya today, yet we have one of the best climatic conditions in the world and fertile soils that can produce sufficient food for both consumption and export. We are in a country where we routinely import maize, milk, sugar, fish and other food stuffs, all in excess not to correct a shortage but to make quick cash by cartels. All these excess importations have turned out to be scandalous, where the Government has lost money through tax exemption and the people exposed to unsafe food. Farmers in Kenya are crying because they produce food at high costs, but cannot get market. The Ministries

concerned cannot explain how we got into this situation of shortage, glut and poor storage of food, all at the same time.

This is total failure by the Government in its planning role and it is regrettable that the officers in Government who caused this mismanagement are still in office. The constant excuse in all this is the cartels.

Everyone in Kenya knows that we have cartels who are the source of most of our problems but nobody, including the President himself, is willing to unmask these cartels. One wonders if this cartel is actually the Government. I wish the Senate Majority Leader would be bold enough to table the identities of the cartels in the maize, sugar and other contraband goods scandals.

When we held out sittings in Uasin Gishu, one of the highlights was delayed payments to the farmers who delivered maize to the National Cereals and Produce Board (NCPB). The people also complained that they have maize which has not yet been purchased by the Government. One wonders why the Government has not considered trading the excess maize in the international market. Even the President confirmed recently that he does not understand how money for the purchase of maize from the farmers can be allocated in the Budget but not paid to farmers on time. What surprises me is that such incompetence has not been punished. Why would a president lament about people who are messing up the country and just leave it at that? Who will take action for Kenyans?

It should be remembered that during the discussion in Uasin Gishu, farmers questioned the rationale of having food security as one of the Big Four Agenda when actually the Government is shooting itself in the foot by increasing the prices of farm inputs through taxes.

We all know that corruption is our main undoing as a country. We have institutionalised corruption at all levels of Government such that it is normal for corrupt deals to pass the audit test so long as all the procurement processes were followed (all boxes were ticked).

A recent publication by Wealth X titled *Annual World Ultra-Wealth Report*, placed Kenya among the top 10 countries with the fastest growing number of new billionaires worth more than Kshs3 billion. The country had a percentage increase of 11.7 per cent in this regard. This is despite the slowdown in economic growth occasioned by the General Elections of 2017 and diminishing corporate performance.

National and county government officials are amassing wealth that is not commensurate with their salaries yet nothing is being done about it. Some of these monies are distributed in harambee and churches every weekend. As a country, there is need to make corruption painful and costly, only then can we slay this dragon. It is a fact that numerous questions still linger about the Eurobond proceeds. There are so many unresolved corruption cases that require urgent action.

Unemployment is at its highest in the country today. The situation is compounded by companies which are winding up businesses in Kenya because of a shrinking economy. The youth are forced into crime and drug abuse because they have lost hope in life. On numerous occasions, there have been reports of graduates turning up on the road with placards showing their qualification asking for employment. What about the millions of youth without college education?

Today, the number of hawkers in the city is increasing by the day and surely it will not be a prudent idea to just drive---

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Khaniri, you had not more than 10 minutes to finish the Statement and I think you have exhausted your time. I will give you three more minutes.

Sen. Khaniri: Give me one more minute and I will be done. Thank you, Mr. Deputy Speaker, Sir, for your indulgence.

Today, the number of hawkers in the city is increasing by day and surely it will not be a prudent idea to just drive them out of the streets. Currently the daily casual work wage in Vihiga County is about Kshs200 on the higher side. How this can be distributed to cover the daily needs of a small family of four members is almost a miracle.

I wish to bring this matter to the attention of the Senate because as lawmakers, we play a key role in regulating the cost of living by formulating policies as part of our law making function. I also wish to appeal to the national Government to speedily address this situation because Kenyans are really suffering and this should not be swept under the carpet.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Orenge, you have not more than three minutes.

The Senate Minority Leader (Sen. Orenge): Mr. Deputy Speaker, Sir, I commend Sen. Khaniri for making this very comprehensive and extensive Statement.

I was reading somewhere that Kenya is the third highest debtor to China after Ethiopia and Angola. It is a worrying situation because the debt portfolio for the entire continent to China is about one-fifth of the debt owed by African countries to the rest of the world. I am beginning to see the sense why you normally get almost 100 per cent quorum of African leaders in Beijing and not 100 per cent in the African Union (AU) meetings in Addis Ababa.

The debt situation should be addressed and if it is not addressed, the country will go into recession. We have been in a similar situation before. In 2007, Kenya was heavily in debt. We were technically in recession but I think the Grand Coalition Government took measures that made it possible to turn the country round.

I hope the Government will seize the opportunity, now that both sides are working together to some extent, to try and address this situation because the people of this country will not believe anything else other than having a life that they can afford. If that is not done, then all else will not make any sense. We should take up the queue from Sen. Khaniri and address this problem.

The Deputy Speaker (Sen. (Prof.) Kindiki): I will allow one more comment on the Statement from the other side of the House.

Sen. Haji: Mr. Deputy Speaker, Sir, as a colleague of Sen. Khaniri and the Chairman of Building Bridges Initiative, I congratulate him for setting the ball rolling for the work we are supposed to do, particularly on corruption and youth unemployment. These are some of the issues that we will be going round the country to meet Kenyans in order to get their views.

We are supposed to build bridges but we are not engineers. The engineers are Kenyans. Depending on what they will tell us, it will help us build bridges.

We welcome ideas like the ones we have heard. When we go round, Kenyans will be appearing before us and hon. Members can write memoranda or appear before us. Very soon we will set the dates when we will be receiving memoranda and views from Kenyans.

I support this Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Sakaja, I will allow you time later but not now because we are trying to balance today's agenda.

Hon. Senators, we have three aspects of that Order on Statements. We have just done the first one, which is Statement under Standing Order No.47(1). I now direct that we move to Statements under Standing Order No.48. I now call the Senator for Makueni, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, with your leave, I will read both Statements. I will begin with the first one.

DELAYED COMPENSATION FOR PERSONS DISPLACED BY
THE CONSTRUCTION OF MULIMA DAM PROJECT

Pursuant to Standing Order No.48(1), I rise to seek a statement from the Standing Committee on Lands, Environment and Natural Resources on the delayed compensation for displaced persons during the construction of Mulima Dam in Mbooni Constituency, Makueni County.

In the statement, the Committee should-

- (1) State the number of people whose land was acquired to pave way for the construction of dam and how many have been compensated so far.
- (2) Explain the reasons for the delayed compensation to the affected persons.
- (3) State the steps being taken by the Ministry of Lands to ensure that the affected persons are resettled in a different scheme apart from the Nguu Ranch.

I thank you.

With your leave, Mr. Deputy Speaker, Sir, can I proceed to the second one?

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, first, are you requesting any substantive response?

Sen. Mutula Kilonzo Jnr.: Yes.

The Deputy Speaker (Sen. (Prof.) Kindiki): Where is the Chairperson of the Committee on Land, Environment and Natural Resources?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, they are missing in action.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is the Vice Chairperson or any Member of the Committee here?

Sen. Khaniri: Mr. Deputy Speaker, Sir, I am neither the Chairperson of the Vice Chairperson, but I am a Member of that Committee.

On behalf of my Chairperson and the Vice Chairperson, I give a commitment to the Senator that we should be able to respond to the Statement maybe in three weeks' time.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Mutula Kilonzo Jnr., are you okay with three weeks?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, in fact, let me be candid and say that prior to the amendment of the Standing Orders, the Committee had received

information on this Statement only that we had to redo the statement again. So, if they get to their records, they can do this in less than three weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): All right. Sen. Khaniri, in light of that, will one week be okay?

Sen. Khaniri: Okay, Mr. Deputy Speaker, Sir. We can do so in one week. If we will be unable, we will report progress.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. So, ordered.
Next Statement is by Sen. Mutula Kilonzo Jnr.

DELAYED COMPENSATION FOR PERSONS DISPLACED
BY MANOONI DAM PROJECT

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Deputy Speaker, Sir. Pursuant to Order No.48, I rise to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the delayed compensation for persons displaced during construction of Manooni Dam in Makueni Constituency, Makueni County.

In the Statement the Committee should-

- (1) Indicate the size of land acquired during the construction of Manooni Dam;
- (2) State the reasons that informed the acquisition of the land and whether the public was consulted;
- (3) State the number of people whose land was acquired to pave way for the construction of the dam and why they have not been compensated to date;
- (4) Give reasons as to why the Dam has never been utilised by the local community; and,
- (5) Explain the reasons as to why the Ministry of Water and Irrigation has not allocated any funds for desilting and, or expansion of the Dam.

The Deputy Speaker (Sen. (Prof.) Kindiki): Pursuant to Standing Order No.48, the Committee should take action, accordingly.

Under Standing Order No.52(1), the Senate Deputy Majority Leader on the business of the House for next week. Are you ready?

(Sen. Dullo shook his head)

As you sort out yourself, I will allow Sen. (Dr.) Ali the Senator for Wajir County to make a Statement under Standing Order No.48(1).

CONSTANT POWER RATIONING AND
BLACKOUTS IN WAJIR COUNTY

Sen. (Dr.) Ali: Mr. Deputy Speaker, Sir, pursuant to Standing Order No.48(1), I rise to seek a Statement from the Committee on Energy, Roads and Transportation on the constant power rationing and blackouts in Wajir County and Wajir town to be precise.

In the Statement, the Committee should give reasons:-

- (1) As to why there have been constant power rationing and blackouts in Wajir County.

- (2) Explain the measures being undertaken by the national Government to resolve the power rationing and blackout.
- (3) State the steps being taken by the national Government to ensure that the power generating equipment for Wajir Town is well maintained and in good working condition.

Mr. Deputy Speaker, Sir, the town has been out of power for the last two weeks because of some damage to the generator in Wajir Town. People are suffering in that town. I want to know the cause of the damage of that machine.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senate Deputy Majority Leader, Statement under Standing Order No.52(1).

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 16TH OCTOBER, 2018

Sen. Dullo: Mr. Deputy Speaker, Sir, pursuant to Standing Order No.52(1), I hereby present to the Senate the business of the House for the week commencing on Tuesday, 16th October, 2018.

On Tuesday 16th October, 2018, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the week subject to further direction by the SBC. The Senate will, on 16th October, 2018 consider Bills due for Second Reading and Committee of the Whole and also continue with consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 17th October and Thursday, 18th October, 2018, the Senate will consider business that will not be concluded on Tuesday and any other business scheduled by the SBC.

Hon. Senators, the following Bills are due for second Reading Stage:

1. The County Wards Development Equalisation Fund (Senate Bills No.5 of 2018)
2. The Local Content Bill (Senate Bills No.10 of 2018)
3. The Data Protection Bill (Senate Bills No.16 of 2018)
4. The Care and Protection of Older Members of the Society Bill (Senate Bills No.17 of 2018) for division.
5. The County Planning Roads, Pavement and Parking Bays Bill (Senate Bills No. 18 of 2018)
6. The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018)
7. The Prevention of Terrorism (Amendment) Bill (Senate Bills No.20 of 2018)
8. The Copyright (Amendment) Bill (National Assembly Bills No.33 of 2017)
9. The Public Private Partnership (Amendment) Bill (National Assembly Bills No.52 of 2017)

(Sen. Murkomen entered the Chamber and consulted loudly)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senate Majority Leader. You are interrupting your own Statement.

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir.

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

11. The County Statutory Instruments Bill (senate Bills No.21 of 2018)
12. The Petition of the County Assemblies Procedure Bill (Senate Bills No.22 of 2018).
13. The Treaty Making and Ratification (Amendment) Bill (Senate Bills No.23 of 2018)
14. The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018)

Hon. Senators, I urge the respective Standing Committees to hasten consideration and public participation in the above Bills and file reports to enrich debate at Second Reading.

There are a number of Bills that are due for Committee of the Whole. I urge sponsors of the Bills and the respective Movers of the amendments to avail themselves to enable the House to effectively navigate the Committee of the Whole.

In conclusion, there will be a breakfast meeting on Tuesday, 16th October, 2018 at 7.30 a.m. in Parliament Building. I invite all Senators to attend this important meeting that will converse emerging issues regarding the Petroleum Bill (National Assembly Bills No.48 of 2017) and The Local Content Bill (Senate Bills No.10 of 2018.)

Mr. Deputy Speaker, Sir, I hereby lay the Statement on the Table of the House.

(Sen. Dullo laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Dullo, on behalf of the Senate Majority Leader.

The request of a Statement by Sen. (Dr.) Ali from the Committee on Energy, Roads and Transportation is urgent because it is about electricity connection in Wajir County. Under the new Standing Orders, you do not have to bring the Statement back to the House. However, you have to give it to the Senator. How much time would you need to respond to Sen. (Dr.) Ali's request for the Statement?

Where is the Chairperson, Vice Chairperson or Member of this Committee? Senate Majority Leader, please communicate to the Chair.

Order, Sen. (Dr.) Ali. The Chair is assisting you and you are busy creating disorder. Let us have the Leader of the Majority.

The Senate Majority leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. I agree with you that Wajir is one of the counties that still use generators for electricity. This is, therefore, an urgent issue in terms of replacement and so forth. I will liaise with the Senator and the Committee and give an interim answer to the House, if need be, by Thursday next week. Meanwhile, we can do whatever we need to by tomorrow.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. It is so ordered. The one by Sen. Dullo, Senator for Isiolo County was addressed to the Committee on National Security, Defence and Foreign Relations. Let us have the Chairperson.

Sen. Sakaja: Mr. Deputy Speaker, Sir, we will get a response in two weeks. We will give it to the Senator and also see if we can organise to visit the area at the soonest available opportunity.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Dullo, are you satisfied with that?

Sen. Dullo: Mr. Deputy Speaker, Sir, I am okay.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you. It is so ordered.

Hon. Senators, I have a Communication to make pursuant to Standing Order No.20 of the Standing Orders of the Senate.

(Sen. Cheruiyot walked into the Chamber)

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Senator Cheruiyot for proceeding without greetings.

Let us now proceed to the Communication.

COMMUNICATION FROM THE CHAIR

REMOVAL OF SEN. WERE AND ELECTION OF SEN. KWAMBOKA AS THE SENATE DEPUTY MINORITY WHIP

Hon. Senators, following receipt in my office of a letter from the Senate Minority Leader, Sen. James Orengo, MP, it has become necessary that I make the following Communication to the Senate:-

By a letter dated 3rd October, 2018 referenced: “Removal and Election of the Deputy Senate Minority Whip”, pursuant to Standing Order No. 20 1(d), (4) and (6)(b), the Senate Minority Leader informed me as follows:

I wish to quote verbatim-

“The NASA Coalition (Senate Parliamentary Group) at a meeting held on 20th September, 2018, and in accordance with Standing Order No.20(4), removed Sen. Petronila Were Lokorio, MP as the Deputy Senate Minority Whip.

Subsequently, at the said meeting, the NASA Coalition (Senate Parliamentary Group), in accordance with Standing Order No.20(4), elected Sen. Beatrice Makori Kwamboka, MP as the Senate Deputy Minority Whip.

Accordingly, under Standing Order No.20(6)(b), I hereby communicate to you in writing, the decision of the NASA Coalition Parliamentary Group and I have enclosed the minutes of the meeting at which the decision was made.

Yours faithfully,

James Orengo, EGH, Senior Counsel, MP, Minority Leader of the Senate.”

Hon. Senators, upon receipt of this correspondence, I have extensively perused Standing Order No.20 and in particular paragraphs (1), (4), (5) and (6).

Standing Order No. 20(1)(d) provides as follows-

“(1) The second largest party or coalition of parties in the Senate shall be the Minority Party and shall elect—

(d) a Senator belonging to the party or coalition of parties to be the

Deputy Senate Minority Whip.”

Hon. Senators, in the present Senate, following the advice of the Registrar of Political Parties by a letter dated 12th September, 2017 Ref. RPP/ELE/3Volume 2, the Minority Party in this Senate is the NASA Coalition consisting of the following parties-

- (1) The Orange Democratic Movement (ODM);
- (2) The Wiper Democratic Movement-Kenya (Wiper);
- (3) Ford Kenya;
- (4) Amani National Congress (ANC); and,
- (5) Chama Cha Mashinani.

The foregoing is sufficient, I think to show that the Minority Party for all purposes of the Senate is the NASA Coalition consisting of the named constituent parties.

Hon. Senators, I now wish to draw your attention to Standing Order No.20(4) which provides as follows-

“A Senator elected under paragraph (1) may be removed by a majority of the votes of all Senators belonging to the minority party.”

A Senator elected under paragraph (1) is the Senator elected as the Senate Deputy Whip.

Hon. Senators, accompanying the Senate Minority Leader’s letter are minutes of the NASA Senate Parliamentary Group Meeting held at the Minority Leader’s office on Thursday 20th September, 2018 between the hours 10.30 a.m. and 12 noon. In attendance are shown 17 Members of the NASA Coalition, with seven others listed as absent with apologies.

Under Minute 3/09/2018 titled “Position of the Deputy Minority Whip” and under the last paragraph thereof, it is indicated as follows-

“The Members unanimously resolved to declare the seat of the Deputy Minority Whip vacant and it was so declared. The Members of the Coalition, therefore, proceeded to elect Sen. Beatrice Makori Kwamboka, MP to the position of Senate Deputy Minority Whip after she was proposed to the position by Sen. Naomi Shiyonga, MP and seconded by Sen. Issa Juma Boy, MP.”

Further, attached to these minutes are signatures of 16 Senators subscribing to the resolution to remove Sen. Petronila Were Lokorio, MP and to appoint Sen. Beatrice Makori Kwamboka, MP as the new Senate Deputy Minority Whip.

In this respect, the criteria set out at Standing Order No. 20(4) that a Senator elected under paragraph (1) may be removed by a majority of the votes of all Senators belonging to the minority party has been met.

I am satisfied that the 17 Senators constitute a majority of the 26 Senators belonging to the NASA Coalition and that all the said Senators belong to the minority party, which in this case is the NASA Coalition.

Standing Order No. 20(5) governs what is to happen upon the removal of the Senate Deputy Minority Whip.

It provides as follows-

“The removal of a Senator from office under paragraph (3) shall not take effect until a Senator is elected in the manner provided for under paragraph (1).

Hon. Senators, in light of all these, I, therefore, wish to communicate as follows with regard to the letter forwarded to me by the Senate Minority Leader-

I find and hold that on the basis of the letter and the minutes and signatures appended thereto, the criteria and threshold set up as Standing Order No.20(4) has been met and Sen. Petronila Were Lokorio, MP has been validly removed from the office of Senate Deputy Minority Whip and Sen. Beatrice Makori Kwamboka, MP elected to the same position.

I thank you.

What is it, Sen. Murkomen?

The Senate Majority Leader (Sen. Murkomen): First of all, Mr. Deputy Speaker, Sir, let me congratulate my friend, Sen. Kwamboka, for being elected to become the Deputy Minority Whip. In the same way, I pray for Sen. Were, that she will get strength---

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! What is the prayer and strength about, Senate Majority Leader?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, to be removed from office is not an easy thing. Therefore, as a House that has been operating as a team, we must stand with our friends when they are happy and also when they are sad. In fact, the reason I requested for this opportunity is because Sen. Were, just like Sen. Mutula Kilonzo Jnr., has been doing a fantastic job in whipping us both from the Minority and the Majority sides.

Sen Were has served for over a year and it is important for us to recognize it in her Curriculum Vitae (CV). In the one year that she has served in this House, she worked in a bi-partisan manner. She contributed immensely to the teamwork that we have as a House on both sides of the political divide. This also includes in our extra curricula activities, such as sports and welfare.

When we visited many people who were in need or who needed the Senate to stand with them, she did a fantastic job. I hope that the Minority Side, in their internal arrangements, will also find something worthy and interesting for her to do beyond just being a Senator in the House.

Mr. Deputy Speaker, Sir, that is not to say that Sen. Kwamboka is not competent. As she comes in, she should continue with that bi-partisan spirit and teamwork as we mobilize each other in this House. I believe that her experience as a former legislator in the county assemblies and her commitment to serve all of us will add value to this great House. I, therefore, wish both of them the very best.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): There are so many requests, and this is not a matter for debate. It is a process that has been undertaken by a political party, and we should respect that decision. I see so many requests, but I will just give two more Senators an opportunity to ventilate, starting with the Senate Minority Leader, Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): First, I want to tell the House that this was not an easy decision to be made, and our friend, Sen. Were, is aware. We have had fellowship together and it is a decision that was made with her participation. I wish to

tell the House that this decision has nothing to do with her performance; she has worked very well for the NASA Coalition and for the House generally.

Mr. Deputy Speaker, Sir, I will circulate the letter that I wrote to you so that the House can understand the context within which the decision was made. You should know that there is some kind of portfolio balance that we must keep within our coalition, as we should in the House. This has got to do with these issues of gender and the numbers within the constituent parties on the side of the NASA Coalition.

Having said that, when you look at my letter, she has not gotten away with nothing; she has been appointed to a committee, in consultation with the Speaker, so that she has some position of responsibility within the House. This is not just for our Coalition, but for the entire House. I hope that she continues to work hard. I congratulate Sen. Kwamboka for rising to this new position.

In conclusion, Mr. Deputy Speaker, Sir, the positions we are having are not necessarily the most important things. We have served in various capacities, but I have never been a leader in any of the Houses after these many years. It is at the tail end of my service to Parliament that I have risen to the position of Minority Leader; not even a Majority Leader, which may come!

(Laughter)

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

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. Murkomen? Are you protesting that---

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, can Sen. Orengo be very clear; when he says that he may get the Majority position, can he assure this House that he is not trying to do so in the 12th Parliament?

(Laughter)

The Senate Minority Leader (Sen. Orengo): Well, with the handshake, anything is possible. Maybe to put his mind at peace, let me tell you I am in for a bigger thing.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Murkomen, no situation is permanent.

(Laughter)

The Senate Minority Leader (Sen. Orengo): I wish to congratulate Sen. Kwamboka, and I hope that, that spirit of bi-partisanship that we have seen in the last few months will continue. When it comes to organizing the Business of the House, I think that both sides will try to work together. That is not to say that we do not have different responsibilities and different emphasis, depending on the issue which is under consideration.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Cheruiyot. Make it brief.

Sen. Cheruiyot: Thank you, Mr. Deputy Speaker, Sir. In very few seconds, I want to congratulate Sen. Kwamboka, who is a very able colleague. I have no doubts in her capacity to serve as a Whip, or even in greater positions, if the NASA Coalition makes another change; now that it is apparent that nothing is permanent, especially from their side.

(Laughter)

I also want to pay tribute to the good work that Sen. Were has done to us, especially while serving as the Minority Deputy Whip. I have seen her on many occasions lead the welfare efforts towards colleagues from both sides of the divide when there has been need for that. I urge my colleague that in as much as that position is a gift from the Minority---

Sen. Haji: On a point of information, Mr. Deputy Speaker Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Cheruiyot, would you like to be informed by Sen. Haji?

Sen. Cheruiyot: Who can say no to Sen. Haji? Of Course, he is the---

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Haji.

Sen. Haji: Thank you very much, Mr. Deputy Speaker, Sir. Thank you very much, Sen. Cheruiyot.

Mr. Deputy Speaker Sir, the gracious lady; the Sen. Were, served in my Committee on National Security, Defence and Foreign Relations. I want to confirm that she was very active, dedicated and useful to the Committee. I wish her well.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): You mean that she served in the Committee Chaired by Sen. Haji?

(Laughter)

Sen. Cheruiyot: Mr. Deputy Speaker, Sir, I was almost confused, thinking that it might be the other Committee, but I have remembered that it is this one of the House and not the one for the bridges.

(Laughter)

In conclusion, it is good that Sen. Orengo has given us his assurance. This is because I was worried that perhaps our colleague, Sen. Were – especially because she is not here today – might be somewhere grumbling and feeling bad about it. However, if it was a coalition decision, we rest it at that, because you have given us your assurance. Otherwise, I was getting afraid and saying that, if this is how your side of the House treats power, what would happen, had you accessed the real power, like the one on this side?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Cheruiyot. Do not make it more contentious. Order.

Proceed, Sen. Musuruve. You have one minute.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I congratulate and commend Sen. Kwamboka for rising to this position. I know that she is vibrant and active; in fact, she is hyperactive.

I believe now that she has been given the opportunity, she is going to perform. Unless one is given an opportunity to do something, people may never get to know their strength. Now that she has been given this position, we are going to see her strength and whether she will perform or not. I believe that she will perform, because from the very start, she has had the desire to get that position. I think she has been praying over it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Conclude, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir. I beg to support.

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

Finally, proceed, Sen. Pareno. You have one minute.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Sakaja?

Sen. Sakaja: Mr. Deputy Speaker, Sir, I have just heard Sen. (Dr.) Musuruve refer to Sen. Kwamboka, who is a Member of my Nairobi delegation and whom we are very proud of for getting this position, as being hyperactive.

(Laughter)

Mr. Deputy Speaker, Sir, the word ‘hyperactive’ is a chronic disorder; attention deficit that can last for years and be lifelong. It is actually a disease. Is it in order for Sen. (Dr.) Musuruve to impute---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order. Sen. (Dr.) Musuruve has already concluded her remarks.

Sen. Sakaja: Mr. Deputy Speaker, Sir, is it proper for that word to be in the record of the House that there was once a Senator with chronic disorder of hyperactivity?

The Deputy Speaker (Sen. (Prof.) Kindiki): “Hyperactive” could have medical connotations. Therefore, perhaps Sen. (Dr.) Musuruve could have used words like ‘very active.’

Sen. (Dr.) Musuruve: Mr. Deputy Speaker, Sir, I used the word ‘hyperactive’ in the passive way. I should have said that she is very active.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. That is better.

Proceed, Sen. Pareno.

Sen. Pareno: Thank you, Mr. Deputy Speaker, Sir. I rise to congratulate my sister, Sen. Kwamboka as well as Sen. Were, who did very well. We have not done this realignment because of any issues that touch on her performance, but rather for fairness and fair distribution of positions within the Coalition.

I assure the House that we have no issue with our sister, Sen. Were. She is agreeable to what we have done. We have sat with her and agreed. I assure the House that it was all in good faith. We believe that we will serve this House better while rearranging these positions in the manner that we have done.

I congratulate both of them.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is it. Hon. Senators, this brings us to the end of Statements.

I now direct that we defer the item appearing under Order No.8.

BILL

Second Reading

THE CARE AND PROTECTION OF OLDER MEMBERS
OF SOCIETY BILL (SENATE BILLS NO.17 OF 2018)

(Bill deferred)

After the Communication which I am about to make, I will allow a few comments. After that, we will deal with other Orders. We will go to Order No.9, which is a Motion by Sen. Moses Wetangula on the extension of time for the *ad hoc* Committee on maize.

We shall also defer Order No.10. After the Motion by Sen. Wetangula, which is a straightforward procedural Motion, we will go to Order No.11, where Sen. Olekina will have 10 minutes to reply. Thereafter, the other Orders will follow.

MOTION

ENFORCEMENT OF NATIONAL TRANSPORT AND SAFETY AUTHORITY
(OPERATION OF MOTORCYCLE) REGULATIONS 2015

AWARE that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

FURTHER AWARE that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

COGNIZANT that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

NOW THEREFORE, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development:

1. Identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations;
2. in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations;
3. submit a Report to the Senate within ninety (90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

(Motion deferred)

COMMUNICATION FROM THE CHAIR

GRISLY ROAD ACCIDENT AT FORT TERNAN, KERICHO COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I have a Communication to make regarding the grisly road accident that occurred at Fort Ternan on 10th October, 2018.

Hon. Senators, on the morning of 10th October, 2018, Kenyans woke up to very sad news on the demise of 56 persons in a bus accident at Fort Ternan, Kericho County after a bus destined for Kakamega from Nairobi rolled several times. The matter of numerous road accidents in the country is worrying. As leaders, we urge the relevant Government agencies to work with speed to ensure that no more Kenyan lives are lost on our roads.

On behalf of the Senate and my own behalf, I wish to send a message of condolences to the families of the departed and wish those injured quick recovery.

I thank you.

Hon. Senators, I know this is quite a difficult matter because the country is still mourning. I will give the first chance to Sen. Moses Wetangula and then Sen. (Dr.) Langat, who had also approached me with a view of trying to bring this matter up in some form of debate.

However, because we are constrained for time, I will give a few Members of the House an opportunity to make a few comments and send their condolences, so that we can also attend to other issues in today's Order Paper.

Sen. Wetangula.

Sen. Wetangula: Mr. Deputy Speaker, Sir, I wish to thank you in a very special way for bringing this matter to the Floor of this House. The bus that rolled and killed, now confirmed, 58 Kenyans and many more are in critical condition, was travelling to Kakamega from Nairobi. I am aware that there is a family from Ingotse in Kakamega that lost six members of the same family. There is also a family from Shinyalu that lost three members of the same family and many others.

This morning, I sent my deputy, Hon. (Dr.) Boni Khalwale to Kericho. He has been moving from ward to ward in hospitals, being a medical doctor himself, to condole with those who have lost their loved ones and check on the condition of the injured ones.

Mr. Deputy Speaker, Sir, I also thank the Governor for Kakamega County, Gov. Oparanya, who has travelled to Kericho to see the situation. More importantly, I thank the Governor for Kericho who has confirmed to Gov. Oparanya that his county government will meet the medical costs of those who have been admitted in various hospitals in his county. This is the spirit we want to embrace.

This country has had many such accidents. Every time we have an accident, we have a lot of knee-jerk reactions, for example, stopping night travels. However, after a short while, everybody forgets. For example, I have heard the Inspector-General of Police directing that the owner of the bus should be arrested and charged for allowing the bus to be driven at night.

Mr. Deputy Speaker, Sir, I have carefully looked at the law, which I know very well, and there is no offence known as 'driving a bus at night.' Therefore, I do not know what he wants to do by making such declarations. What we must fight is recklessness on our roads by ill-trained, ill-equipped and ill-prepared drivers and corruption by police, who constantly collect money from errant drivers and let them pass through road blocks, even when they are evidently wrong. Above all, we must enforce the rules of the passenger numbers in buses. I am told that this bus had a passenger capacity of 55. However, already 58 are dead and many more are in hospitals. This means that it was grossly overloaded and probably driven very badly. It may be possible that the driver of this bus drove it in the morning from Kakamega to Nairobi and was driving back to Kakamega in the night. That means that he was fatigued.

We need to go back to the good old days when we were growing up, coming to Nairobi. The bus used to leave Bungoma and it had a timetable. A driver would enter the time he leaves Bungoma. If he reached Eldoret ahead of his time, there was a *prima facie* evidence of reckless driving and over speeding. He was arrested and charged. Those rules must be brought back if we have to save Kenyans.

Telling our drivers not to drive at night is a contradiction because we want to run a 24-hour economy. How do we run a run a 24-hour economy if we restrict drivers from driving and yet our people want to work and do business at night? People work 24-hours in many places. They come to Nairobi to work and travel back to their destinations in the night and start working again the following day.

I want to urge the Committee on Roads and Transportation in this House to also make a point of looking at this grisly accident and other recent accidents we have seen in Naivasha, Sachangwan and many other places and see how we can better the state of safety on our roads.

Mr. Deputy Speaker, Sir, I want to take this opportunity to send my heartfelt condolences to the families and friends of all those who perished in this accident. I also urge the national Government to step in and support the efforts started by the Governor of Kericho by undertaking the costs of treatment and burial processes of the accident victims.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Langat, kindly make it brief.

Sen. (Dr.) Langat: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to condole with the families who lost their beloved ones through this unfortunate accident.

Reading reports from the media, we see the police and the National Transport and Safety Authority (NTSA) are good at keeping statistics. For example, NTSA was quick to tell us that as a result of this grisly road accident, the number of people who have died on our roads has increased by 7 per cent. They were able to tell us that as at 8th October this year, 2,345 people had lost their lives through road carnage.

They are very good at reporting this, but they have not done much to prevent occurrence of road accidents. I believe we, as Kenyans, can prevent road carnage in Kenya. It is unfortunate that about 85 per cent deaths in this country are as result of road accidents.

There are many factors that contribute to road accidents in this country. Yesterday's accident---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order. Sen. (Dr.) Langat, I directed that we concentrate on condolences and, perhaps talk about one or two policy issues we need to implement to prevent road carnage in this country. We have more than 20 Senators who also want to have a chance to condole.

Sen. (Dr.) Langat: Mr. Deputy Speaker, Sir, as I said, accidents are preventable. It is a pity that law enforcers are not doing their work. We only hear of them giving us statistics when accidents occur. It will be important if we enhance regular inspection of all vehicles on our roads. We were all surprised to hear this particular bus was not licensed to ferry passengers at night. However, it was driven past many police road blocks. It was very sad to note that a single family lost six members who were going for a funeral.

I urge the Committee on Roads and Transportation to investigate the cause of this accident and make recommendations that will help this nation prevent or reduce occurrence of accidents on our roads.

I condole with the families and friends who lost their beloved ones in this grisly road accident. May Almighty God rest their souls in eternal peace.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Dr. Langat. Let us hear Chairman of the Committee on Roads and Transportation. He is not here.

Sen. Olekina, you may proceed.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. On behalf of the people of the County of Narok, I send my heartfelt condolences to all the families whose relatives perished in this accident. Accidents distort people's thinking.

I know the owner of the bus. He is a good friend of mine. His name is Cleophas Toto. At the moment, he is also in a tough position going by what the Inspector-General is saying about this accident.

Mr. Deputy Speaker, Sir, my biggest concern is to do with the issue of liability. It is time we thought about the liability with regard to accidents on our roads. In other countries, passengers are normally covered and compensated when they are involved in accidents. It is unfortunate that this does not happen in Kenya.

As Sen. (Dr.) Langat said, the NTSA is quick to give statistics of deaths. What is the responsibility of the insurance companies when our people are involved in accidents? Does their insurance policy cover the passengers in our vehicles? We must make sure that our vehicles are roadworthy. Maybe it is time we encouraged a discussion on issues of liability. For example, what kind of insurance policy should Public Service Vehicles (PSVs) have?

Every time we have accidents, we come here and condole with families who have lost their beloved ones. It is a pity that we do not go beyond our debate here. We forget it very fast. We talk about banning night travel and so on. Is it a long-term solution? We, as Senators, are mandated by the Constitution to defend the interests of counties and their people.

We should be more proactive because we are losing many people on our roads. We should now discuss how we can ensure that NTSA works with the insurance companies and the owners of motor vehicles to ensure that when we are in a vehicle we are fully covered.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairman for the Committee on Roads and Transportation make it brief because there are so many requests.

Sen. Wamatangi: Mr. Deputy Speaker, Sir, the Chairman of the Committee on Roads and Transportation, I want to convey my very sincere condolences to the families that were affected yesterday morning by that accident.

I want to confirm to this House that last week we had a meeting where we had invited all the stakeholders; that is, the NTSA, Kenya National Highways Authority (KeNHA) and the Inspector-General of police. We were probing the causes of an accident where 10 young children lost their lives on Garissa Road. In the course of that discussion, we were told that accidents were due to human error, criminal activities like drunk drinking and road unworthiness.

What is even more disgusting is that everybody who is mandated or expected to act, waits for the accident to happen and then they report that they have arrested the owner of the vehicle. I did not mince my words, but I told them that, that was nonsense. How can we lose the lives of 55 Kenyans and then the next thing they do is to arrest the owner of the vehicle?

What we should be asking ourselves is - that is exactly what we asked even in the previous case - how is a vehicle driven from Nairobi overloaded, without insurance, and all other faults and passes more than 15 roadblocks up to Fort Ternan and nobody asks a question. This is exactly what we asked when children perished on Garissa Road; there was a road block a few kilometres away. How can a school bus pass there at night against the laid down regulations and nobody notices it?

Recently, there was a move by a few players and stakeholders to ensure that there is regulation, retesting and further instruction of PSV drivers by bringing in a new code in driving schools. A few players went to court and managed to obtain an order for the threshold for qualifying Public Service Vehicle (PSV) drivers be raised. This is where we have to firmly put our foot down. The police officers who were on the road at the time when that bus passed there, should be brought to book.

Lastly, one week ago, I was driving on the route to Eldoret and there was a *boda boda* rider in front of me carrying children and three adults. When he got to a police roadblock, he put his hand in his pocket and threw a Kshs50 note on the ground and passed. When I got to that point, I almost went into a boxing match with those police officers. I asked them: 'Suppose this fellow trips and kills all these children yet you fellows are taking Kshs50?' We could blame everyone but the law enforcement officers have to live up to the expectations of Kenyans.

Once again, I express my sincere condolences.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you. Be as brief as you can. Could we hear from Sen. Wako? You do not have more than three minutes.

Sen. Wako: Thank you, Mr. Deputy Speaker, Sir. It is indeed---

(Sen. (Rev.) Waqo stood at her place)

(Loud consultations)

Sen. Wetangula: That is Sen. Wako, not Sen. (Rev.) Waqo.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order both Sen. (Rev.) Waqo and Sen. Wako. Sen. (Rev.) Naomi Waqo, the Waqo with a 'q', when a Member from the majority side has spoken, traditionally, it can only be a Member from the other side to

make the next contribution. Therefore, the Wako in this case is the Wako from the minority side, who in this case is Sen. Wako with a 'k'.

Could we hear from Sen. Wako, with a 'k'?

Sen. Wako: Thank you, Mr. Deputy Speaker, Sir, for that clarification. It is, indeed, a very sad day that we have to come here yet again and speak on the unwarranted loss of lives of many Kenyans through an accident. This is not the first time this has happened.

Each time this happens, we come here and decry our rules and regulations for not being enforced. We issue very strong statements like: "Never again will this happen or will motor vehicles be driven at night." I can assure you that next week, something like this may happen.

One thing that we need to emphasize in this country is discipline as a culture of the society. I sometimes feel that we are a society that is not disciplined. This is well reflected in the culture on the roads. Sometimes when most of us go overseas and are met by a Kenyan driver and he drives you from the airport, you will find that when he gets to a place where traffic lights indicate that he should stop, he stops.

However, sometimes, I must admit, when the traffic lights indicate that we proceed and it is about to turn to yellow then red, I ask the driver to go fast because the lights are about to turn red, yet it is precisely at that time that the driver should slow down to stop. This culture of discipline must somehow be inculcated in the society as a whole, but in particular, among the drivers.

One hears that the driver was aged 72. I am nearly getting there and I can still drive a private car well but when it comes to driving PSV vehicles involving many passengers, there should be an age limit for the drivers, which must be enforced. The PSV drivers must be checked every two years to see if they are behaving properly on the road.

Mr. Deputy Speaker, Sir, some specifications should be put in place during assembling of these vehicles, which are mostly assembled locally. This is to ensure that the box of the bus is safe inside even if it rolls a number of times. When I saw this bus, I realized that the top was completely and neatly off. I did not see the safety belts, so these people were just sitting there and the bus was rolling. Maybe, had there been proper enforcement of safety belts and if there were proper standards of assembling, these buses to ensure the safety of the people inside, maybe lives would not have been lost the way they were lost.

The Deputy Speaker (Sen. (Prof.) Kindiki): Conclude, Sen. Wako.

Sen. Wako: Mr. Deputy Speaker, Sir, let us have a new culture.

Let me conclude by conveying my condolences to the bereaved families. I know and it appears as if most of those families come from my part of the world. I ask our counties in western Kenya to emulate the example of the Governor for Kericho and assist the families in burying the dead.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Wako. Could we hear from Sen. Murkomen?

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. I join you and my fellow Senators in condoling with the families, relatives and friends of those who lost their lives in that grisly accident at Fort Ternan.

I have not heard of another country like ours where people die in terms of 20s, 30s, 40s, 50s or even a 100 and it is not shocking news. It is just temporary shocking news. If you go to the international pages of the Kenyan newspapers, you will find them reporting that an accident occurred in Tokyo and two people died. There could be a train accident in India and maybe 20 people died. In our country, people die in 100s in road accidents and it is not even reported in Tanzania and Uganda since it has become normal. This should sadden us.

We have people dying in their 50s and if it was in any other country in the world, it would have been the headlines of many newsrooms, including the *New York Times*. However, in Kenya, we have made the abnormal become normal and we must start thinking and becoming uncomfortable.

The President of this Republic must bring back the issue of roads not just as transport, but this should be part of security and health. This is because roads kill people more than the diseases that we treat in this country. We are fighting so hard to get universal healthcare so as to prevent deaths through diseases but more people are dying because of road accidents. It means that we must rethink our policies. You are more likely to die in Kenya today if you are traveling on a road than when you are sitting in a hospital waiting for treatment. This is terrible.

It is not enough for the Chairperson to lament what is taking place in the sector. It is time for us to provide solutions. This is not just a legislative issue. I think the first duty is not just to the driver or the owner of the bus; the first duty is to the passenger. We must educate people to know what a 42 or 62-seater bus is; and what a 14-seater *matatu* is, so that once you enter a *matatu* or a bus and it is already full, you should disembark. If you are sitting inside a bus which is already carrying 62 people, which is the maximum number of people the bus can carry, you should chase the people who come in. That should be the first duty.

Secondly, 50 grown-ups cannot be driven by a reckless driver, yet nobody tells the driver, "stop the bus; we want to have a conversation with you." You just sit in a bus that you know is overloaded, which passes through all those road blocks, but you do not want to take responsibility as a citizen and report it to the police. If you have paid Kshs1,000, it is your right to be served well. Citizens must take these drivers and owners to task so that we can do proper oversight and avert the dangers that we have in the roads.

Thirdly, it is time we used technology. We must put the Ministry of Roads and Infrastructure; and the National Transport and Safety Authority (NTSA) to task. Why are we funding the NTSA? Why are they even collecting some levy? They must have a digital platform that has a databank of all the Public Service Vehicles (PSVs), plus their drivers. This databank should show if the PSVs are operating on the roads legally and if they are insured so that they can be checked regularly.

As Sen. Wako said, through the platform, we should check on the drivers and review their health and everything else. Maybe this is also the time for us to legislate on the age of drivers. We are not saying that we should punish people because they are aged over 70 years, but they are likely to suffer from fatigue.

In fact, the other legislation that the Committee on Roads and Transportation should deal with is to determine the distance a driver should cover. If, for example, a driver drives a bus for 200 or 300 kilometers, he should only be allowed to drive one way. That bus should then be driven back by another driver. Those regulations should

provide that this person who has completed their schedule should then rest. If a bus is going for more than 1,000 kilometers, we should put in a regulation that says that it must have two drivers, and that you cannot drive two ways. We must now think about all those things because it is our responsibility to ensure that we are living in a safe country.

Mr. Deputy Speaker, Sir, on behalf of this House and on behalf of the people of Elgeyo-Marakwet County, I pass my condolences to the bereaved families. May their death shock us to the extent that we are going to do something about it.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well.

Proceed, Sen Orenge.

The Senate Minority Leader (Sen. Orenge): Thank you, Mr. Deputy Speaker, Sir. Let me also join my colleagues in passing my condolences to the bereaved families and hope that those who were injured will get quick recovery. However, as I say my prayers for them, I begin to ask myself whether prayers are good enough. Whenever such incidents occur, we tend to say that, "our hearts and prayers are with the bereaved families and those who have lost their lives."

Mr. Deputy Speaker, Sir, the rain started beating us when we destroyed dependable, cheap, public transport. If I remember the days when I used to go to school, the most dependable, safest and affordable form of transport was the Kenya Railways (KR). We had two passenger services in the morning and two in the evening. Although it was not the most comfortable means of transport, it was safe and dependable. Once we destroyed the KR, and we know what happened – it was destroyed because of vicious fight for money and profit – we eventually lost the KR. As we speak now, we still do not have any dependable form of public transport.

In the Third World, there can never be an alternative to public transport. If there is any, then it is in the most developed countries in the world. Even in the most developed countries in the world, there is always some form of public transport. If it is not there, that transport is normally subsidized to make sure that people have safe and dependable public transport.

My last word on this issue is this; that bus, leaving here at 1.00 a.m., was able to pass through all the road blocks from Nairobi up to Fort Ternan. I have driven many times from Nairobi to Kisumu, and the many roadblocks you meet on the way are phenomenal. In fact, at one time, the Rwandan Government was complaining that the moment you cross Busia on your way to Mombasa, you must have batches of envelopes full of dollars to pay at every road block. This bus, which was overloaded with passengers and in a terrible condition, was able to pass through all these road blocks to kill people somewhere in Fort Ternan.

The Inspector-General (IG) of Police said that the person who should take responsibility is the Commander in Kericho County, and that everybody else does not really matter. In some places like in India, for example, I remember when there was such an accident, the Minister had to go because he wanted to take responsibility just because of one train crash. There was no reason for blaming him, since he was neither there nor was he part of that corporation; but just to show, as a mark of respect for the dead and that the Government had some accountability, he resigned. This happens in many jurisdictions. However, in Kenya, nobody takes accountability. We now do not know whether it is the NTSA or the Traffic Police.

In fact, on the ground, people are saying that the police are better than the county government. I know that the county government has done quite well since, but institutions are now fighting each other as to who is to take accountability. The Cabinet Secretary for Internal Security and Coordination of National Government and the Cabinet Secretary for Transport and Infrastructure should take responsibility and assure the country on what they are going to do in the near future to ensure that our people are safe.

Mr. Deputy Speaker, Sir, if you read stories about what is happening in war zones like in Syria – where fighter jets are being used with weapons of mass destruction – when 10 to 20 people die, it is a major massacre. However, in Kenya, 50 people die in one place, in one moment and this is just another day; and tomorrow will be another day. Sooner, all that will be forgotten until we get another 100 people dead.

Mr. Deputy Speaker, Sir, this is one incident where the President, just as a mark of accountability, should hold the IG of Police, the Cabinet Secretary as well as the Principal Secretary for Internal Security and Coordination of National Government accountable. He should hold them to account and demand that they either resign or take some kind of accountability which can be measured in terms of actions.

The Deputy Speaker (Sen. (Prof.) Kindiki): Conclude, Senator.

The Senate Minority Leader (Sen. Orendo): Otherwise the same story will continue and in another three or four months, we will be back here, with the Speaker making a Statement sending condolences. That is not part of our responsibility and this has to be stopped.

Thank you very much.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I wish to also convey my condolences to the families, on my own behalf and on behalf of the people of Nairobi. Many of those who lost their lives were from both Nairobi and my ancestral Kakamega County. It is sad that children's lives were cut off and their future snatched away because of things that we can prevent as a country. It has become normal and I agree with what colleagues have said.

In this country, the average number of people who die annually from road accidents is 3,000. This is alarming statistics. In 2016, 2,969 people and in 2017, 2,900 people died on the roads. This year, between January and October, already 2,300 Kenyans have died.

It is embarrassing for us to keep on coming here time and again after an accident to give high-sounding declarations and pass condolences and go back to business as usual. I pray that this House will make sure that something changes in terms of how we deal with issues of road safety.

I have heard Senators talking about roadblocks. The fact that we have many roadblocks in itself, shows that there is a problem with us as a people. In this country, when you move from Nairobi to Kiambu, you get a roadblock and when you go to the next county there is a roadblock.

In Europe, you can drive between countries without even seeing a police officer on the road. There is something terribly wrong with us. This is not just a transport issue but a security issue as well. I hope that both committees, one of which I lead, will ask for proper answers and action must be taken.

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

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

Mr. Temporary Speaker, Sir, the buck must stop somewhere and I agree with Sen. Orenge. How can you have a vehicle on the road without lights at night? The traffic commandant of that area must resign. On this one, we are calling upon the President that heads must roll so that the traffic commandant makes sure that his officers on the road do not allow such a thing to happen. He should tell them that before he loses his job, they will lose their jobs. That is how it must be done.

We must look at how bodies are being built because those are not passenger vehicles but lorries with chassis and *mabati* put on the sides. Any vehicle that should be allowed to carry passengers must have an anti-roll cage. Why is it that in all the accidents involving buses that have happened over the past few months and years, the vehicles look identical? The top is cut off neatly because they are just chassis of lorries with *mabati* put on the sides.

The Committee on Roads and Transportation should get down to the issue of the bodies, the standards of vehicles that we have on the roads and the people in charge from the point of origin. If the bus left Nairobi, we should start with the traffic commandant for Nairobi going that way. If the bus left Kakamega, we should start from that side coming this way. That is the only way we will solve this problem.

Additionally, we said on the Floor of this House - we want to know why it is not being implemented - after school children lost their lives on Mombasa Road. No school bus should move from any county, especially from Nairobi to Mombasa when we have the Standard Gauge Railway (SGR). School children should be put on the train and let the buses go empty and pick them at the points of destination. We are losing too many people on our roads.

As the Committee on Security, Defence and Foreign Relations, this is a matter that we will work hand in hand with the Committee on Roads and Transportation to look for answers within specified times because it is embarrassing and sad for us time and time again to keep coming back and saying *pole* and giving our condolences.

As the Senate Majority Leader has said, it is more dangerous to be on a bus in this country today than to be in hospital waiting for treatment. It is so sad. Our hearts go out to the families but let us make sure that we do something about this. We will be talking about this jointly with the Committee on Roads and Transportation. We want to know who specifically is responsible.

We have many agencies doing the same work. We have the National Transport and Safety Authority (NTSA), traffic police commandants and counties doing the same kind of work. So, everybody is doing nothing because everyone is shaking off responsibility and putting the same on the other agency. While these people are busy harassing motorists in my County of Nairobi by collecting bribes, they are letting visibly unroad worthy or rickety vehicles pass them on roads. That is why today if a policeman is transferred from Nairobi, they will look for you and beg that they do not be transferred from Nairobi because they just collect money on the roads or chase after people who drink in the estates as opposed to huge---

There are tractors in western region that have no lights at all that people run into. Sen. Wetangula here will tell you that we have tractors with no lights or reflectors on the

roads at night yet there are policemen there. If I were the Inspector-General of Police – thank God I am not – I would drive myself and if I see a vehicle that should not be on the road, the person in charge there is fired. What is the cost of life? Is it worth Kshs2,000 or Kshs5,000 that they are bribed? Something must be done.

Sen. Cheruiyot: Mr. Temporary Speaker, Sir, I join my colleagues in sharing and passing our condolences to the families. As the people of Kericho, we feel sad about the issue especially in light of the fact that it happened in our county. That is a road that I am too familiar with.

I use it almost every weekend, including the previous one. On every occasion you drive down the road, you can see that it is a deathtrap or disaster waiting to happen yet the authorities and those who are supposed to take decisions, including us as Senators and legislators are doing nothing.

It is quite unfortunate, as somebody has already pointed out, that as legislators, we have reduced ourselves to condolences passers only despite the fact that as Parliament, it is within our powers to summon some of the people that have been professionally negligent and led to the loss of lives.

When I woke up and heard about the accident, among the first people that I called was the contractor who constructed the road, a gentleman that I know well. When I called him, he told me something that is extremely shocking. I told him that the road he constructed had killed over 50 people. I went ahead to remind him that it is because the road does not have markings and they have not done the completion layer at that particular point where the accident occurred.

He wondered what I wanted him to do. He told me he raised the issue of his certificate of completion four years ago but the Kenya National Highways Authority (KeNHA) has never honoured it. It is the old practice of corruption that is finishing this country where when a new Chief Executive Officer (CEO) shows up in an office, because they were not part of the deal where the road was signed, they do not give proper consideration. Four years down the line, a certificate of completion of the Londiani-Muhoroni Road is sitting in offices of KeNHA and nobody cares.

That was not the first accident. Almost on a monthly basis, trucks fall into that particular ditch. It is only coming to light this time because human lives were involved. However, on other occasions, you may find one or two members of the public sitting on the side of the road getting hurt but nothing is done.

As a country, it is time we started charging people with professional negligence, including engineers. How do you sign a contract and four years down the line, somebody presents to you with a certificate but you never even bother to go and check?

As I near completing my remarks, I want to remind our colleagues that there is a Roads Bill before this House. You will remember that when I was making my contribution on the Bill, I requested my colleagues not to give the NTSA less than 3 per cent from the Fuel Levy Fund. The reason is because part of their mandate is to do sensitisation and strictly do the job.

We are blaming them that they are not preventing accidents from occurring but with what budget? If you are given an office but you are not properly equipped and given resources to do that particular job, how can you succeed? Therefore, I request that when the Kenya Roads Bill comes for the Second Reading, part of the things that we should

consider during the amendment stage is to give 3 per cent of the Fuel Levy Fund to the NTSA, so that they perform their duties properly.

With those many remarks, I say *pole* to the families. I thank you.

The Temporary Speaker (Sen. Lelegwe): Sen. (Dr.) Musuruve

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, thank you very much for giving me the opportunity to join my colleagues in condoling with the families of the bereaved.

On behalf of persons living with disabilities and myself, I wish to condole with the families of those who lost their lives in the tragic accident. It is very painful that 55 people died on the spot, more so, when five members of the same family are involved. At a twinkle of an eye, lives were lost. People died without accomplishing what they needed to accomplish in this world.

It is given that everyone will die, but it should not be due to human error. As the Senate, we need to find ways of averting deaths that are caused by accidents on the roads. There is need for the Traffic Police and all other agencies who man the roads to be taken to task, so that they can take their work seriously. It is painful to lose lives prematurely. Some of those who died were children and youths.

I want to commend the Governor for Kericho County for committing to support those who are bereaved. That is a good gesture and the Government needs to support his initiative. It is also commendable that Gov. Oparanya also went to the scene of the accident to offer support.

Mr. Temporary Speaker, Sir, when people lose lives as a result of accidents, we are pained as the Senate. As the Senate, we should not stop at this, but ensure that measures are put in place to prevent such accidents from happening.

On behalf of People with Disabilities (PWDs) and my family, I say *pole sana* to the families.

The Temporary Speaker (Sen. Lelegwe): Sen. Nyamunga.

Sen. Nyamunga: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also relay my condolences to the bereaved families.

It is very unfortunate that time and again, we keep sending condolences to the families who have lost their loved ones very carelessly on our roads. Kenya is a very reactive country; all the time we react and have reasons to blame each other. It is unfortunate that we always react and are not proactive. I have always said it and will continue to say that, as a nation, we should be very prepared and proactive.

I had the opportunity to travel on this road several times. It is a well-built road, but was never completed. It is an incomplete road with no signage and marks, and it is built on a very hilly part of Kericho. On behalf of the people of Kisumu County, who are neighbours with Kericho, and my own behalf, I want to send my condolences and say that in this country we need to educate ourselves. We cannot post enough policemen on the roads to take care of all the vehicles that are on the roads. As a people, we are making grievous mistakes. We do not care about life and each other. Nobody can police each and everyone of us.

It has already been mentioned here today that we need to go back to the basics and know how we should handle our affairs. The way we are handling them is very wrong, and this should go back to even our children. We should teach ourselves the

basics of human life and how we should manage our affairs. We cannot rely on policemen or anybody else to tell us to do the right thing.

Lastly, what is very unfortunate is that I came to understand that some casualties were taken to some nearby hospitals like Muhoroni, which is a neighbouring Sub County with Kericho. However, they were not attended to for the simple reason that the hospitals lack medicine. This goes back to the problem of disbursement of resources to the county governments. It is real and the Government must rise to the occasion.

Medical services are devolved units and should be properly funded so that we can have drugs, equipment and everything that we need. Right now, our hospitals are doing very poorly. This is affecting not only Muhoroni Sub County, but all the sub counties. I had an opportunity to visit Ahero, which is one of the hospitals that we have on the highway. What would happen if we had such casualties and occurrences? I want to urge the national Government to up its game towards providing services to the people. Now that we are charging our people 8 per cent VAT tax, we should not have another reason to delay disbursing the resources to our counties.

Mr. Temporary Speaker, Sir, I appeal to all of Kenyans that we should be civil in the way we run our affairs and even use our roads. It is unfortunate that we have lost so many people. It is sad that the bus was overloaded. If you read the newspapers, it is clearly stated that the passengers complained, but this driver, who could have been drunk, tired or whatever it is, did not heed to their pleas.

Thank you.

Sen. (Rev.) Waqo: Thank you, Mr. Temporary Speaker, Sir, for allowing me to join my honourable colleagues in sending my condolences to the people who were affected, on the behalf of Marsabit County and my own family.

It is unfortunate that we lost 56 lives at once. The most unfortunate bit is that we did not only lose the grownups, but also young children; innocent lives. There was a time when we discussed about school going children who lost their lives and we were all very bitter. We were mourning together with the families. Today, again we are mourning together with our fellow citizens.

It has become our tradition to always talk after something has happened. The Government always reacts and we all send our condolences to the families and promise to support them. It is unfortunate because none of us can understand what those families are going through. In the last ten months, it has clearly been said that we have already lost 2,345 people.

As we approach December, our prayer is that we do not lose more lives. However, it is also our tradition that around that time, we lose a lot of lives.

It is our prayer that the Government and the responsible people will take necessary actions in order to stop the deaths on the roads. Many people blame the police because of the bribes they take and the mess they always put us in. We have always complained, but what actions are we taking against the police? If the Kshs50 that they are given will cost us the lives of 56 Kenyans, that is a big loss. Something must be done so that we can overcome this challenge that we always talk about.

The World Health Organization (WHO) has ranked Kenya as one of the worst countries when it comes to road safety. It is just because of what keeps on happening. Every day, we lose our people. At that same spot, I read somewhere that we have lost over 100 lives. Today, we have lost 50. Nobody knows how many more will be lost for

us to take action. Something must seriously happen. We urge the county to take the responsibility because when this happens, it affects a county. We also urge the national Government to support the bereaved families. What we are doing is not enough.

Many families are going through a lot of pain. They need a lot of counselling and support, especially where a family lost six of their beloved ones. It is a very painful experience. All Kenyans must come out and see how we can extend our support to the bereaved families, so that they can be counseled and supported.

Mr. Temporary Speaker, Sir, the famous Michuki rules must be reinstated. They helped us to curb road carnage in this country. However, we have forgotten them within a very short time. Today, even the passengers do not use the safety belts. It is high time we embraced those rules and implement them to the letter.

Again, yesterday, we lost two teachers. As a nation ---

The Temporary Speaker (Sen. Lelegwe): Order, hon. Members!

Sen. (Rev.) Waqo: Mr. Temporary Speaker, Sir, just one minute.

The Temporary Speaker (Sen. Lelegwe): Let me inform the hon. Members who are requesting to contribute on the reaction to the Chair's Communication to limit their contributions to only four minutes.

Sen. (Rev.) Waqo, proceed.

Sen. (Rev.) Waqo: Mr. Temporary Speaker, Sir, on the same note, I want to send my condolences to the families of the two teachers who lost their lives yesterday to an *Al Shabaab* attack. It is something that we also need to talk about. For the people who lost their lives and the ones undergoing treatment, I urge the Government and all of us to see how best we can support them.

Yesterday, we were told the mortuary facility at Fort Ternan is overstretched because it can only accommodate 16 bodies. There are 56 bodies in that mortuary which poses a great challenge to family members identifying their loved ones. We all know the health function is fully devolved and Kenyans are investing a lot of resources in the Ministry of Health. We have a lot of hope in this Ministry. It is high time we knew what goes on in our small medical centres because we never know what will happen tomorrow.

I urge the national Government to assist the bereaved families to identify their loved ones in the mortuary. We should not just leave the whole responsibility to the affected county. We all need to come out and see how best we can help them. The Kenya Red Cross and other organisations need to support these families. Losing 56 lives is not a joke. We mourn together with the families and pray that this will not happen again.

Sen. Mugo: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to also add my voice to what my fellow Senators have said. First of all, I would like to send my deepest condolences to the families, especially that family that lost six members. There is nothing that can be said that can comfort them.

We have talked about these things for a long time. As speakers before me have said, it is about time some tangible actions, decisions or policies are made to stop this road carnage. Life is sacred. There is no reason for losing life. We have rules and regulations. Our biggest challenge is implementers and law enforcers.

Let me refer again to the Michuki rules which were alluded to a few minutes ago. We do not have to reinvent the wheel. When the Michuki Rules came into force, accidents went down completely like it was magic. Why can the current Cabinet Secretary (CS) for the Ministry of Transport, Infrastructure, Housing and Urban

Development; his office, Principal Secretaries (PSs) and other officers not see that these rules are revived and adhered to?

Why can the departments which are charged with seeing that these are applied not make sure that they are applied? How many lives must be lost for them to have a wake-up call? I hope the 50 lives are a wakeup call enough for the Ministry of Transport, Infrastructure, Housing and Urban Development, Ministry of Interior and Coordination of National Government and the NTSA to see that every department plays its role to bring these accidents down. It is doable. We saw the late Cabinet Secretary (CS), Hon. Michuki, doing it. He did not do it alone. There are records. These are written policies which need to be implemented to the letter.

Mr. Temporary Speaker, Sir, there was the World Health Organisation (WHO) safety on the roads programme which was anchored in the Ministry of Public Health at that time. Today it is the Ministry of Health. That was also a programme of educating road users whether pedestrians, *boda boda* riders, drivers of vehicle and so on. That is when we introduced wearing of helmets for the *boda boda* riders. I wish those programmes could be revived so that road users who use the road as if they are the only people on the road, would learn the courtesy of using roads. We have the tools. All we need to do is use them.

I also urge that the owners whose vehicles are being driven carelessly or *Ovyoovy*, – should be charged. We cannot understand why a 70 year old man would be behind the wheel of a bus which is overloaded. To begin with, it is against the law to overload a vehicle. Secondly, driving alone at a high speed all the way from Nairobi County. If the reports are correct, he had just driven to Nairobi County and he was driving back to western Kenya. Just imagine a distance of 800 kilometres on the wheel for a 70 year old. I mean, we cannot expect that these people are secure.

Why would the owner of this bus allow such a thing to happen? Why can he not employ two drivers to drive this bus, if it must be driven at the night? Was it licensed to be driven at night? We know there was such a rule, but maybe it is not applied anymore. We can make rules and laws, but unless they are properly implemented, they are not helping any one. It is about time we respected life. I hope the owner of this bus and the driver – if the driver survived – I have no idea if he did – whoever the culprits are, will be charged in a court of law for murder or manslaughter of so many people.

Mr. Temporary Speaker, Sir, I also join in sending condolences to the counties, relatives and families where this has happened. It is a pain not only for them, but for all of us Kenyans who care for life. It is about time we all started caring for life.

We also send condolences to the families of the teachers who were killed by *Al Shabaab*. Lastly, I send condolences to the family of the late Kamaru. May he rest in peace.

Sen. Kinyua: Asante Bw. Spika wa Muda kwa kunipa fursa hii. Kwanza, natuma risala za rambi rambi zangu na watu wa Kaunti ya Laikipia kwa familia za wale walipatwa na mkasa huu. Ni jambo la kuhuzunisha sana kwa sababu imekuwa ni kama jambo la mazoea kwetu hasa kama nchi kuwa hatupeji umuhimu mambo ya watu ambao wana husika katika ajali. Ajali hutendeka, na mambo yana endlea. Swali ambalo tunafa kujjuliza ni kwamba: Wakati tulikuwa na Waziri Michuki sheria ilifuatwa zaidi kama vile tuko na Waziri Matiangi. Unapata ya kwamba ikiwa Waziri fulani ako katika Wizara fulani, sheria zina fuatwa.

Ningependa kusesitiza kwamba sheria zinafaa ziandikwe katika nyoyo zetu kama Wakenya. Kila wakati ukipita barabarani kuna Askari. Lakini wakati mwingine magari mengine yana beba zaidi ya kiwango chao. Kama vile tume ambiwa, lile gari lilikuwa limebeba kushinda kile kiwango kimewekwa.

Kutoka Nairobi hadi zile sehemu, kuna askari ambao wana simama katika hizo barabara. Inaonekana hawa watu wamezembea katika kazi zao. Tukichukulia mwenye gari hatua, tunapaswa pia tuwachukulie hatua polisi hatua, hasa wale waliokuwa katika zile sehemu za barabara ambako lilegari lilipitia. Walikuwa wakifanya kazi gani ikiwa kazi si kuangalia vile lile gari limebeba?

Bw. Spika wa Muda, kuna matamshi ya kusema ya kwamba yule dereva alikuwa zaidi ya miaka sabini. Sitaki kusema mtu wa miaka sabini hawezi kuendesha gari. Lakini yule ni mtu ambaye ni rahisi sana kuchoka. Kwa sababu ya huo umri tunakubali ya kwamba itakuwa si vizuri aendeshe gari. Kama nchi, tunafa tupitishie sheria. Hata sheria ya Kenya inasema kwamba mtu akifika miaka 60 anapaswa kustaafu. Huyu alikuwa katika kazi ya uma, ana endesha watu wengi. Akiwa na ile miaka hapaswi kuendesha gari ya uma.

Bw. Spika wa Muda, nasisitiza kwamba Waziri anayehusika anafaa afanye kazi yake. Pia tunafa tujitole na sheria ziwe zimeandikwa katika mioyo yetu. Si kuacha watu waingie katika gari ambalo tayari limejaa; wengine wana zidi kuingia. Ni vizuri kama watunga sheria tutuengeneze sheria. Waziri Michuki hakutunga sheria mpya. Sheria ziko, shida ni watu kutozifuata. Askari ambao wanapaswa kufuatilia sheria wanapaswa kufanya kazi yao. Katika sehemu zingine duniani, ajali kama hii ikitendeka, Waziri hujiuzulu kwa sababu anapaswa kuchukua hilo jukumu kusema kuwa: "Kama Waziri anaye shughulikia na mambo ya barabara, nafaa kutumikia Wakenya." Mkuu wa Polisi anapaswa kuwa amewacha kazi kwa sababu imeonekana wazi wale wanao zembea katika kazi yao.

Bw. Spika wa Muda, nachukua nafasi hii kutuma risala zangu za rambi rambi kwa jamaa na marafiki. Tunataki familia hizo heri njema. Mwisho, ya Mungu hayawezi yakafanyika chochote.

Asante kwa kunipa fursa hii.

Sen. Mwangi: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. On behalf of the people of Nyandarua County, my family and myself, I want to express condolences to the families of those who lost their loved ones.

This is yet another very sad matter where we have to lose lives because of careless driving. It is time that we trained PSV drivers. They should have some basic training. It is not necessarily that they have to be trained on how to drive, they already know how to do so. However, they have to be trained on issues of attitude and taking responsibility. They should know that once they get to a vehicle and they start driving, that vehicle can cause death to even the driver.

Mr. Temporary Speaker, Sir, we have lost many lives. This time round, we lost 56 lives. At the same time, we lost three lives in Ndaragwa at a place called Mairo Inya. We have been losing lives day in day out. It is time that the country thought of how to stop road carnage. In other countries, accidents do not happen as often as they happen in this country. One of the causes of accidents in Kenya is the corruption that has not been contained.

Mr. Temporary Speaker, Sir, this particular vehicle had travelled many kilometres. At some stage, it must have been stopped by police officers. One wonders, did these police officers not see that the vehicle was overloaded? Do they not have eyes? I know that they have eyes, but the problem is the money that they get from these drivers. We cannot continue losing lives because of Ksh50 that the police officers get from the drivers. That caused 56 people to lose their lives at ago. It is a big shame.

The Inspector General of Police should design a way of ensuring that bribery on our roads stops, once and for all. It has become official that a police officer does not care being seen by other people when he or she is taking a bribe. Police officers are some of the richest members of the society because of the money that they are given by PSV drivers. Something must be done about this. We must change the attitude of both the police and the PSV drivers. If we do not do that, we will have these accidents every other day.

Mr. Temporary Speaker, Sir, if it was a train that had killed 56 people, we can understand. However, we are now talking of a bus just because the driver chose to be careless. The driver does not know that, that vehicle can kill him. He thinks that it can only kill the passengers. That is why I insist that they must be trained. The training should put emphasis on the attitude of the drivers. That training should also be extended to police officers.

The time has come when police officers who are found to be corrupt should be dismissed from the service. Politicians should not be seen to be protecting them just because they are their brothers or they come from the same locality. This is what is causing the kind of deaths that we are now experiencing.

Mr. Temporary Speaker, Sir, there are some notorious roads where people are dying. Every month, we hear that nine or 10 people have died; we attend the burials, talk about it and condemn the drivers and the police. However, after another one month, people forget that such accidents happened; and the drivers continue behaving as if nothing has happened and people continue to die.

We should, therefore, take this matter very seriously. The Inspector General (IG) of Police should take responsibility from now on. I do not think this is a matter that we should continue talking about in this House. If the IG of police is not responsible, the country should then employ a responsible IG who would know the manner of recruitment and how they are going to pick people who are responsible to take care of the vehicles on our roads.

Mr. Temporary Speaker, Sir, we should also ensure that there is some thorough interview before drivers are employed. Our government should supervise the interviews so that we are assured that those drivers who---

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

Sen. Wario: Asante, Bw. Spika wa muda, kwa kunipatia nafasi hii ili nitume risala zangu za rambirambi kwa jamaa na marafiki waliopoteza maisha ya wapendwa wao katika ajali hii ya barabarani.

Bw. Spika wa muda, ajali za barabarani zimekuwa kawaida katika maisha ya Wakenya. Sielewi kwa nini askari wa trafiki wapo barabarani. Kwa nini tusiwaondoe askari wote kutoka barabarani hapa Kenya? Tumewaajiri askari hawa barabarani ili kulinda na kuangalia iwapo magari haya yamebeba watu kiwango kinachostahili. Wakati

askari hawa wako barabarani na magari yanabeba watu zaidi ya kiwango kinachotakikana, yanaenda kuanguka kila siku na kumaliza watu.

Baada ya watu kufa barabarani ndio tunakuja kutuma risala zetu za rambirambi. Ni kweli kwamba aliyefiliwa na watu wake anafaa kupewa risala za rambirambi. Lakini itakuwa haina maana iwapo tutaendelea kutuma risala hizo iwapo magari hayo yataendelea kuua watu katika barabara za Kenya. Wakati umefika tuseme yale yaliyoharibika mbeleni yameharibika, lakini kwa wakati huu, turekebishe hali hii katika barabara.

Bw. Spika wa muda, tulikuwa na shida ya askari barabarani kuchukua pesa na kupitisha magari mabaya. Tumeongeza *National Transport Safety Authority* (NTSA), ambao wako barabarani. Maafisa wa NTSA pamoja na askari hawalindi magari na hawawajibiki katika kazi yao. Tumeendelea kukaa na askari wanaendelea kuchukua pesa; na sio mara moja au mara mbili, bali hayo ndio yamekuwa maisha ya Wakenya.

Ni aibu kubwa sana katika nchi hii kwa sababu watu wanaendelea kufa, sheria hazifuatwi na watu wanajazana katika magari mpaka wanasimama. Magari huanguka kila siku kwa sababu kuna mtu amelala na kuzembea kazini. Ni lazima tuseme kwamba wakati huu, tumetosheka na hatuwezi kukaa na kuangalia wananchi wakiishia barabarani.

Bw. Spika wa muda, kama vile wenzangu walitangulia kusema, hatari kubwa ya watu kuisha kwa wingi iko katika barabara za Kenya zaidi ya wale wagonjwa walioko hospitali na majumbani. Watu hawajali. Wako wapi wale watu waliopewa majukumu ya kushughulikia barabara zetu? Yuko wapi Waziri wa barabara na usafiri? Kwa nini Marehemu Michuki, alipokuwa akishughulikia barabara, mambo yalikuwa yakiendelea vizuri? Kwa nini saa hii tunalala kazini?

Kwa hivyo, Bw. Spika wa muda, ni lazima sote tuwajibike na tuwache mambo ya kutuma risala za rambirambi baada ya watu kuisha. Lazima kila mtu awajibike katika Kenya hii ili tuweze kuishi kama nchi ambayo barabara zake ni salama, na utendakazi pia uwe ni ule ulio sawa kabisa.

Bw. Spika wa muda, nachukua nafasi hii hasa kupeleka risala zangu za rambirambi kwa jamaa na marafiki waliopoteza wapendwa wao; nawaambia poleni.

Asante, Bw. Spika wa muda, kwa kunipa nafasi hii.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir. First, I also join other speakers in registering my message of condolences to the families who lost the lives of their loved ones through the very unfortunate road traffic accident that occurred recently.

Mr. Temporary Speaker, Sir, it is sad that year in, year out, this country goes through the same kind of misfortune, where healthy Kenyans die through road accidents. These are deaths that could have been avoided, and it is a very sad thing. It should speak to the conscience of every Kenyan that it is time we took serious steps towards stemming the road carnage we have continued to have in this country.

Mr. Temporary Speaker, Sir, when one drives through our Kenyan roads, it is regrettable to note that from Nairobi to Kericho, for example, one will pass through no less than twenty-something roadblocks. However, the only business that our traffic police officers are good at is collecting bribes from our *matatus*, and not to enforce the traffic laws. It is sad, because this is something that happens as if it is legal in this country.

Mr. Temporary Speaker, Sir, there was a time when the Ethics and Anti-Corruption Commission (EACC) used to try to arrest traffic police officers who were taking bribes from our *matatus* on the roads. However, what did the police do? They

woke up one day and an administrative directive was passed where all traffic police officers started carrying guns – AK47s and G3s rifles – on the roads. If you have looked at the statistics for the last one year or so, the EACC has not come out to arrest traffic police officers who are taking bribes. Are we not sanitising the corruption that is happening on our roads? Why should traffic police officers, who are simply out there to enforce traffic rules, be armed with Ak47s? Why is it that this started only about two years ago?

We have been seeing the traffic policemen on our roads, since Independence, enforcing traffic rules without guns. In fact, the law is very clear that when you are apprehending anybody who has broken any traffic rules, you are not supposed to walk them into a police cell with criminals. People who break traffic rules are not necessarily criminals. The reason the policemen are carrying AK-47 rifles on the road is because they want to ward off officers from the Ethics and Anti-Corruption Commission (EACC). We should appeal to the President to issue a directive to the Inspector General of Police to withdraw all those guns from the traffic policemen. This is because the intention by the traffic police is to scare off anybody who wants to ensure that they do not take bribes.

Mr. Temporary Speaker, Sir, how can a bus leave Nairobi, be driven all the way to Kericho while overloaded with over 70 passengers, and there are so many roadblocks on the way? Why have we not had heads rolling? A bus that was supposed to carry 52 passengers was carrying over 70 passengers and it was driven from Nairobi all the way to Kericho. How many roadblocks were on the road on that particular night? Who has been called upon to account and answer questions? How can it be business as usual?

Mr. Temporary Speaker, Sir, in some countries like Australia, if an accident happened and four people were killed, it will become a matter of national concern. A Minister will even resign from office. However, here, we have lost over 50 lives and nothing is happening. We are operating as if it is business as usual. That is not the way we should run our country.

Mr. Temporary Speaker, Sir, another issue that contributes to this accident is the state of our roads. When driving from Nairobi through Narok to Kericho, there are potholes on the road which are almost becoming gullies. Avoiding those potholes is in itself a cause of accidents. What does it take the Kenya National Highways Authority (KeNHA) to patch up those potholes? We must be serious in this country, otherwise, year in, year out, we will be witnessing this kind of accidents. We will continue hearing the Government say that they have set up a kitty to support the families in the funeral arrangements. How does that help potential candidates who will die through those accidents? That will never help us.

I want to appeal to the people who are in charge, beginning from the President down to the Inspector General of Police, that there should be serious accountability from the people who are manning our road locks. If you are on the road and an accident involving a bus that was carrying people in excess of the capacity that it is allowed to carry occurs, you should carry the cross. Action should be taken. That is the only way we can ensure that the traffic policemen on our roads will be serious.

Mr. Temporary Speaker, Sir, finally, we must think seriously about improving our road infrastructure in this country. The business of having single lanes is a big contributor to road accidents. Many countries which have experienced civilization have dual carriage roads. For example, if you are driving to Nakuru, there should be two lanes for vehicles

all the way. The same should apply when you are driving from Nakuru to Nairobi. That is what should be occupying our plans for the future. We cannot continue having the state of the road structure the way it is now. The Thika Superhighway should be replicated in all our major highways. That is the only way we can bring an end to this kind of road accidents that kill our population.

Mr. Temporary Speaker, Sir, with these remarks, I once more register my condolences to the families who lost their loved ones. May God Almighty strengthen them during this very difficult time.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, we have concluded your reactions on the Communication from the Chair. We will, therefore, proceed to the next Order.

MOTIONS

EXTENSION OF MANDATE OF *AD HOC* COMMITTEE ON MAIZE

Sen. Wetangula: Mr. Temporary Speaker, Sir, I beg to move the following Motion:-

AWARE that the Senate passed a Motion establishing an *Ad Hoc* Committee to conduct an inquiry into the challenges facing the maize sector in Kenya on Wednesday, 8th August, 2018;

FURTHER AWARE that the Committee was required to table a Report to the Senate within 60 days from the date of establishment;

CONCERNED that the duration accorded to the Committee will lapse on 13th October, 2018;

REGRETTING, that due to the heavy workload, the Committee is yet to conclude its inquiry and requires more time;

NOW THEREFORE, the Senate resolves to extend the mandate and duration of the Committee by a further forty five (45) days to enable the Committee to conclude its work and table a report in the Senate.

Mr. Temporary Speaker, Sir, this is a fairly straightforward and Procedural Motion. This House graciously allowed and set up an *Ad hoc* Committee on maize that has done tremendous work. The Committee has had public hearings in Trans Nzoia, Bungoma, Malaba, Busia, Eldoret, Kabiyet and Mosoriot in Nandi. The Committee has had many fruitful sittings and interactions with the management of the Kenya Ports Authority (KPA), through which the maize importations come. It has also visited border points through which maize comes from our neighbours.

The Committee has met the Kenya Revenue Authority (KRA), which has given valuable information on the taxation structure on importation of cereals. The Committee has met the Cabinet Secretary for Agriculture, the Strategic Grain Reserve management and the National Cereals and Produce Board (NCPB) management. The Committee continues to discharge exemplarily well the work that this House gave it to do.

Mr. Temporary Speaker, Sir, the time granted by the House is coming to an end before the Committee concludes its work. The Committee is due to visit Nyamira and Bomet on Monday next week. It is also undertaking more research to make sure that the recommendations given will not only fix the nightmare that this sector is going through, but also advise this House to undertake some legislative and regulatory framework. This

framework will streamline the operations of NCPB, the cereals sector in the country and the manner in which farm subsidies are availed to farmers all over the country.

The Committee will also strive to advise this House to look into irreducible budgetary lines that counties can allocate to agriculture to ensure food sufficiency and security.

Mr. Temporary Speaker, Sir, from the work done so far, we are told some reasonable amount of money has been released and farmers are getting their payments. Thanks to the pressure that this House has exerted in the management of the cereal sector. You may have noted when we had sittings in Eldoret, the vibrant manner in which farmers presented their views to the Senate Committee that was also graced by the Speaker of the House, the Governor of Uasin Gishu County and many Senators who are not necessarily Members of the Committee, but came in as friends of the Committee.

Consequent upon this, I do not want to take too long. I urge the House that this is not a Motion that concerns counties, but has far-reaching consequences on the management of the grain sector in the country. If passed, it will give the Committee an opportunity to continue discharging the excellent work that it is doing.

Mr. Temporary Speaker, Sir, I urge that this House accepts this Motion. The Committee had audience with the Speaker and he has indicated his willingness to go along with the resolution of the House in extending the period and in continuing to give the necessary support to the Committee in terms of management, secretarial and research services, so that it concludes its work.

The distinguished Senator for Uasin Gishu County, Sen. (Prof.) Kamar who is the Committee Chairperson is away in Brussels on official duty. As the Vice Chairperson, I have the humble opportunity to move this procedural Motion which does not need to illicit too much discussion because the House will have an opportunity to read and debate the final product that the Committee is undertaking. Once we get this extension, we will conclude the report of the Committee within the time framework sought by the Committee.

Mr. Temporary Speaker, Sir, allow me to invite the distinguished Senator for Nyamira who is also a Member of the Committee to second this Motion.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir. I rise to second this Motion. As we are all aware, the larger population of this country relies on maize as their staple food. This Committee has done a fantastic job. We had an occasion to visit the large-scale maize farmers. We are meant to be in Nyamira County on Monday which is one of the counties that does maize farming in small-scale. It is good for us to hear the perspective of the small-scale farmers.

Mr. Temporary Speaker, Sir, maize farming has been facing a number of challenges in that part of the country because of diseases and low maize prices. It is, therefore, important that we allow this Committee to have an opportunity to speak to the farmers in Nyamira, Bomet and other areas where this Committee has not had an opportunity to visit.

Mr. Temporary Speaker, Sir, maize farming has been facing serious competition from maize that comes from the Common Market for Eastern and Southern Africa (COMESA) countries. I believe that if this House grants this extension, it will give us more time to understand issues that happened within the COMESA region and enable us to do a quality and detailed report before we present it to the House.

I beg to second.

(Question proposed)

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir for the opportunity you have accorded me to support this important Motion. I thank Sen. Wetangula for coming up with the Motion because it will allow the Committee to conclude its findings. This extension is important for them to conclude their findings and prepare an accurate report which will inform the direction the country will take with regard to solving the maize crisis. Therefore, I thank the Committee for seeking to extend its time.

Mr. Temporary Speaker, Sir, I also thank the Committee for undertaking research with regards to the maize issue. I believe they will be able to identify any gap and suggest lasting solutions.

As we debate this Motion, the farmers are pained because they still have the maize from their last year's harvest in their stores. They have no market for their maize and they cannot consume it. These farmers have personal needs. They have children to pay fees for. They also have medical issues. Some of them have three, four or five wives. They rely on maize to take care of their families.

Mr. Temporary Speaker, Sir, it is important for the Committee to be given more time to complete their work. I was happy with the public participation that the Committee conducted while we were in Eldoret. This country belongs to all of us. Public participation affirms that power belongs to the people and we must take their views on board. It was right for the public to vent their anger and frustrations concerning the maize issue. They were expressing themselves which is a constitutional right as provided for in Article 33.

This helps us, legislators, to take our work seriously. We need to find out where we have gone wrong and where we need to intervene to encourage farmers in this country. Farmers contribute a lot to the wellbeing of our economy. Maize is a staple food in this country. If you visit most houses, you will find that people consume *ugali* regularly. Therefore, there is need for farmers to be protected.

Mr. Temporary Speaker, Sir, one of the mandates of this Senate is to protect the common *mwananchi*. We need to protect our farmers because we need them to create employment for themselves, their children and neighbours. There are some people in the counties who rely on being farmhands to sustain their families. How does farming come in? It comes in to help them as farmhands.

So, there is need to see how we can protect farmers in this country. As we speak, there is need to put in place policies to ensure that even if we talk of the Common Market for Eastern and Southern Africa (COMESA) and the fact that food is cheap, we have to know how to protect our farmers. We must start with our own by ensuring that farmers know where to take maize and other crops and that they are paid when they take them there. If this does not happen, the farmers will be crying.

As a Senate, we are here to represent and protect the counties. In the counties, we are representing the farmers. There is need for this Senate to see to it that there are policies in place to ensure that the farmer is not crushed. Instead, he or she should be motivated to continue with his or her work and that what they produce is sold. I am also

happy that the team has engaged stakeholders like the Kenya Revenue Authority (KRA) with regard to taxes for they will then know what to tell the farmers.

I strongly support the extension of time for this Committee to continue doing its research and get more information, so that when the issue comes back to the House, we will have verifiable information which stands the test of time for the benefit of the farmers of this country.

Thank you for giving me the opportunity. I support.

Sen. Wario: Asante Bw. Spika wa Muda, kwa kunipa nafasi hii. Kwa uhakika wakulima wa mahindi katika nchi hii wanafaa kupewa heshima. Pia inafaa zile changa moto ambazo wanazipitia zichunguzwe.

Magala yamejaa mahindi ya misimu iliyo pita. Nazungumza kwa uhakika kwa sababu natoka sehemu ambayo mahindi inakuzwa. Ukisafiri katika barabara za nchi hii, utakuta mahindi inamea kila sehemu hasa katika msimu wa mvua. Mahindi haya yanauzwa kando ya barabara, hayapati soko halisi. Wanaopanda haya mahindi wanataka kutumia wanachopata kugharamia mahitaji ya kinyumbani kama karo na kununua chakula.

Mahindi ni chakula halisi ya Waafrika hasa Wakenya. Mahindi huliwa katika nyanja mbali mbali. Wengine huisaga na wengine hutengeneza Githeri. Tunafaa tuchunguze zile changamoto ambazo wakulima wa mahindi hupitia. Hakuna njia tunayoweza kujua hali yao bali inafaa tutumie Kamati hii ili ichunguze na ituletee Ripoti katika Seneti hii ili tuweze kutatua matatizo ya wakulima wa mahindi na swala la mahindi kukosa soko.

Kamati hii imenadika na kusema wakati ambao ilipewa hautatosha kuleta habari kamili kuhusu wakulima wa mahindi. Ni kweli tunafaa kuwapatia nafasi ili waweze kutuandikia Ripoti ili tuijadili katika Seneti hii. Pia tunafa tusiwavunje wakulima wa mahindi moyo kwa sababu msimu mwingine wa mvua utanza hivi karibuni na watu tayari wame jitayarisha kupanda mahindi.

Natumaini Kamati itaandika Ripoti hiyo vizuri ili tuweze kutatua matatizo ya wakulima. Tukifanya hivyo, wenye kupanda mahindi watakuwa na moyo na wataweza kuendeleza ukuzaji wa mahindi.

Bw. Spika wa Muda, naunga mkono Hoja hii ili Kamati hii ipewe nafasi zaidi ili watembee nchini na waweke matatizo yote katika Ripoti.

Asante kwa kunipa fursa hii.

The Temporary Speaker (Sen. Lelegwe): Thank you, Hon. Senators. I see no more requests. I will now request the Mover of the Motion to reply.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. I thank the Members for supporting the Motion.

I want to give a firm assurance to the House that this Committee will do a job that is commensurate with the expectations and status of this House. We will streamline the farm subsidies in terms of fertilizer distribution on time, the correct quantum and quality for this country to continue striving to be food secure.

We will not come back to the House to seek extension because we have laid out our programme to ensure that within the extended time, the Committee will conclude its work and bring recommendations to this House.

I beg to move.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, this Motion of extension of time does not affect counties. I, therefore, proceed to put the question.

(Question put and agreed to)

Let us move on to the next Order.

ENFORCEMENT OF NATIONAL TRANSPORT AND SAFETY AUTHORITY
(OPERATION OF MOTORCYCLE) REGULATIONS 2015

AWARE that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

FURTHER AWARE that motorcycle transport services have been rapidly embraced throughout the country, leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

COGNIZANT that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on 1st January, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

NOW THEREFORE, the Senate resolves that the Ministry of Transport, Infrastructure, Housing and Urban Development-

(1) Identifies strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations;

(2) in collaboration with County Governments, develop programs to sensitize and educate members of *boda boda* associations and the public on the laws regulating motorcycle operations;

(3) submits a report to the Senate within ninety(90) days outlining the short and long term strategies and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

(Sen. Kasanga on 2.8.2018)

(Resumption of Debate interrupted on 13.9.2018)

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, Order No. 10 on Enforcement of National Transport and Safety Authority (Operation of Motorcycle) Regulations 2015 is deferred.

(Motion deferred)

Let us move on to the next Order.

IMPROVEMENT OF KENYA'S RANKING IN WORLD TRAVEL
AND TOURISM COMPETITIVENESS

THAT, AWARE that the Ministry of Tourism have developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

FURTHER AWARE that Kenya Tourism Agenda 2018-2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

ALSO AWARE that the contribution of travel and tourism to Kenyan GDP stood at 9.7 per cent in 2017, up from the 9.3 per cent previous year;

COGNIZANT that in the next 10 years every industry will be changed by technology;

ALSO AWARE that Kenya Tourism Board has partnered with *Google*, *Safaricom*, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

CONCERNED that Kenya tourism industry's potential is underutilized;

AWARE that Kenya's position in World Economic Forum's Travel and Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

FURTHER CONCERNED that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends; noting that in less than two years, the share of online booking globally has grown from 9 per cent to almost 33 per cent and the lucrative and fast-growing segment of business tourism;

ALSO CONCERNED that Kenya will continue to attract only beach and park type tourists ignoring the large number of conference and business travellers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

NOW THEREFORE, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya's ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by six positions and improve the lowest score of cultural resources and business travel by one point.

(Sen. Olekina on 9.10.2018)

(Resumption of Debate interrupted on 9.10.2018)

The Temporary Speaker (Sen. Lelegwe): Sen. Olekina, you have ten minutes as your balance of time to reply. You can now proceed.

Sen. Olekina: Mr. Temporary Speaker, Sir, before I reply, considering the importance of this matter, I wish to donate a few of my minutes to Sen. M. Kajwang' and my good friend Sen. (Dr.) Musuruve. I will donate three minutes to each and I beg that you allow me one minute to reply.

The Temporary Speaker (Sen. Lelegwe): So you will have one minute to reply?

Sen. Olekina: Yes, and if there will be nobody in the House, I will talk until the end.

The Temporary Speaker (Sen. Lelegwe): Okay, let us have Sen. M. Kajwang'.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, I wish to appreciate the benevolence of Sen. Olekina who has sponsored this Motion, which is the kind of stuff that we should be discussing in this Senate.

I support this Motion. I also take note that Kenya's position in the world economic forum travel and tourism competitiveness index is 80 out of 136. That is not something we need to be proud of yet tourism contributes about 90 per cent of our Gross Domestic Product (GDP). That is even bigger than what the insurance industry contributes to the GDP because the insurance sector is just about 2 per cent of the GDP. This means that we must do everything to improve Kenya's position.

The Mover of the Motion has cited technology as one of those things that can help us to improve this ranking. Whenever we travel to other countries, you will find most often Members using online tools like Booking.com to identify their accommodation or Airbnb. All these are online tools that have grown by leaps and bounds because they offer some relevance to the people that use them. I urge the Kenya Tourism Board (KTB), in pursuit of improvement of that index, that an investment in technology will not be wasted and it will help our country to be much more visible. It will also help to profile a lot of our cultural heritage and sites.

The other day I found a young man working for the KTB at the airport. He was sitting there with booklets, pamphlets and giveaways. When you look at them, they are all about images of the Maasai Mara and our coast. In some countries like Australia, for example, when you go to Gold Coast which is in eastern Australia, they have much more wonderful beaches than we have here in Kenya. We must change the narrative. If we want tourists to come here, we must offer more than sand and the Sun because there are countries that have these.

In my mind, there are certain things that are unique to Kenya. In my home County of Homa Bay, in Ruma National Park, we have an antelope that is found nowhere else in the world. It is only found in Ruma National Park. It is called the Roan Antelope and the number remaining is less than 500 in the entire world. We can do much more than just profiling our game parks and beaches.

There is much more about culture. The Maasai or the "Maa" Community has a very compelling cultural story. Look at other countries. If you climb Mt. Fuji in Japan, there is a story. For every thousand feet you climb, there is a story. In fact, they say that when you climb Mt. Fuji, you never come back the same person. What story are we ascribing to Mt. Kenya or the wonderful Mt. Kilimanjaro which the Mover of this Motion happened to take me to in one of his forays in Maasai land? We have very beautiful scenery but no story to tell.

In Turkana, we have archaeological findings. All these can be put together in a portal using technological platforms. If we use technology, Kenya and our tourism attraction will be more visible.

This appeal does not only go to the national Government and KTB. We must remember that the Fourth Schedule says that local or domestic tourism is a responsibility of county governments. So, let this Motion appeal to KTB, the national Government and also our governors; that they have a responsibility to build content and create visibility of the tourism potential and the heritage that we have.

Finally, I am excited that not too far back, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and one of the global bodies identified a place called Thimlich Ohinga. It is one of the earliest places where the Luo Community settled. It is a place that is characterised by masonry of those days. It shows how that community used stones to build forts and fortresses to keep away enemies. Those are things we need to talk about and profile. We need to go beyond the Malindi and the Italian tourist circuit.

Let this be a wakeup call. I hope one day we will have a County Tourism Development Bill, because it is our job as Senate to come up with good legislation that will spur and encourage counties to take up the functions that are devolved.

I congratulate the Mover of the Motion. We look forward to profiling the antelopes of Ruma National Park, the crocodiles and hippos of Lake Victoria and the story of Luanda Magere; which is a story which I believe that every person living in this world needs to understand.

I support, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, thank you for giving me an opportunity to contribute to this Motion. I want to start by congratulating Sen. Olekina for coming up with this important Motion. Why I support him is because tourism is a major sector that can generate income for the whole nation.

In Nepal, between 2009 and 2011, tourism was a major sector that was generating income for that country. So, this is an industry that we need to nurture and see how to improve so that it works for this country.

Tourism has a wide range of scope. It involves the air travels, coaches, trains and all that. It also involves the lodgings that tourists stay in, the restaurants that they use and all that. So, it has a wide scope which has to be improved.

From what the Senator said, the GDP improved from 9.3 to 9.7 per cent. My thinking is that we have to see how this can continue moving upward the scale. It should not come down. I am saying this because of the importance of this industry.

When you talk of the tourism industry, one of the major importance is---

(The amber light on the timer was switched on)

Is my time over?

The Temporary Speaker (Sen. Lelegwe): Sen. (Dr.) Musuruve, you are just being alerted. Your time is not over. You have two minutes to conclude your contribution.

Sen. (Dr.) Musuruve: What I would say is that tourism is an income-generating sector that needs to be harnessed. It creates employment even for our children and our people. So, it is a sector that needs to be improved.

There is need for the industry to embrace technology. We are living in a paperless society. There is need to have web designers who can design on tourism issues and the hotels that are there and all that.

There is also need for us to ensure that we protect the industry so that it becomes more stable. The industry is stable because tourists come without us exporting anything. They just come and bring money thus generating revenue for our economy. So, there is need for the Government to work with private companies in order to ensure that the sector improves.

With those few remarks, I support.

Sen. Wario: Asante, Bw. Spika wa Muda, kwa kunipa nafasi nyingine tena. Nampongeza rafiki yangu, Sen. Olekina, kwa kuleta Hoja hii mbele ya Seneti. Hakika, tunafaa kuukuza utalii ndani ya Kenya. Kuna mambo mengi maridadi yaliyo mafichoni humu Kenya, ambayo tunafaa kuyatoa nje ili kuvutia watu wengi. Kwa hakika, hakuna kaunti ambayo haina mambo mazuri ya kitalii, lakini mengi ya hayo yako mafichoni.

Bw. Spika wa Muda, tunafaa tubadilishe mtazamo wetu kuhusu utalii, kwa sababu sisi tunafikiria kwamba watalii ni wale wanaotoka nchi za nje kuja hapa peke yao. Mambo mengi mazuri ya utalii yako ndani yetu, kwa mfano, jinsi Waafrika tofauti wanavyoishi na mambo mengine mengi. Vijana waliozaliwa nyakati hizi za tarakilishi hawafahamu mambo mengi katika kaunti zao. Wengi wao hata wamesahau lugha ya mama.

Tukirudi katika kaunti zetu, tutaona mambo mengi ambayo tunaweza kuyaweka nje ili kuwavutia utalii. Kwa sababu hiyo, tunatafikana kugeuza mtazamo wetu kuhusu utalii, ambapo tunafikiria watalii ni Wazungu peke yao wakija katika sehemu hizi ili kuangalia mambo yetu hapa. Lakini hata sisi pia, kama Waafrika, tunaweza kukuza utalii wetu.

Bw. Spika wa Muda, ukienda maeneo ya bahari, ambako watu wanapenda kwenda, watalii wengi walio huko kwa wingi sio Wazungu vile tunavyofikiria, bali ni watalii wa hapa nyumbani. Kwa sababu hiyo, tunapasa kuukumbatia, kuukuza na pia kuunga mkono utalii wetu. Hii ndio sababu nimechukua fursa hii ili kuunga mkono Hoja hii.

Asante kwa kunipa nafasi hii, Bw. Spika wa Muda. Naunga mkono.

The Temporary Speaker (Sen. Lelegwe): I call upon the Mover, Sen. Olekina, to reply.

Sen. Olekina: I thank you once again, Mr. Temporary Speaker, Sir. From the outset, I thank my colleagues, the distinguished Senators, who contributed immensely to this very important Motion of trying to use technology to increase opportunities that can be harnessed to build this economy.

Mr. Temporary Speaker, Sir, since yesterday, when we began discussing this Motion, Sen. Sakaja spoke heavily about what happens with the talent relating to the use of technology that we have in this country. I thank him for pointing out that there is a hub that focuses on building tools. If the Ministry of Tourism; and it has now been reiterated by Sen. Kajwang; and the Kenya Tourism Board (KTB), can tap into this talent that we

have locally, we can then move away from the traditional land and sea tourist opportunities.

Mr. Temporary Speaker, Sir, there is a lot in Samburu County, where you come from, that tourists can learn about. Using this location-based data analytics, it can help us to tap into these tourists who come here and who are interested in not only going to my county to see the wild animals – which I love and want them to come more – but also our culture. Leaving that money locally is very important.

One of the things that all Senators have spoken about is that we are really underutilizing our opportunities and resources that we have in this country. It is time that, because of all these levels of unemployment--- I agree entirely with Sen. Dullo when she stated that it is imperative that we now start including tourism as part of our curriculum as a course at an early level. That way, when these children are growing up, they can particularly use this new technology of location-based data analytics, which is raw. That technology helps you to improve more on your business. In terms of tourism in this country, we have to look at it as a business.

Mr. Temporary Speaker, Sir, when you look at Kajiado, Samburu, Homa Bay and every part of this country, there are certain aspects of culture that can be used to increase revenue. When a tourist lands in this country, we should not only be giving them an opportunity to see our wildlife and beautiful beaches and forego tapping into their interest. When they come here, particularly the young children who are in school in the United States of America (USA) – and who come here for the summer holidays – they are interested in community development and environmental issues.

Mr. Temporary Speaker, Sir, climate change is becoming problematic. All the Senators who contributed to this matter raised concerns that unless we now diversify, then the tourists coming in will not be of any good use to us. It is embarrassing that as we currently stand, we are listed as number 80 out 136, yet we have 43 different ethnic groups in this country that tourists can tap into.

Yesterday, Sen. Halake talked about looking at these tourists as a way to help counties increase their revenue collection. I could not agree with her more. It is important that with these correct tools – all of them technology – all these counties can now carry out their skills and say, “with all the tourists coming here, we have community development here.” Today is the International Day of the Girl Child. There are women who came here from abroad but we are unable to tap in and tell them that there is an event taking place in Marakwet today or on Saturday. Or that there is probably an event taking place in Narok County; and they are interested in it. When these tourists go there, they will spend US\$100, and the money will go directly into helping that community.

Mr. Temporary Speaker, Sir, I do not want to deliberate more on the issues that have been raised, but every Senator spoke about an opportunity that we have and which we can offer to our tourists without charging them more money. They are already coming here; we should give them a safe environment and introduce them to our culture. We should not subject them to a situation where when they go to the Maasai Mara, there are so many of my fellow tribesmen standing at the gate selling them beads; no! Let them come and experience a day in the life of a Kenyan. When we extend that, then, of course, we can improve on our position, particularly on the culture in terms of our ranking worldwide.

Mr. Temporary Speaker, Sir, what we have in this country is amazing. Sen. Kajwang' spoke about the Gold Coast, where we had an opportunity to travel to together. They did not really have a lot, but with the little they had, they made sure that they maximized on it. While there, we had a chance to go up a mountain and just look at the view. Look at Nairobi; Sen. Sakaja said clearly yesterday that this is the only county with skyscrapers and a game park. In fact, we should even now go to the extent of knowing that when these tourists land in Nairobi, we should not only be concerned about when they are going back. Let us try and partner with these companies to know where they are going and what it is that they are interested in. With that, we can lure them to come back more and more to enjoy our beautiful culture.

Mr. Temporary Speaker, Sir, I thank all the Senators, including Sen. Wario, for their contributions. Let this country know that we have a great thing here. It now behooves the Ministry of Tourism and Wildlife; and the KTB to now take home the resolutions of this House. Let them ensure that they partner with these companies that use these location-based data analytics so that we can improve our position around the world in terms of tourism.

I do not want a situation where, as Sen. M. Kajwang' said, at the airport there is a gentleman with just information. We want a situation where those tourists are the ones who come in. In fact, now that we have 47 counties, every county should have a visitors' desk or welcome centre. When one leaves Massachusetts in the United States of America (USA) and drives to Rhode Island; when they go to the first rest area, they will find a tourism information desk. One can use technology to know what they can find in Rhode Island. When one traverses further into Connecticut before getting to New York, they will also find a tourism centre. The 47 counties can tap in and the unemployed youth can actually benefit.

Mr. Temporary Speaker, Sir, with those few remarks, I reiterate again that I thank all the Senators who contributed to this.

I beg to move.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, I have established that this Motion does not affect counties. I will now proceed to put the question.

(Question put and agreed to)

Hon. Senators, I now order that Order Nos. 12 and 13 be deferred.

PAYMENT OF HONORARIUM AND
PENSION TO FORMER COUNCILLORS

THAT AWARE that National Forum of Former Councillors petitioned the Senateregarding the need for legislative interventions to address the plight and welfare of former Councillors;

FURTHER AWARE that the Senate Standing Committee on Labour and SocialWelfare considered the Petition and tabled its report on Tuesday, 16th February, 2016;

ACKNOWLEDGING that the Committee's report on the Petition made fiverecommendations among them that-

1. One-off honorarium of Kshs1.5 Million be paid to former councillors whoserved a minimum of one term since independence; and
2. Monthly pension of at least Kshs30,000 be paid to former councillors.

APPRECIATING that the recommendations were based on the fact that formerCouncillors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over theyears, which made it difficult to fairly and equitably determine each councillor's rightful benefits retrospectively;

CONCERNED that the State Department for Social Services and Security, StateDepartment for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

NOW THEREFORE, the Senate calls upon the Principal Secretaries to the saidState Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

(Motion deferred)

COMPENSATION FOR VICTIMS OF HUMAN-WILDLIFE CONFLICT

AWARE THAT tourism is amongst key sectors of Kenya's economy contributingbillions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

FURTHER AWARE THAT, Kenya is endowed with different wildlife species whichcontribute substantially to the national economy through tourism;

NOTING THAT, cases of human-wildlife conflict are on the rise as a result of manyfactors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

FURTHER noting that there's need to create a conducive environment forpeaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

CONCERNED that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;

FURTHER CONCERNED that the regions and communities hosting the wildlife aremarginalized and do not benefit from the proceeds of tourism in their area;

NOW THEREFORE the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and,
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

(Motion deferred)

MOTION

USE OF SIGNING EXACT ENGLISH (SEE) TO INSTRUCT LEARNERS WITH HEARING IMPAIRMENT

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I beg to move the following Motion-

THAT, AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that Persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing impaired learners have linguistic challenges and perform dismally in academics, since all subjects other than Kiswahili and foreign languages are taught and examined in English;

COGNIZANT that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology to-

1. Ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. Develop SEE instructional materials for learners with hearing impairment;
3. Work with linguists and researchers to develop sign language resources; and,
4. Ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

Mr. Temporary Speaker, Sir, the issue of language acquisition should not be taken for granted. I want to make it very clear that I am talking about the deaf who are educable. When it comes to the deaf, they range in a continuum. We have children with that disability who are educable. They can go through the normal system, just like anybody else and even go vertically up to colleges, universities and so on. They can be self-employed and even have white collar jobs like anybody else.

Mr. Temporary Speaker, Sir, we also have children with disabilities who are not educable. They can be given life skills to get by. I am looking at that child who can compete like any normal child, achieve parity and contribute to the development of this country.

Deaf children are highly disadvantaged because they have a language problem. They cannot hear. Many linguists, including Noam Chomsky says, every normal human being has the ability to learn a language. Naturally, people acquire languages. As people interact with you, you acquire the mother tongue. However, as you acquire it, you will make mistakes here and there. This is the normal way of learning a language.

When a deaf child joins school, he has a mother tongue that he acquired while at home. That language must be nurtured. Strong language skills are an asset that promotes effective lifetime communication. The deaf are highly disadvantaged when it comes to the acquisition of the English language. It is only in the classroom environment that children can acquire correct usage of English.

It happens at an early stage where you will find that in most schools, teachers come up with modalities that ensure children are learning language. Some schools even require speaking English four times a week and Kiswahili once a week. This is because teachers want to ensure that the children are mastering English language. This language eventually helps them understand other subjects easily. The only opportunity the deaf child can understand English, use it correctly, and know it is within the class set up.

Schools need to ensure that deaf learners can master the essentials of English at an early age. However, there are no mechanisms to ensure the deaf learner gets the essentials of the English language. This is a very serious issue; the Senate must bring it on board and see how to address it. It affects them because all subjects are taught in English. For example, Christian Religious Education (CRE), Mathematics, science and others are taught in English. A painful thing is that the deaf learner is not taught the essentials of modern English.

All examinable subjects save Kiswahili are taught in English. That is why deaf students sometimes perform dismally in examinations. They cannot compete effectively with other learners. They cannot do well in primary and secondary schools, colleges and universities. When you find a deaf person in the university, he or she becomes a hero. The Senate should ensure that this comes to a stop. You will find people with physical disabilities in the Universities. I am physical challenged, but I have a PhD. I know of many blind people who have gone to universities and acquired degrees and diplomas and PhDs despite the fact that they do not see. However, for the deaf to be in college and university, it is a nightmare because they are excluded as a result of the language barrier.

About 20 to 25 years ago, I taught at St. Angela's School for the Deaf. I saw deaf children suffer getting the essentials of grammar. The teachers also suffered because of how they would teach the children. I went through that frustration as a teacher in that school.

For all these years, educational resources that would help the hearing impaired learner had not been developed to enable them get the essentials of the English language. This is an issue of great concern. There is need for this Motion to be taken far. We need to ensure that when we are talking of parity and inclusion, deaf learners are not left behind.

I am saying this because English is important. First, it is the dominant tongue language internationally. In our Constitution and in our system, English is the official language. Apart from being the official language, the knowledge of English can take one far because job opportunities are many. However, when we come to the deaf learners, the job opportunities are narrowed. When we are talking of deaf learners who have acquired a number of papers, when you scrutinise the learners, you find that they are not able to communicate and write in proper English. What happens eventually? They are not given esteemed jobs.

The Senate has to do something. There is need to intervene to ensure that the deaf learner is given quality education. It is unfair, if I may say, if someone tells you to produce what you do not have. First of all, the input in English is minimal or not there and then you are asked if you can construct a sentence in English that is grammatically correct. It becomes very difficult.

If you do not know how to use affixes or know where they are used, if you do not even know how plurals are formed in standard English, there is no way you can do it. It is important that we are fair to the deaf learners. It is only fair that this Senate moves with speed and ensures that the deaf learner gets quality education.

When we are talking of quality education, we have sign language that is predominantly used by the deaf. Sign language, that is used in Kenya predominantly, can help the deaf learner acquire the essentials of the English language.

I am not talking as a Senator but as a teacher who was in the classroom with the learners and I saw how they suffered. There is need for the Senate to intervene. Right now materials are not being developed for children with special needs and especially the deaf. There is need for the Government to ensure that it sets aside money at the national level for purposes of developing instructional materials that will help in deaf education. This should cascade to the county governments.

All counties need to set aside money for purposes of developing instructional materials, not only for the deaf learners, but also for all children with special needs. It is right that the Nation walks its talk; it is just right that counties also walk their talk when it comes to inclusion.

Mr. Temporary Speaker, Sir, we cannot talk of inclusion and the slogan, "leave no one behind;" we cannot talk about mainstreaming when, in actual sense, we are not practicing and implementing inclusion in this country. We will be judged harshly. I remember the time when the Government intervened with regards to special needs, when it decided to go into partnership with the Danish International Development Agency (DANIDA). As a result of that partnership, they were able to train teachers, including those with special needs. We, nonetheless, need sign language linguists. There is need to introduce sign language linguistics courses in our universities so that teachers are trained in this area. The few teachers available in the field are even confused on how to teach the learners.

Mr. Temporary Speaker, Sir, deaf learners have become a charitable society and a pity paradigm. This should come to an end. I strongly believe that if this Senate stands on it is feet, it is going to leave a recommendable mark. Many people will say, “Yes, the Twelfth Parliament intervened and now there is no issue with lack of materials in schools with special needs.” I am suggesting that the national Government sets aside money under the Ministry of Education, Science and Technology, which should be the custodian of the special education materials. The county government should also set aside money for the Early Childhood Development Education (ECDE), because we do not want to leave our children behind.

Mr. Temporary Speaker, Sir, I am a person with disability and, apart from that, I have taught learners in a special school. I have witnessed what they are going through and there is need for interventions to be done. It is only fair that justice is not delayed for our deaf learners. Learners in other schools have story books, for example, to encourage them to become English literate. All mechanisms are put in place for them, but what is happening to our deaf learners?

There is need for this country to move with speed and see how to intervene. I know the President is very keen about people with special needs. For this Senate to leave a mark, it has to back up the President so that the he is aware that Senators are thinking, talking and implementing inclusion. There is need for us, as leaders, to practice inclusion by all means.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to move this Motion and call upon Sen. Wario to Second.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Wario: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to Second the Motion by my friend, Sen. (Dr.) Musuruve.

Mr. Temporary Speaker, Sir, language learning and acquisition takes place effectively in early childhood. Children with disabilities have a right to learn English. This is because all subjects are taught in English and, therefore, people with special needs should be taught English so that they can conform to the curriculum of this country.

Mr. Temporary Speaker, Sir, English language is largely taught internationally. The disabled people are among the international communities and, therefore, it is good for them to be taught English so that they are not left behind. Colleges and Universities use English in all subjects and, therefore, we need to also teach English to our disabled people so that we move together with them

That is why the Ministry of Education should set aside a kitty for the development of English in schools. The county governments should also allocate funds to cater for the special needs of the disabled people. This includes the Braille equipment which can be used in classrooms. If this kitty is set aside, be it by the national Government or the county governments, it will enable these people to get the special equipment that they use in their learning.

Mr. Temporary Speaker, Sir, I beg to second the Motion.

(Question proposed)

Sen. Olekina: Mr. Temporary Speaker, Sir, once again, I thank you for giving me this opportunity. I rise to support the Motion by the distinguished Sen. (Dr.) Musuruve.

From the outset, I have to say that I am very impressed with her presentation and passion for the People with Disabilities (PWDs) in this country. It is time that every Kenyan, educator and leader out there should take cognizance of the fact that they do have, in this Senate, someone who cares about the PWDs. I congratulate her for coming up with this Motion.

Mr. Temporary Speaker, Sir, the issue of disability is something that is completely ignored in this country. It is not only about the children who have difficulties in hearing or seeing, but it also ranges into other areas that can render a child completely – I do not want to use the term useless- disabled in a way that they cannot express themselves by speaking or writing. Others cannot comprehend what they are being taught.

Mr. Temporary Speaker, Sir, we have a lot of challenges on issues of dyslexia, for instance. I speak on this out of experience because my friend was diagnosed with dyslexia, but I could not believe it. I also know someone else who is very dear to me who was diagnosed with another form of disability. The most important thing is that the Ministry of Education ought to accept and appreciate the fact that there are people who are brought into this world and, not by their own liking, they are unable to perform other things that other people are able to do.

It is imperative for the Ministry of Education to set up schools for children with disabilities. We need to devise methods teaching these children the English language, as Sen. (Dr.) Musuruve observed. Some of our children were brought up in very humble backgrounds and their parents were unable to speak English. When a child is diagnosed, for instance, with dyslexia, it is important for us, as a country, to provide him with the conducive environment for learning.

We know very famous people in this world who are dyslexic. Some people did not believe in them. Today, some of them are great mathematicians and scientists. For example, Albert Einstein is a great scientist irrespective of the fact that many people did not believe he could achieve that status in life.

Mr. Temporary Speaker, Sir, I support this Motion and I hope the current Minister knows the importance of having a child. A child, whether disabled or able should be accorded the opportunities that every human being must have in this world.

Mr. Temporary Speaker, Sir, focusing on the immediate, when the child is young, at the intermediary level, those skills should be introduced. We have got to bring a balance. English language should be taught in our schools, but we must also promote our cultures. There is a distinguished Senator who brought a Motion before this House on introduction of Kiswahili sign language in schools. Our Constitution recognizes two languages as the national languages in this country. That is English and Kiswahili. However, we have to think seriously about our mother tongues. We have to equip our schools with the necessary equipment.

Last year, we were talking about the laptop project. However, very few pupils have been provided with laptops by this Jubilee Administration. I wonder whether they have started schools with laptops centres so that they benefit as many children as possible.

It is imperative that we look at different strategies. This is because the needs of our children are different. For example, a disabled child in Narok County may not learn as fast as a child in Nairobi County. We know it is very expensive to teach children with

disabilities. I realised this when I took a child who is dear to me to a very expensive private school. However, that school was unable to handle the child. The child is dyslexic. They advised me to take him to a public school with facilities to handle such children.

Mr. Temporary Speaker, Sir, it is important and I hope the Ministry will take this matter seriously. We need to equip our schools with the necessary facilities so that they can take care of our physically challenged children. I suggest that every school in this country should have a class with two or three dedicated teachers to teach children with disabilities.

Mr. Temporary Speaker, Sir, for this child to understand what they are being taught in school, they have to learn in a conducive environment. I know Sen. (Dr.) Musuruve is a trained teacher. She says some teachers did not understand the curriculum. I agree with her that once the report is done and forwarded to the Ministry, they come up with programmes of training teachers to handle children with disabilities.

They need to understand how to handle a child who has a hearing problem, who has dyslexia or has any other form of disability. Therefore, this curricular should not only be limited to people with hearing or eye disability, but all forms of disability. If we ignore other forms of disabilities, we will not be helping in any way.

Mr. Temporary Speaker, Sir, I agree with Sen. Wario that universities should also start to teach courses that focus on advances made. Many teachers are using technology because it is the future; it will help us to move forward. For example, there are games which are developed through technology. Like what other Senators have said in the House, this country has a lot of talent. Let us come up with computer games that will help these children understand different things.

Mr. Temporary Speaker, Sir, unless this matter is taken seriously by this Government, we will be coming back here every year to discuss how to start introducing different forms of sign language or Signing Exact English (SEE). Eventually, we may have to advance.

I hope that Sen. (Dr.) Musuruve will advance this into sponsoring a Bill so that it can become law. Sometimes, we may have a Motion but unless we follow it up to make sure that every county implements it, it will not work. Early Childhood Development Education (ECDE) is devolved. However, if the Ministry of Education carried out an audit today, they will find that out of the 47 counties, only one county has a curricular on ECDE that focuses on people with disability.

Therefore, this is something which is very important and that requires all of us to sit down and come up with a law that will help this country to identify all forms of disabilities, carry out an audit and see what our counties have in preparation to help the children or people with disability live a normal life.

Mr. Temporary Speaker, Sir, I will be happy to see an elected disabled person in the Chamber, who will be able to express themselves and live a normal life because God has created us equally. In fact, most people disregard people with disability but when they fall sick, the person with disability might be the one to donate blood which will enable them to see tomorrow.

Mr. Temporary Speaker, Sir, we only have one minute. Therefore, I end by saying that I fully support this Motion. I will support Sen. (Dr.) Musuruve to ensure that once

this House adopts this report, we will follow through to ensure that whatever we resolve is implemented fully.

ADJOURNMENT

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the House. The Senate, therefore, stands adjourned until Tuesday, 16th October, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.