

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 4th October, 2018

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

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

PRAYER

PETITION

AGREEMENT BETWEEN ISIOLO COUNTY GOVERNMENT AND LIVING GOODS LIMITED

Sen. Dullo: Thank you, Mr. Speaker, Sir. I wish to table a public petition by a resident of Isiolo County regarding the agreement between Isiolo County Government and Living Goods Limited for provision of community health services in Isiolo County. This Petition was signed by about ten members of the public. It reads:-

We, the undersigned, draw the attention of the Senate to the following-

(1) It has come to our attention that Isiolo County Government has negotiated an agreement with Living Goods Limited for strengthening provision of community health services in Isiolo, Marti and Garbatula sub-counties of Isiolo County, effective 1st October, 2018 for a period of four years.

(2) THAT, the County Government failed to conduct due diligence on Living Goods Limited. The country of incorporation of Living Goods Limited is not identified and the incorporation number and directors of the company are also not identified. As such, the 'entity' is not a legally recognised entity with the authority of law to engage in any manner.

(3) THAT, the project entails-

- (a) situational analysis of existing healthcare infrastructure;
- (b) developing methodology for assessing/measuring impact;
- (c) providing material necessary for operational requirements;
- (d) purchase, maintenance and insurance for vehicles and motor-cycles for the project;
- (e) recruit, train, certify and supervise 920 community health volunteers on key health topics;
- (f) purchase and supply mobile phones, data bundles and other equipment necessary for community health work;

- (g) employ 21 project members of staff – field and community health managers and supervisors, pharmaceutical technologists, technical support officers and drivers
- (h) train community health extension workers on key health interventions;
- (i) hire and supervise a consultant to develop a county community health policy/Bill;
- (j) Conduct publicity, sensitisation and advocacy;
- (k) Support the County Government with forecasting for procurement of essential medicines and supplies; and,
- (l) Provide support with restocking essential medicines and supplies.

(4) THAT, the responsibility for delivery of healthcare services to the people of Isiolo County and attendant responsibilities are constitutional obligations of Isiolo County Government as provided under Article 186 and Schedule 4 of the Constitution of Kenya 2010. Private entities are not envisioned by the Constitution as responsibility holders in relation to the delivery of public healthcare services. Therefore, as the entity constitutionally responsible for healthcare services, the County Government has no authority to relinquish this responsibility or part, thereof, to a private entity. At the very least, and as a last resort, the only avenue open to the county executive, if it objectively deems, it necessary is to explore mechanisms for referral or cooperation with the national Government as provided under Articles 187 and 189 of the Constitution of Kenya, 2010.

(5) THAT, the agreement unconstitutionally delegates the power of developing legislation – the Community Health Bill – including the requisite public participation process to a private entity; a function that is jointly constitutionally carried out by the County Executive and the County Assembly.

(6) THAT, the agreement confers extensive powers to Living Goods Limited over healthcare services provision without much practical control and participation of the County Government, except for the provision of funds. As conceived, the Agreement envisions the County Government's control over the project to only extend to 'overseeing implementation and receiving and analysing reports'.

Mr. Speaker, Sir, this Petition is a bit long. I will leave a copy behind but I will just read through the areas that are critical.

Consequently, the County Executive will not be in a position to know exactly what actions Living Goods Limited is taking in furtherance of the agreement, neither will the County Executive be able to influence the course of events in the implementation of the agreement, thereby opening up Isiolo's healthcare system and the health of its people to unethical intrusions by entities that owe them no constitutional duty of accountability.

(7) THAT, the agreement purports to bypass the process of including the project in the County Integrated Development Plan (CIDP) process and the constitutional budgeting processes by binding the County Government to, among others including: cost of the implementation of the project in its budget; commit to project-related procurement; and, provide funds, office space, logistical support, drugs and supplies and staff necessary for the project.

(8) THAT, the agreement binds the County Government to co-fund the cost of the project which is projected to be Kshs400,210,224.

(9) THAT, the agreement requires the money to be deposited in a joint special purpose account between the County Government and Living Goods Limited, thereby

exposing public funds to private management in contravention of constitutional principles of financial management.

(10) THAT, the agreement provides that monies from the special purpose account shall be disbursed only to Living Goods Limited, thereby exposing public funds to private management in contravention of the constitutional principles of financial management.

(11) THAT, the agreement requires Living Goods Limited to provide an accurate record of assets purchased using the common funds, only if such record is demanded, thereby contravening the constitutional principles on transparency and accountability and the legal requirements of the Public Procurement and Asset Disposal Act, 2015 on acquisition and disposal of public assets.

(12) THAT, the agreement is silent on the responsibilities of Living Goods Limited to the County Government in relation to funds upon termination of the agreement.

(13) THAT, the agreement has been negotiated without the requisite public participation as envisaged by the constitutional and statutory provisions cited above.

(14) THAT, being an essential public service, whose policy-development mandate is constitutionally exercised by the national Government in accordance with the Fourth Schedule of the Constitution of Kenya 2010, the County Government should have consulted the relevant national Government organs, specifically the national Ministry of Health.

(15) THAT, being an essential public service, the County Government should have consulted local stakeholders including the general public.

(16) THAT, further, the agreement is a thinly-veiled attempt to enter into a Public Private Partnership (PPP) engagement without following the procedure provided in the Public Private Partnerships Act, especially sections 4, 11, 16, 17, 20-25, 29, 31-35 and 37-57, and the Health Act, specifically sections 15, 23 and 92.

(17) THAT, overall, the process has failed to appreciate the legal requirements on public participation, prudent fiscal management and principles of devolved government including the oversight role of the Senate.

(18) THAT, the agreement irresponsibly exposes public funds to potential misuse, misappropriation, embezzlement and corruption in contravention of the constitutional and statutory principles of fiscal management cited above.

(19) THAT, the agreement potentially exposes an essential public service to unregulated capture by private entities and poses a health risk to the people of Isiolo County.

(20) THAT, healthcare is a crucial county government devolved function and very significantly impacts the lives of the people of Isiolo and as such, the County Government should not casually and arbitrarily divest itself of this essential responsibility to the public by delegating it to private sector actors who have no direct responsibility and accountability to the public.

(21) THAT, the actions of the County Government contravene the legal provisions enumerated above and are therefore unilateral and unlawful, hence null and void.

(22) THAT, I have made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response.

(23) THAT, none of these issues raised in this Petition are pending in any court of law, constitutional or any other legal body.

WE THEREFORE humbly request, as petitioners that the Senate-

(a) Asserts its constitutional functions under Article 96 of the Constitution of Kenya 2010;

(b) Urgently investigates the conduct of the Isiolo County Executive in relation to the Agreement negotiated with Living Goods Limited;

(c) Ensures that all public funds utilised during the negotiation of the agreement are reimbursed to the county government and that those who are responsible are held accountable;

(d) Passes a Motion censuring the county officials involved in negotiating the agreement;

(e) Passes a Motion requiring the County Government to desist from taking any action in relation to the Agreement and to halt any action it may have already commenced; and,

(f) Takes any other appropriate action.

Mr. Speaker, Sir, as I said earlier, there are about 10 petitioners who have signed this Petition.

I thank you.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations or clarification in relation to the Petition for not more than 30 minutes.

Let us have Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. This is a very interesting Petition. I thank Sen. Dullo. From reading the facts as stated in this petition, I am persuaded that the Governor of Isiolo has got himself into a misadventure.

We are partly to blame because this sort of misadventure by a governor is what got Gov. (Prof) Chepkwony impeached in the last Session. One of the recommendations that the Committee made - I cannot remember whether Sen. Dullo was in that Committee- was that the Public Private Partnerships (PPP) regulations with regard to county governments must be put in place before certain arrangements like these ones are done.

Mr. Speaker, Sir, there is no place in the law particularly the Public Finance Management (PFM) Act that would allow a county government--- going by the statements by Sen. Dullo and the rest of the petitioners that money has been deposited in an account of a private entity for purposes of disbursement. For whatever nature, it is against the PFM Act, particularly the section where the county executive under the Constitution Article 222 5 is accountable for the money used.

The Petitioners and Sen. Dullo have not mentioned whether this PPP agreement was approved by the County Assembly. If it has not been approved, and is not part of the County Integrated Development Plan (CIDP), I would even urge that in the prayers, we should seek to have the Controller of Budget to ensure that if any funds have been earmarked out of this arrangement, such funds should not be disbursed at the first instance as we resolve to find out whether the Governor for Isiolo County followed the Constitution, the law and the PFM Act.

Mr. Speaker, Sir, to open a joint special purpose account reminds me of one speaker of a county assembly who sent money to his wife's account. It is the same thing. The consideration is love but in this one, it is pilferage of funds. The PFM Act is very clear that only the account called the County Revenue Fund (CRF) ought to be opened for public funds.

I urge that a quick determination particularly on the funds so that Isiolo County does not suffer the loss of Ksh400 million is issued immediately before we can determine the contents of that petition.

Mr. Speaker, Sir, allow me to thank Sen. Dullo for being very vigilant on behalf of the people of Isiolo County.

I thank you, I support.

Sen. Kihika: Thank you, Mr. Speaker, Sir. I also rise to support this Petition and congratulate the Senator for Isiolo County, our Deputy Majority Leader, as well as the residents of Isiolo for this Petition.

I am surprised that this would be happening at this point in time when we are enlightened on the laws that pertain to the use of public money and resources. The county is getting into this PPP supposedly with a company that is not even incorporated or may not be a legal entity and the kind of money we are talking about is Ksh443 million and not a chunk of change.

One of the very major roles of the county government is to make sure that the residents of that county have access to health care. Given that fact, when the county then starts getting into these sorts of agreements, then I believe they are giving their roles to private entities which we have no way holding accountable. Transparency may become an issue as has been captured by the able Senator for Isiolo. We will then be back here in the Senate with probably the County Public Accounts and Investments Committee then calling the Governor about three or four years down the road, when Ksh 443 million has been probably misused and the residents of Isiolo County have not been able to access a good and affordable health care.

Given that healthcare is one of the Big Four Agenda, it is very important that we make sure we hold these counties to account and make sure they are doing what is right for the residents of those counties.

Mr. Speaker, Sir, when we look at this Petition, everything just stinks. If we do not act, in just a few months or years, this money will be lost or it will not be accounted for or something to that effect.

It is a timely Petition and the Senator for Isiolo county is on top of her job as far as oversight is concerned. This is because that is one of the bigger roles of the Senator. By overlooking before the event happens, it makes more sense than coming here to the Senate to cry three years down the road when that money has been misused.

I support.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support this Petition by the good citizens of Isiolo County. The County Government of Isiolo is notorious for violating the Public Finance Management Act. I listened to Sen. Dullo read all those functions which are forwarded to the international Non-Governmental Organization (NGO) called Living Goods Limited. From the little Google search, Living Goods Limited is an NGO that deals with issues of health.

Mr. Speaker, Sir, earlier on, I stood here and spoke about the way money collected from the game parks is deposited in accounts of a company called The Kenya Association of Tour Operators (KATO). This is completely in violation of Section 157 of the Public Finance Management Act which is clear. It gives the Chief Executive Officer (CEO) in charge of a county the authority to appoint a revenue collector. However, there are certain prerequisites that must be done to ensure that the money is deposited directly into the county revenue account.

Mr. Speaker, Sir, this portrays the County Government of Isiolo to be completely incompetent. Since the Constitution is alive, I wish to refer to Article 189 that focuses on the cooperation between the two levels of Government. If the County Government of Isiolo is unable to perform devolved functions, then it should discuss this issue with the national Government so that it can ensure that the money is safeguarded.

We have lost a lot of money from such agreements. This is an issue in the national Government too, where there was a moratorium on universities signing Memorandum of Understanding (MoUs) just to be able to safeguard public money.

Mr. Speaker, Sir, in this case, this is something that requires immediate action. To say that you will take this matter to a Committee without taking immediate steps may just be a little bit too late. We are still trying to pursue the Governor of Isiolo County on issues to do with money that was collected and deposited in the account of a company called KATO and it has not been accounted for. Therefore, this is another situation where we will lose all the money.

Mr. Speaker, Sir, I agree with Sen. Mutula Kilonzo Jnr. that this calls for us to immediately engage with the Auditor-General and the Controller of Budget to ensure that money which is sent to county governments to help improve the standards of living of the people of Isiolo County is safeguarded. This is just a way for money to be lost. I am perturbed by all the services. I would have thought that may be, the citizens of Isiolo County, who are competent enough to draft this Petition and elaborate on the issues of healthcare in their county can come together with the governor, thorough a public participation forum and discuss on how best to ensure that these health services reach the people in a more accountable manner.

We have counties like Makueni and Kitui which are now experimenting with the introduction of universal healthcare. Sometimes, we may not need to go out. We might need to sit within our country and look at how other counties are operating. If we are completely unable to perform those functions, before we violate the Constitution and other relevant laws on fiduciary responsibility, we benchmark and then engage people.

Mr. Speaker, Sir, I would like us to find a way for this House to stop that agreement from being implemented. This issue can be handled by the Committee on Health and the County Public Accounts and Investments Committee. They should be seized of this matter, travel to Isiolo County and immediately look at these accounts. When we engage in postmortem exercise, we give room to cartels and corruption deals which are highly risky in terms of ensuring that we protect the interests of our people.

Mr. Speaker, Sir, I fully support this Petition.

Sen. Farhiya: Thank you, Mr. Speaker, Sir, for allowing me to contribute to this Petition. I wish to join my colleagues in congratulating the Senator for Isiolo. It is good to take care of issues in a proactive manner than wait for counties to lose money then start

engaging on postmortem issues. It is good to tackle issues immediately they start. Therefore, I congratulate the Senator for Isiolo for that.

This is about accountability to the people of Isiolo County. This venture can be used as part of corruption. Therefore, I encourage us to tackle this issue right now so that it is exhausted effectively.

Which law will the recruitment of the 100 volunteers be subjected to? Is it for the county or a private entity? How will they be recruited? We need to create jobs in the county and it is the work of the county to do that. This is not the work of an individual investor who is in pretence of working for counties.

Mr. Speaker, Sir, in the existing law, there is no framework for Public Private Partnership (PPP). There is one that is under review by the Committee on Finance and Budget. How did they enter into this agreement or PPP without taking into consideration the existing financial laws?

Mr. Speaker, Sir, I congratulate the Senator for Isiolo for bringing these issues to the fore. As the Senate, we need to be proactive instead of being reactive to issues where public money is lost. Resources are limited. Therefore, the little resources that go to the counties need to be used more effectively and not shared between individuals.

I thank you, Mr. Speaker, Sir.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I also join my colleagues in congratulating the 10 petitioners from Isiolo County who have been bold enough to bring this matter to the attention of the Senate.

From the Website of Living Goods Company, it describes itself as a non-profit company working in the health sector in many parts of the world. The petitioners have not questioned the ability or otherwise of the Living Goods Company to undertake this project. Therefore, I will go straight to the matters that the petitioners have raised.

Mr. Speaker, Sir, in that Petition, there are questions of procedure; whether the deal as signed by the executive arm of the County Government of Isiolo was done in accordance with the Constitution and the law. This matter is not confined to the County Government of Isiolo but it affects many counties in this country where the executive think that they are a law unto themselves and they can do as they please on matters of public resources.

Mr. Speaker, Sir, I was listening carefully as Sen. Dullo was reading that Petition. Do we understand whether there was any role whatsoever of the County Assembly of Isiolo in this matter? If there was, she did not read that section of the Petition. If there is no role of the County Assembly of Isiolo, in this matter I would definitely say this is open fraud and it must be stopped before it is even rolled out.

The second aspect that I wanted to hear, and I did not hear it being read is the issue of public participation. Before these petitioners complained that the procedure that was used is wrong, I would have wanted to hear what was the role of the public in arriving at this deal. As my colleagues have said, I do not want to think that we want to turn this House to be a mortician in as far as the use of public resources is concerned. But, the minute we realise that due process has not been followed on any issue affecting the use of public resources in any part of this country, as a Senate, we should rise and pronounce ourselves firmly on such matters and cause those projects to be cancelled.

Lastly, Mr. Speaker, Sir, I heard my friend, the Senator from Narok, referring to the universal healthcare programmes in Makueni and Kitui counties and suggesting that

we could go and benchmark in some of these areas. I would say, yes, there is a scheme in Kitui that is being rolled out. I am not sure whether we would want to go and benchmark on this scheme. We must be bold and say these things as they are. When you begin a process without involving people and then midway, you want everybody to be part of a process, then you negate the basic provisions on public participation.

I am inviting colleagues tomorrow to a function of opening of the County Assembly of Kitui but not benchmarking on their scheme.

The Speaker: (Hon. Lusaka): Hon. Senators, before I even commit this Petition to the Committee on Health, you have heard the issues being raised and I have seen Members of the Committee on Health here. You should move with the urgency this matter deserves so that we do not lose money.

(Applause)

Hon. Senators, pursuant to Standing Order 232(1) the Petition stands committed to the Standing Committee on Health. So, in terms of Standing Order 232, the Committee is required in not more than 60 days from the time of reading the prayer to respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Senate.

I thank you. Next Order.

PAPER LAID

ANNUAL REPORT OF THE PSC FOR FY 2017/2018

Sen. Murkomen: Thank you Mr. Speaker, Sir; I beg to lay the following Paper on the Table of the Senate today, Thursday, 4th October 2018

The Annual Report of the Public Service Commission for the Financial Year 2017/2018.

(Sen. Murkomen laid the document on the Table)

The Speaker (Hon. Lusaka): Next Order.

STATEMENTS

WRANGLES IN THE WATER SECTOR IN MURANG'A COUNTY

The Speaker (Hon. Lusaka): Sen. Kang'ata, you have the Floor.

Sen. Kang'ata: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 47(1), I rise to make a statement on a county matter regarding the management and also the wrangles in the water sector in Murang'a County.

I am going to address myself on two issues. The first one is the conflict regarding whether Murang'a County should levy some charge on the water that is coming to Nairobi. I am also going to address myself on the issue concerning the wrangles which are happening in Murang'a County, particularly Murang'a Town; on the Murang'a Water and Sanitation Company (MUWASCO).

Mr. Speaker, Sir, more than 84 per cent of the water which is consumed in Nairobi comes from Ndakaini Dam which is located in Gatanga Constituency in

Murang'a County. Surprisingly, it is only about 30 per cent of the people of my county who have piped water.

Squabbles for the control of that water and as to whether a charge should be levied commenced in mid-September 2018, following a proposal by Murang'a County Government to levy a charge of 25 per cent of the revenue generated from water drawn in Murang'a County by Nairobi City County. I am also aware that Members of Murang'a County Assembly went to Ndakaini and they were dispersed by police when they were supposedly planning to have a public participation session.

While I appreciate the proposal by the County Government of Murang'a to generate some revenue out of that water, I hold the view that the issues can only be redressed through formal means but not informal. I would like to also draw your attention to the fact that, yes, it is true there may be a case in support of having water coming to Nairobi City County levied a charge by Murang'a County. There are three reasons for this; one, there is the fact that we are being compelled as the people of Murang'a to do re-forestation. That costs money. We are also being compelled not to use wood energy to burn our tea or even to do any other activity. That also costs money.

Also, there are people who live in the areas adjacent to that forest and they are being told not to do anything in that region. That has a monetary component. On that basis, to compensate for all these and to ensure there is protection of the environment, I would propose probably we consider giving Murang'a County something.

However, that is not a proposal to give money directly into the county coffers. No, that will set a dangerous precedent. My proposal would be, any support given by any entity, whether the Government or even NGOs, should go directly to the people of Murang'a, to their pockets, to their environmental groups.

Let me address the next issue on wrangles concerning MUWASCO. Yes, I am aware there has been a dispute concerning tariffs which some people of my town feel are quite exorbitant. I urge that any issues concerning that should be done in a peaceful and legal manner but not through fights.

Finally, I will reiterate by asking Members of Murang'a County Assembly to take advantage of the powers which have been conferred upon them by the Constitution and proceed to use budgetary tools and seek any other remedy concerning those two issues. Alternatively, they could propose a law like Murang'a Water and Sanitation Act, for instance, which will address the wrangles in Murang'a Water and Sanitation Company (MUWASCO) and the issue concerning that levy. That is what is provided under the law. The County Assembly has that power as opposed to public pronouncements and demonstrations.

I thank you, Mr. Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I will be brief. The problems in Murang'a are not unique because we have similar problems in Kajiado, Machakos and Makeni. Many Senators are aware of the wrangles we have been having. The Governor of Kajiado, Hon. Joseph Ole Lenku, has taken up that the water from Mt. Kilimanjaro belongs to Kajiado. Therefore, the people of Makeni and Machakos are being denied water. The management of the water company is being done by Kajiado. These problems are not unique.

When the Senate Majority Leader was the Chairman of the Committee on Devolved Governments, we used to have a method of making sure that things do not

escalate to the levels where county governments have a face-off with the national Government. Maybe the Senate Majority Leader should use his Office to ensure that we cushion county governments.

Murang'a County has a point but the manner in which this matter is being handled is wrong. Kajiado County has a point but the way the Governor has handled the matter is wrong because water from Mt. Kilimanjaro does not belong to Kajiado. Otherwise the water would come to Kajiado and go back to Mt. Kilimanjaro if it belonged to Kajiado. The point is that they must find a way of handling resources. These are national resources. There is no way a county can own water. We can accept if it is a dam but not a river.

Just like we handled matters in Eldoret in Uasin Gishu County, the Senate Majority Leader should find a method on how to protect the people of Murang'a. We should have a good method of handling this issue because it does not only affect Murang'a County alone but the whole country generally. We should have a method of handling such issue on the function of water and sanitation. There is a lot of strong-arm tactics by the national Government where the Cabinet Secretary issues blanket statements without necessarily considering or sitting with county governments.

Lastly the intergovernmental relations and Alternative Dispute Resolution (ADR) processes are also lacking. We must find a way of dealing with these matters without them escalating to the manner in which Sen. Kang'ata has stated.

I thank you.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, indeed, I have been involved in matters concerning water for many years. I just want to disclose to Sen. Kang'ata and the rest that in 2007, I signed the first agreement that I negotiated as a lawyer on behalf of a community in Trans Nzoia. The matter was that the national Government was taking water from a place called Kapolet to Kitale and Bungoma.

The community was complaining that the project had been done but they were not considered, as the local community, for water, road network, preserving the forest and so on and so forth. We had an amicable conversation and the issue never escalated. Members of the local community were assured that before the water is supplied to other counties, they were also to be beneficiaries from the same water. Ultimately, there are good relations because you do not hear of fights.

Mr. Speaker, Sir, we have the issue of Chebara Dam water which you are much familiar with. If Murang'a County's approach goes through, there will be no water in Eldoret because Elgeyo-Marakwet County is the source of most of the water that goes to Uasin Gishu, Trans Nzoia, Baringo and Turkana counties, and so on and so forth.

This must be handled very carefully. I would like to advise my friend Sen. Kang'ata because I know he is a leader and a sober person. We have been with him since campus days. He should make sure that he does not become part of the leaders that want to use this issue for political campaign because the manner in which the Governor and local leaders are handling the issue is wrong. Everybody is saying that they will disconnect water that crosses boundaries of counties so that the resource cannot go beyond.

In Chebara, we are always threatened by the leadership in Elgeyo-Marakwet to disconnect water to Uasin Gishu. If it happens that Kajiado disconnects water to Makueni, Murang'a disconnects water to Nairobi, Elgeyo-Marakwet disconnects water to

Uasin Gishu and Nandi disconnects water to Kisumu, then it will be the same story for everyone in high altitude areas. That will create a disaster in this country and we will begin fighting.

This misunderstanding has arisen from the laws we have concerning natural resources, which is different from the case of water. What they are saying is that Murang'a should benefit from water resources, distribution of the water and management of the environment. In fact, managing the environment in Murang'a is not a Murang'a problem alone but a national problem. That is why we say that the Mau forest should be managed because it is not a Maasai issue but a Kenyan problem. When we say that we want to manage Embobut Forest where I come from, it is not a Marakwet issue but a Kenyan issue.

I want to challenge that because when I was the Chair of the Committee on Devolved Governments, I took personal initiative to call people and take the issues from the limelight. I challenge my colleague from Laikipia, who is the Chair of the Committee on Devolution and Intergovernmental Relations, to take personal initiative because the Committee is there to deal with intergovernmental relations. He can work with the Committee on Lands, Environment and Natural Resources to find solutions because ultimately Kenyans will want to know the legal framework.

Lastly I want to challenge my friend Hon. Chelugui. Whereas he has a national duty to deal with water as a national resource, he must also live with the reality on the ground. He should know that since the national Government is sort of the big brother, that problem must not escalate further because once people take hard positions, then the issue will become worse because it will set precedent in all the counties. That will make the issues complicated.

When you do a dam in Makueni County, for example, it should not benefit Makueni County alone but many counties. Mzima Dam at the coast will benefit all the counties in the coast region. It will not benefit everybody but water will be channeled to all coastal counties. If we have the idea that it can only benefit people where the dam is situated or where the source is, we will have a big problem as a country.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, I can see a lot of interest. Therefore I will allow you two minutes each because we have about eight minutes to go.

Sen. (Eng.) Hargura: Mr. Speaker, Sir, the issue about Murang'a water is already with the Committee on Lands, Environment and Natural Resources. We summoned the Cabinet Secretary and he gave us his side of the story.

We have to be careful about the direction we are taking, where people now want to have a say on resources such as water. If the Murang'a one goes through, then we should expect other counties to follow suit. We have Masinga Dam but the local community does not benefit from the water. If this issue goes the direction that the governor wants, then people will start claiming the same. In any case, the water in Ndakaini Dam in Murang'a County comes from Mt. Kenya, the Aberdare Ranges and some from Kiambu. It does not originate from there.

Let us be careful when dealing with this. Otherwise we will take a direction that is not good.

Sen. Mwaruma: Asante, Bw. Spika, kwa kunipa nafasi kuchangia swala la maji kutokana na *Statement* ya Sen. Kang'ata. Watu wa Murang'a wanataka kuleta mjadala wa

jambo ambalo wakati wake umefika. Kulingana na hii *Statement* ya Mhe. Irungu Kang'ata, vyanzo vya maji ambayo yanaenda Kiambu na Nairobi vinatoka Murang'a lakini asili mia 30 peke yake ya watu wa Murang'a wanapata maji. Je, haingekuwa bora watu wa Murang'a wapewe maji ya kutosha kwanza ndiposa hayo mengine yaende kwa zile *county* zingine?

Hili swala sio shida ya Murang'a peke yake. Pale ninakotoka; Taita Taveta, Mzima Springs inatoa maji mengi sana. Hayo maji yanaenda Mombasa hadi Kwale na watu wa Taita Taveta wana kiu. Hawapati hata ndururu kama ada kutokana na yale maji. Watu wanaeza ona ya kwamba Mwangi wa Iria, *Governor* wa Murang'a, hana akili timamu lakini lile swala analochangia ni swala ambalo linatakikana tuwe na mchakato ili tuliangalie kiundani zaidi. Watu wa Murang'a wako na ile *dam* lakini hawana maji. Kule Taita Taveta---

(Sen. Mwaruma's microphone went off)

The Speaker (Hon. Lusaka): Your time is up.

(Sen. Mwaruma spoke off record)

The Speaker (Hon. Lusaka): Okay, *dakika moja umalizie*. Compress your points.

Sen. Mwaruma: Ahsante, Bw. Spika. Mhe. (Dr.) Zani, ana mswada katika bunge unaohusu *Benefit Sharing*. Tukipitisha huo mswada na tuifuate hiyo sheria vizuri, tutaweza angalia kiasi cha fidia ambayo watu wa Murang'a na Taita Taveta wataweza kupata kwa sababu wana maji, vile watu wa Turkana na Kwale wanavyopata fidia kidogo kwa sababu wana mafuta na madini ya *Titanium*. Haitakuwa ya kwamba tuna rasilimali lakini hazitusaidi kama watu wa hizo *counties*.

Ahsante, Mhe. Spika.

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me this chance to add my voice on this important Statement. I think the issue of water needs to be looked into very seriously, because there is no way somebody can own water. Water has always been a source of conflict. If we decide today that we are going to own water as a property of your own county or constituency, we shall have created a problem in this country.

I come from Kajiado County where the Governor has said that the water from Mt. Kilimanjaro belongs to the people of Kajiado, and yet the slopes where the springs come from are in Tanzania. What if the Tanzanian Government says that they own the springs or the source of that water? The method that the county governments want to use to manage water is a serious thing and the Ministry of Water and Irrigation must relook into the policies that are guiding the management of water.

*(Sen. Kang'ata consulted Sen. Omanga
and Sen. Cheruiyot)*

The Speaker (Hon. Lusaka): Sen. Kang'ata, you have brought a Statement yet you are the one who is causing disruptions. Order!

Sen. Seneta: Thank you, for protecting me, Mr. Speaker, Sir. It is not just the issue of the source of water that is becoming a source of conflict but the management of the human resource in our counties is also being interfered with.

(Sen. Seneta's microphone went off)

Sen. Pareno: Thank you, Mr. Speaker, Sir. I rise to support Sen. Kang'ata on this. It seems that we have a problem with natural resources in this country. Water is a natural resource that does not belong to anybody, but we must manage it in a way that ensures it helps our communities. Kajiado has a similar problem like Murang'a.

Ever since I was born, I have seen water flow from Mt. Kilimanjaro through our parcels of land and it goes all the way to Makueni. This is not to say that Makueni should not have water; neither are we saying that Kajiado should not have water, but we should have proper management. The communities through which this resource passes should also benefit. Is it fair for water from Mt. Kilimanjaro to go all the way to Makueni yet the Maasais from Kilimanjaro all the way to Kitengela do not get any and the water passes through their land? In fact, that water is not even managed by them, it is managed by outsiders. As we speak, there is a problem with the entire Nol-Turesh Water Company management. The Nol-Turesh Water which---

(Sen. Kang'ata consulted Sen. Murkomen)

Mr. Speaker, Sir, if you could protect us.

The Speaker (Hon. Lusaka): Order, Sen. Kang'ata. You are becoming notorious.
(Laughter)

Sen. Pareno: The Nol-Turesh Water Company has a problem. Over 400 workers have been sacked. I am aware of the fact that they are telling people that they cannot provide any services. They are on a go slow and nobody is helping them. There has been no implementation of the resolutions or recommendations by the Water Services Regulatory Board (WASREB).

(Sen. Pareno's microphone went off)

The Speaker (Hon. Lusaka): Time is not on our side. We will finally have Sen. Kihika. She will be the last person to speak on that matter.

Sen. Kihika: Thank you, Mr. Speaker, Sir, for the opportunity to also add my voice to the Statement that has been brought by the very sober Senator of Murang'a County.

(Laughter)

This is an issue that has been problematic and we have seen it on television. We do know that the county government has a role to play in as far as provision of water to its residents is concerned; but there is also a role for the National Government. This issue has to be handled very carefully. Most of you must have heard people say that world war three will probably be fought over scarcity of water. Given what we are seeing, I do not

think that is far-fetched. However, with sober leaders like Sen. Kang'ata in that county, I am sure that he can guide the people and the other leadership so as to make sure that this does not get out of hand.

On the one hand, I do believe that we cannot have a community where water originates being left without water as the water goes to other communities. We must have a provision where the locals are able to enjoy the resources that originate from their areas. However, on the other hand, if we were to follow the direction that the county is taking, then we will have Nairobi County say that they will start charging people for using Jomo Kenyatta International Airport because it is in their County and Mombasa County will start charging people for using the Kenya Ports Authority. Nakuru County may also say that the other counties will go without power unless they leave some money at the source because the Geothermal Development Company (GDC) and the Kenya Electricity Generating Company (KenGen) is in their county. There is something to say for both sides of the debate but we must proceed in a very sober way because water is critical to life.

Sen. Halake: Point of information Mr. Speaker, Sir.

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

Sen. Halake: Thank you, Mr. Speaker, Sir. I want to add a point of information as a Member of the Committee on Lands, Environment and Natural Resources.

Everybody is talking about a county where the water originates but that is not factually correct. The water that flows into Ndakaini Dam comes from the Aberdares. Therefore, even as we talk about the origin of the water and the other resources, let us be careful because the water does flow from other parts of the country as well.

The Speaker (Hon. Lusaka): There is a special request from Sen. (Dr.) Musuruve. That is the last one. You strictly have two minutes.

(Sen. Omanga spoke off record)

Order, Sen. Omanga. If you want to catch my eye, log in your card early and I will see you. You cannot log in your card last and you expect me to give you first priority.

Proceed Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, finally, I have been able to catch your eye. I thank you for this opportunity to comment on this Motion.

Sen. Kang'ata and the people of Murang'a County should know that they have a defender in the House. Water is life.

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

Sen. Cherargei: Mr. Speaker, Sir, this issue that has been brought by Sen. Kang'ata has a national magnitude that could change everything. I request that you could give us the opportunity to ventilate, so that this issue can be dealt with. It is affecting even the water that we are using even in this House. So, allow us to ventilate. The sober Senator of Murang'a County, Sen. Kang'ata, who is newlywed, should be given an opportunity, so that we ventilate properly.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Member! I have been extremely generous. We have gone beyond the time and we must go by our Standing Orders.

(Sen. Cheruiyot approached the Speaker)

You do not catch the eye of the Speaker by walking closer to him.

(Laughter)

Sen. (Dr.) Musuruve, proceed.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I hope you have also taken note of the many interruptions that have come in so that you do not cut me off very soon.

The people of Murang'a County should know that they have a defender in this House. Sen. Kang'ata is talking about an issue that is of importance in this country. The water that serves the people of Nairobi City County comes all the way from Murang'a County. You can imagine the number of people who are served by this water. The issue of water should not have any corruption and in Murang'a County, it should be free of corruption. Conflict should not arise in Murang'a County because if it does, the people in Nairobi City County and many other areas will be affected.

I support what Sen. Kang'ata has said. This is an issue that should be taken to the next level. Apart from this, we need to have policies that can be legislated in Bills so that conflicts related to management of water are resolved, as the sober Senator has said.

The Speaker (Hon. Lusaka): Thank you, Sen. (Dr.) Musuruve.

Next Statement is from Sen. Khaniri.

IMPLEMENTATION STATUS OF THE MINIMUM WAGE GUIDELINES IN THE COUNTRY

Sen. Khaniri: Mr. Speaker, Sir, I thank you for the opportunity. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on the implementation status of the Government set minimum wage guidelines in the country.

In the Statement, the Committee should-

(1) State the level of implementation of the set minimum wage guidelines as enshrined under Article 41(2)(a) of the Constitution, particularly for employees on contract and those working for companies providing outsourced services.

(2) Provide details on how personnel from the National Youth Service (NYS) are remunerated especially those assigned to provide security services in major Government installations, buildings and parastatals.

(3) Give reasons as to why students from the NYS, sponsored by the Government to colleges, were sent home due to delays in paying school fees. (4) Explain measures taken by the national Government to ensure that staff working in companies that are contracted to provide services to organisations adhere to minimum wage guidelines and also make timely statutory payments on behalf of their employees.

Sen. Cherargei: Mr. Speaker, Sir, from the onset, the issue that has been raised is of great importance. I sit in the Committee on Labour and Social Welfare. We need to

agree on issues raised on the Chinese, the Standard Gauge Railway (SGR) and many other aspects now that we have to outsource some aspects of labour. We must agree so that some of the issues that we are facing as a country can be handled at the appropriate time.

I agree with Sen. Khaniri that the Government needs to come in. I remember the Cabinet Secretary (CS), Ministry of Interior and Coordination of National Government was at one point forced to go to the Immigration offices and force out some individuals. We have many people working in this country and those jobs can be done by Kenyans. We need the Government to intervene, so that in line with Article 41 of the Constitution on the issues of labour rights and the Labour Relations Act, 2007, we must re-look at these issues so that we protect our employees and ensure they work in a good environment.

Finally, Mr. Speaker, Sir, I know there are many labour issues. However, as a country, we need to agree on many issues even as we engage in terms of international trading blocks, agreements and signing of Memoranda of Understanding (MOUs). For example, on the SGR, allegations have it that they have failed to do capacity and technological transfer. Secondly, there is the issue of preferential treatment of expatriates and yet some of these jobs like making tea have been outsourced. In terms of remuneration, this is also done in different standards.

As a Member of the Committee on Labour and Social Welfare, we will look into this issue. I thank Sen. Khaniri, my neighbor, for this request. I assure him that we will ensure that the proposals and the way forward that we will give will be earth-shaking and radical to ensure Kenyans are not exploited in the labour market.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support the Statement by my good friend, Sen. Khaniri. We need to make sure that we take care of the welfare of our people by ensuring we have proper guidelines. It is important that this country develops a system where the minimum wage is known out there by employees and employers.

One of the biggest problems that we face in this country is where employees work for a company for many years and--- The situation is different in county governments and the national Government. In fact, we should leave out county governments because they are just beginning the process of setting up pension schemes. When you work for a private company, you earn one salary which you never know when it will ever increase, yet you contribute to the good performance of the company and you are well versed with the income that is streaming into the company.

It is imperative that in this economy where we are all struggling to make ends meet, we need to ensure that when our youth are employed, they understand that if one has served the country for about three years, he or she should be able to, on a yearly basis, see a salary increase in order to better his or her welfare.

Mr. Speaker, Sir, I support this Statement by Sen. Khaniri. I hope that we can once and for all get these regulations which are clear to everyone. We should all know that there are certain regulations that demand that the minimum wage is clearly followed. This is particularly so for the young men and women who come from all parts of the country to the urban areas in search of jobs. You might find companies negotiate good packages with private companies or maybe even the Government but the people who work end up being paid peanuts. So, having these guidelines will ensure that Kenyans know their rights.

I support.

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

Sen. Cheruiyot: Mr. Speaker, Sir, I think that was for an earlier request.

The Speaker (Hon. Lusaka): That is okay. Let us have Sen. (Prof.) Ekal.

Sen. (Prof.) Ekal: Mr. Speaker, Sir, the idea of policies to guide the way our people work in this country is very important. This is in the sense that, poor people and those that are less educated get misused in different places when they work. It has been mentioned that the working conditions of citizens of this country in places where roads are being built are not good. For example, where we have the Chinese, our people work for a long time for very little.

I do not know if it is something that happens in China or just that these people are pushing us down. They do not pay them much and they expect so much from the youngsters that work on those roads. It is very important to have policies that have guidelines that say, for example, for someone working for so many hours, he or she should be paid so much per hour. That way, everybody knows, for example, what they will be paid at the end of a 10-hour work day. Otherwise, without such policies people get abused and misused.

There was an instance yesterday where I was told that there was a fight on one of our roads in Turkana County between Turkana youngsters and some Chinese. I am told somebody got hit with a *karate* blow right to the ground. These are things we do not want to see in this country. The reason for that is because we do not have policies that guide payments per hour for those who work on these particular roads and other projects.

Therefore, Mr. Speaker, Sir, this topic on this particular Bill or Motion is very timely. It is time we started having policies---

The Speaker (Hon. Lusaka): Order, Senator. It is none of what you have mentioned. It is neither a Bill nor a Motion, it is a Statement.

Sen. (Prof.) Ekal: What is it, Mr. Speaker, Sir?

(Laughter)

The Speaker (Hon. Lusaka): It is a Statement Senator.

Sen. (Prof.) Ekal: Mr. Speaker, Sir, thank you. I told you that I am a teacher by profession. In my profession, asking is not foolishness; it is simply trying to get it clear.

(Applause)

I support the Statement because it is very important that our youngsters get paid for what they work for.

The Speaker (Hon. Lusaka): Finally, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, thank you for giving me this opportunity to add my voice to this Motion. Indeed, I want to say---

The Speaker (Hon. Lusaka): Order, Member! It is not a Motion. Pay attention to what you want to talk about.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, thank you; it was a slip of the tongue. I want to add my voice to this Statement that Sen. Khaniri has brought on the Floor of the House. It is a very important Statement. It is addressing the common man. Quite a

number of Kenyans are labourers and there is need for policies to be put in place to ensure that Kenyan labourers are not exploited.

When I am referring to exploitation, there are some labourers who go to work very early in the morning, they leave very late in the evening and even work on Saturdays and Sundays yet they are not paid. There is need to ensure that Kenyan labourers are not exploited so that they have value for their time. There is need to set time for reporting and leaving work and a framework for payment for overtime.

There is also need for us to avoid having labour drain, that is, people being hurt because of giving in so much and receiving very little. It should be clear that labourers have their own needs. They have personal needs just like any human being. Apart from that, some of these labourers have families; they have school going children, bills such as house rent, buying food, clothing *et cetera*. There is need for us, as a Senate, to ensure that the labourers in this country are protected. This Senate has a mandate to ensure that we protect the citizens of this country.

Mr. Speaker, Sir, I thank you for giving me the opportunity to add my voice and I commend Sen. Khaniri for this powerful Statement. I hope that this Statement will not die here, that it shall be followed until the Government does something to ensure that we protect labourers in this country.

Sen. Cheruiyot: Mr. Speaker, Sir, thank you. Earlier on, I wanted to comment but I did not have the courage to do so. I will do so now because I hold a completely different view.

The Speaker (Hon. Lusaka): So, where has the courage come from?

Sen. Cheruiyot: I think it is by sitting next to Sen. Omanga.

(Laughter)

I agree with those who say that we need to look into the issue of labour rights and how we pay many of our labourers and the conditions in which they work in. However, I want to request the Committee that will look into this, to do so holistically where all these sits *vis-à-vis* the global equation of things. I will give a perfect example. In Kericho, the County that I represent, James Finlay, one of the multinationals that operate there, was faced with incessant calls to continue this agitation for wage increase. In the last few years, they have closed three to four of their flower farms and relocated them to Ethiopia. The simple argument being, they do not find it to be globally competitive when they keep on giving pay rises if it is not commensurate to what the company is earning.

Therefore, it is important for the Committee, while they look into the issue of labour rights, to note that labour rights is not just about increase of salary, sometimes it goes into the working conditions. Therefore, I get the view that sometimes when many of us speak, we view labour rights through the lens and prism of how much people are being paid.

It is important for that Committee to have that understanding, so that we do not lose many of our businesses to neighbouring countries. China has succeeded to be in the global economy despite many challenges. It is not because they pay their employees better than the rest of the world but they ensure people work in good conditions, thus making them globally competitive.

The Speaker (Hon. Lusaka): Thank you, Hon. Senators. The Statement is committed to the Standing Committee on Labour and Social Welfare.

The next Statement is by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 9TH OCTOBER, 2018

Sen. Dullo: Mr. Speaker, Sir, I wish to read the Statement for the week. Hon. Senators, pursuant to Standing Order No. 52 (1) I hereby present to the Senate the business for the House commencing Tuesday 9th October 2018.

Before I proceed, allow me to note that, yesterday, the Senate considered and passed a number of Bills at Second Reading, Committee of the Whole and Third Reading. The Bills which went through Second Reading are: The Petroleum Bill (National Assembly Bills No.48 of 2017) and The Impeachment Procedure Bill (Senate Bills No.15 of 2018).

With regards to The Petroleum Bill (National Assembly Bill No. 48 of 2017), a breakfast meeting is scheduled to be held on Tuesday next week where Senators can build consensus on the proposed amendments to the Bill before it is scheduled for Committee of the Whole. I invite all Hon. Senators to attend this important meeting.

Hon. Senators, the House further considered and passed two Bills at Committee of Whole and Third Reading stages, namely: The County Boundaries Bill (Senate Bill No.6 of 2017) and The Office of the County Attorney Bill (Senate Bill No. 3 of 2018). These Bills will now be forwarded to the National Assembly for concurrence.

The Senate also voted to adopt the Motion on the Establishment of Youth Polytechnics in Counties by Sen. (Prof.) Kamar. I wish to thank Hon. Senators for being present in the House and voting on this important Bills and Motion.

Hon. Senators, I will now proceed to the business of the Senate for the coming week. Subject to further directions by the Senate Business Committee (SBC), the Senate will on Tuesday 9th October 2018 consider Bills due for Second Reading and continue with business that will not be concluded in today's Order Paper.

On Wednesday, 10th October, 2018 and Thursday, 11th October, 2018, the Senate will consider business that will not have been concluded on Tuesday and any other business scheduled by the SBC.

Mr. Speaker, Sir, the following Bills are due for Second Reading-

- (1) The Local Content Bill (Senate Bills No. 10 of 2018);
- (2) The Data Protection Bill (Senate Bills No.16 of 2018); and,
- (3) The Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018).

In addition, the following Bills are due for consideration at the Committee of the Whole which the SBC will schedule accordingly as follows-

- (1) The Food Security Bill (Senate Bills No. 12 of 2017);
- (2) The Office of The County Printer Bill (Senate Bills No. 7 of 2018), which requires Division;
- (3) The Disaster Risk Management Bill (Senate Bills No. 8 of 2018);
- (4) The Retirement Benefits Deputy President and Designated State Officers (Amendment) Bill (Senate Bills No. 2 of 2018);

- (5) The County Statistics Bill (Senate Bills No.9 of 2018);
(6) The Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No.12 of 2018);
(7) The Irrigation Bill (National Assembly Bill No.46 of 2017);
(8) The Kenya Roads Bill (National Assembly Bills No.47 of 2017);
(9) The Energy Bill (National Assembly Bills No.50 of 2017) and finally,
(10) The Physical Planning Bill (National Assembly Bills No.34 of 2017).

I urge sponsors of the Bills, including Movers of proposed amendments and pending Motions, to be available next week to enable the House to effectively navigate the various items of business.

Mr. Speaker, Sir, I thank you and hereby lay the Statement on the Table of the House.

(Sen. Dullo laid the document on the Table)

The Speaker (Hon. Lusaka): Let us move on to the next Order.
Hon. Senators, I have reorganised the Order Paper just for the convenience of the House. We will move on to Order No.9 before coming to No.8.
Proceed, Sen. Khaniri.

MOTION

DEVELOPMENT AND IMPLEMENTATION OF NATIONAL DISASTER RISK FINANCING STRATEGY

THAT, WHEREAS Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

FURTHER WHEREAS the Government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

COGNIZANT of the fact that Government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

AWARE that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya, establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

RECOGNIZING, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

OBSERVING, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

NOTING that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions

and assistance, in any form, from individuals, public authorities and private bodies;

APPRECIATING, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

FURTHER AWARE that Emergency Fund is a substantial proportionate Vote Head in both the national and county government budgets;

CONCERNED, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

NOW THEREFORE, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post-disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

(Sen. Khaniri on 3.10.2018)

(Resumption of debate interrupted on 3.10.2018)

Sen. Khaniri: Thank you, Mr. Speaker, Sir. I have 15 minutes to reply to this Motion. However, I seek your indulgence. This Motion has not received justice. I moved it yesterday and it was seconded by Sen. Halake and temporarily adjourned. By the time we came back to it, most Members had left so it came to a close. I know there were many Members who had an interest in it. They did not get a chance to contribute, yet the Motion has been closed.

I, therefore, want to seek your indulgence that instead of using my 15 minutes to reply, I would rather we use them to get some more ideas from Members who have an interest. I can then use two minutes to reply.

With your indulgence, I have requests from Sen. Olekina, Sen. (Rev.) Waqo, Sen. M. Kajwang' and from my neighbour Sen. Cherargei. I will give each three minutes.

(Sen. (Dr.) Musuruve made a hand gesture)

Mr. Speaker, Sir, I have so many more requests!

The Speaker (Hon. Lusaka): Okay, make it two minutes if you want to give them a chance.

Sen. Khaniri: Mr. Speaker, Sir, two minutes for those I have mentioned and then Sen. (Dr.) Musuruve for another two minutes.

Thank you, for your indulgence.

The Speaker (Hon. Lusaka): What is your intervention, Sen. Cherargei?

Sen. Cherargei: Mr. Speaker, Sir, it is not an intervention. I am queuing to be the first to contribute.

The Speaker (Hon. Lusaka): Okay, proceed.

Sen. Cherargei: Mr. Speaker, Sir, from the onset I thank Sen. Khaniri for bringing this Motion. I have looked through it and I think it has come at the right time.

Members have an interest to look at this issue. I agree that as a country, we still have a long way to go in terms of disaster management. It has to be noted that disaster starts from the prevention level then we move to response and the third level, which is recovery

As we talk, the Kenya Red Cross Society (KRCS) has a donation of around Ksh7 billion that is not mainly funded by the Exchequer. For the last few years this had fallen to less than 50 per cent.

We know that most of the organisations, including the KRCS, have not had an opportunity to get the necessary funding and attention especially in some of the disasters that we have had. This also applies to the issue of prevention.

Mr. Speaker, Sir, we remember that in any disaster, most damage and loss of property and lives occur in the first one hour. These disaster response units need the money or any other support immediately so that they can react and do timely response or rescue at that point.

Within the first one hour, there is always huge damage, loss of life and property. In this Motion, we should at least ensure we give more and timely funds so that they can respond at an appropriate time.

Coming to the prevention stage, just before a disaster occurs the KRCS and other agencies have trained young people. I remember when disaster occurred in Cherondo in Nandi County where there was a landslide, the people who had the necessary skills and impact; from prevention, response to recovery---- That point of recovery is very important because most of the young people need to be trained, so that at that opportunity they can assist.

Mr. Speaker, Sir, most of the communities---

The Speaker (Hon. Lusaka): Order, your time is up! Sen. Cherargei you will interfere with other contributors. Let us have Sen. Olekina.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support this Motion by Sen. Khaniri on the importance of recognising the work that is done by the KRCS. We all realise that in this country we have had a very haphazard way of dealing with disasters.

Every year, mostly in the pastoralist areas, in the months of February and March, the entire country is littered with carcasses of animals and people suffer. That is the time when everybody starts talking about needing help. We may want to look at that broadly and ask ourselves what it means for us to be "disaster prepared".

Mr. Speaker, Sir, disaster is not only drought or floods. It encompasses the way we live and how we take care of these issues. I agree with Sen. Khaniri when he says that it is now time for us not to remain ignorant but to focus on how our county governments handle disaster preparedness and put this in their plans. They should also incorporate the work done by KRCS - an organisation that has really gone out there. Recently, when we had the crisis in Narok County, I reached out to Mr. Abbas Gullet who was able to come out there and support.

Mr. Speaker, Sir, it is important for the national and county governments to work together, link up their budgets and agree that: "We can give this to the KRCS or avail money in our budgets so that if need be, the KRCS can be outsourced to come and help

solve a problem.” This is important and we cannot ignore. The KRCS has done it very well.

Thank you, Mr. Speaker, Sir, the two minutes are over.

The Speaker (Hon. Lusaka): Proceed, Sen. M. Kajwang’.

Sen. M. Kajwang’: Thank you, Mr. Speaker, Sir. I rise to support this Motion. The question I pose is: Should counties engage the Kenya Red Cross Society (KRCS) when it comes to disaster management, provision of ambulances and related services? We have two examples. Mandera and Kisii counties signed up with the KRCS to provide disaster management, ambulances and related services. There are many counties in this Republic that go and buy contraptions and put a Red Cross sign on them and call them ambulances. The Governor for Mandera County was a bit jittery because the Auditor-General had indicated that it was irregular to procure the services of the KRCS.

If we are to achieve the objectives of this Motion, of providing alternative financing for the KRCS, we must encourage counties, that instead of buying funny vehicles from India and painting them red, they should engage the KRCS that already has the expertise and capacity to provide these services. We have seen this in Mandera, Kisii and several other counties. There are counties that have bought things that they call ambulances that cannot rise to the occasion. If we want to support the KRCS, let us encourage counties to use the KRCS to supplement their activities and plans in disaster management.

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

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir. I stand to support this Motion on the Development and Implementation of a National Disaster Risk Financing Strategy. As many Members have already said, the KRCS is one organisation that has always been there for Kenyans. When any disaster happens in this country, the first organisation that comes into our mind is the KRCS. Even before it comes to our mind, they are the only ones we always find on the ground.

Mr. Speaker, Sir, again, it is the only organisation that has no limit. I come from one of the remotest areas of this country. When we received many refugees from Ethiopia, the KRCS was there at the border of Kenya and Ethiopia, trying to feed people, dress the children who were there and providing for all their needs. In fact, it was at that time that I was touched fully by the presence of the KRCS in every part of this country. Therefore, I support this Motion and appreciate Sen. Khaniri who has brought it to this House.

Mr. Speaker, Sir, when drought happens in this country, many of us suffer. During drought, we lose our animals. Some people have also been victims of floods, fires and other disasters. The worst part of it is that as a nation, we have never prepared ourselves to deal with disasters. We even take time to respond. We know that the KRCS--

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The Speaker (Hon. Lusaka): Your time is up.

Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: I am humbled, Mr. Speaker, Sir. Thank you for this opportunity to add my voice to this Motion. I thank Sen. Khaniri for brining this Motion. I look at this Motion from a humane perspective. We are all human beings and when disaster comes, it takes one aback.

There are always these questions: “Really, has it happened? Is it true? What does the future hold for me? Where do I go?” Disasters confuse people. Disasters also retrogress economic development of individuals, society and even a nation. For that reason, there is need for us to see how we can allocate sufficient money for organisations that deal with disasters, to see how to address this issue.

Mr. Speaker, Sir, there is a disaster that recently befell one of us. Sen. (Dr.) Milgo woke up one morning and her house was on fire. She did not know what to do next. Thank God because we rushed in to see how to support her. A common Kenyan has nowhere to go. Therefore, there is need for funds to be set aside and for the county governments, to ensure that they are supporting in this venture of ensuring that disaster does not go far.

Additionally, there is need to strategise. Strategy on its own is not enough. Money has to be involved. There is also the issue of financial implication. By the time a disaster happens, it sometimes affects families in a very big way. For example, if a firm goes on fire and the breadwinner ---

The Speaker (Hon. Lusaka): Order, Sen. (Dr.) Musuruve. You are off the record. Proceed, Sen. Dullo.

(Sen. (Dr.) Musuruve remained standing)

Sen. Dullo: Your time is over, Senator. Please sit down.

Mr. Speaker, Sir, I congratulate Sen. Khaniri for this Motion. This is a really important Motion because we have a lot of challenges on the ground especially in the counties. Counties are allocated a lot of money under disaster management and emergencies. Unfortunately, that money is not utilized properly for the purpose it is intended for. This is critical because the KRCS is everywhere in this country. If we can partner with the counties, we can give proper service delivery in our country and in our counties.

As Sen. Waqo has said, for some of us who come from pastoral communities, every now and then there is an emergency and the money is not utilized properly. Some of the governors have supplementary budgets every now and then to take care of emergencies. It is high time that this money is allocated in partnership with the KRCS so that we can have better service delivery in our counties with proper accountability.

I thank you, Mr. Speaker, Sir.

Sen. Khaniri: Mr. Speaker, Sir, let me take this opportunity to thank all the Senators who have made their contribution to this Motion starting from those who spoke yesterday, my seconder Sen. Abshiro Halake, Sen. Cheruiyot, Sen. Pareno, Sen. (Dr.) Langat and those to whom I have donated time to today. There is no doubt in my mind that we have all spoken with one voice. We have underscored the importance of the KRCS. We all appreciate them and agree that they are always the first respondent on the scenes of calamities and, therefore, the need for them to be incorporated into our national budget.

Mr. Speaker, Sir, the ideas that have come on the Floor of the House have enriched my thoughts on this matter. I have been thinking about this matter for a long time. As I said yesterday when I was moving this Motion, we had intended to bring a Bill, together with Sen. Abshiro, on the same so that we can create a legal framework.

However, talking to some legal minds here like Sen. Wetangula and Sen. Mutula Kilonzo Jnr., they say that instead of a new Bill, we could as well amend Cap.256 that created the KRCS to make sure that we have this provision.

Mr. Speaker, Sir, I promise the House that we will move with speed to ensure that this is done so that we move away from the reactionary culture of responding to calamities to coming up with a proactive strategy to combat disaster and calamities.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, we have come to the end of debate. Therefore, pursuant to Article 123 of the Constitution and Standing Order 79, I rule that the Motion does not affect counties. This means that each Senator has a vote.

(Question put and agreed to)

BILL

Second Reading

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

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I beg to move that the Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018) be now a read Second Time.

Mr. Speaker, Sir, I urge my colleague Senators to kindly indulge me in the next 10 or 15 minutes as I present to them why it is important to consider, protect and take care of the older members of our society.

Mr. Speaker, Sir, it is a fact of nature that we can avoid almost everything else in life, apart from death and taxes. However, one of the things that you can never run away from is getting old; and that is the reality of life. Therefore, it should bother us – as young as some of us may be – that we shall one day be old, and we will need a society to take care of us and consider us worthy of respect and dignity.

Mr. Speaker, Sir, other parts of the world have come up with systems that provide the framework needed to take care of older members of the society. This is so as to ensure that in public spaces, they are accorded the kind of dignity they deserve. Even in places that are ordinarily not known to be of order, for example, in bars and sports stadiums, countries that are more organized have spaces where older members can sit, relax and enjoy their beer or anything else; and this is properly provided for by law.

Thanks to our culture, our society has not thought through whether it is important for us to have a legal framework that will ensure that the rights of older members of society – as provided for in Article 57 of our Constitution – are properly guaranteed to them.

Mr. Speaker, Sir, one of the ways of taking care of the older people is by putting them in homes for the elderly. What framework exists in our country to ensure that such homes are properly governed? What framework exists in our country to ensure that we do not have people taking advantage of the old by setting up homes, just because it is a thriving business? We may not accept it now and it may look like a far-fetched idea. I, for

example, cannot imagine that 50 or 60 years down the line, when I am no longer strong and able, my children will take me to a home for the elderly to be taken care of.

It looks like a far-fetched idea. However, the truth of the matter is that as societies continue to evolve, that kind of African communal culture that we are so used to – where you know that you have your home somewhere out in the village where you will go and relax in your old age – is unfortunately waning off.

It is, therefore, important for us to begin having this discussion with a view to providing a legal framework for those who will establish such homes. This framework will also guide how old people will be treated in social places, for example, in public fora and social amenities; and also outline what is guaranteed to them as older members of society.

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

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

Madam Temporary Speaker, I thank the drafters of our Constitution for thinking about this. If you read through Article 57 of the Constitution of Kenya, it provides that:-

“The State shall take measures to ensure the rights of older persons—

- (a) to fully participate in the affairs of society;
- (b) to pursue their personal development;---”

That is, whatever a person feels is assured to them at the age of 80 or 90. For example, is the Nairobi Central Business District (CBD) friendly to older members of the society? What can be done to make it friendly? If you think about our public places – like banking halls and theatres – are there specific designated areas that are important for older members of society when they show up? Or should we leave it to the African customs and culture, where we know that we have to respect and treat the elderly in such a respectful manner?

Back in the days, Madam Temporary Speaker, it was the norm rather than the exception that, for example, if a younger person is using public transport and an elderly person walks in, they should stand up and let them have the seat. However, this is no longer the case. We live in a society where people have become individualistic and they no longer see each other as one community. Therefore, it is important to provide the legal framework necessary to ensure that older people in the society are taken care of.

Lastly, Madam Temporary Speaker, Article 57 of the Constitution also assures older persons that-

“The State shall take measures to ensure the rights of older persons-

- (c) to live in dignity and respect and be free from abuse; and
- (d) to receive reasonable care and assistance from their family and the State.”

It would be good for a family to take care of its elderly persons. However, the State also has to take care of its elderly people. We have to accept that the reality of life is that not every older person of society will have a family that will take care of them, provide for them and guarantee them their rights. Therefore, this Bill seeks to explicitly provide

the necessary legal framework for the establishment of a system for the care and maintenance of older members of society.

Madam Temporary Speaker, Part I of the Bill deals with the usual preliminary definitions, for example, who an older member of society is, as well as the objects and purpose of the Bill. Part II of the Bill breaks down the specific rights conferred upon older members of society pursuant to Article 57 of the Constitution. It specifically sets out the duties of national and county governments with respect to the realization of the rights of the older members of society as given to them. It provides and even segregates what is expected of the national Government to do to ensure that the rights of older members of society as enshrined in our Constitution are guaranteed; and what is expected of a county government.

Madam Temporary Speaker, as we pass laws in the Senate, we must remember, as the primary custodians of devolution, that we must ensure that devolution continues to receive support by providing the necessary legal framework for counties to implement the same as well.

I would like to think of our Constitution as a body skeleton of laws. Therefore, giving it flesh and life depends on the Senate and our county assemblies. We can only legislate and think through what it is that we, as the Senate, can provide and give the platform for the 47 county assemblies in the Republic of Kenya to go down to details and take care of all the cultural sensitivities in the counties, the various diversities in terms of religion and all the other aspects. For example, what is it that suits the members of Homa Bay, Taita-Taveta or whichever other county? That is what Part II of this Bill does for us.

Madam Temporary Speaker, Part III of the Bill provides for care of members of older societies, particularly the establishment and implementation of community and home-based care programmes for older members of the society by the national and county governments. This Part prohibits the abuse of older members of society and defines which acts constitute an abuse. Whether in a public gathering or county government function, we do not look at the sensitivities that come with being an older member of the society.

For example, whenever the county governments conduct public participation forums, either on the budgets and other matters, the planners do not go to the level of thinking through that even older members of the society will have a thing or two to say about the Bills that are being processed. Therefore, they do not provide even social amenities, including things as basic as toilets, yet they know at a certain age, say, 85 or 90 years, one cannot go to public places if they are not assured of finding somewhere to relieve themselves. Such sensitivities may look like too farfetched or luxurious when you are still young and energetic and still in control of all your bodily functions, but as you age, these are things you need to consider and think through.

Part IV of the Bill outlines the process of registering homes for older members of society. It sets out the procedure for making an application and registration. It sets out the conditions that will be required to be met before registering a home for older members of the society. As the society continues to change, things that were previously unheard of come into play. Previously, we never had safety nets to ensure that the older members of society are protected and not taken advantage of, but that is not the case anymore. We have to be alive to the realities of certain things that have been done to older members of the society.

It might have been unheard of back in the day to hear that an old grandmother of 80 or 90 years has been raped or even killed, but it has become common practice nowadays. Even for those that are setting up these homes for the older members of the society, it is important for them to be taken through a rigorous registration process, for example, to ensure that the rooms that are provided for the older members of society meet certain specifications and conditions.

There is need to establish the motivation for setting up a home for the older members of the society. If I were to set up such a home, it will be important for me to give a justification before the approval committee. This will ensure that we do not have people taking advantage of our older members of the society or doing what has been heard of in other countries. We have heard of older members of society being put in a particular room and many evil things being done to them. There is even organ harvesting and such kind of things. Therefore, this committee will ensure that for every person who has a license to operate a home for older members of the society, such a home is properly vetted and that he has the right motivation for setting up that particular home.

Part V of the Bill sets out the qualifications for managers in the management of a home and services. One of the requirements that one will give is to say: "I have my manager who is taking care of X, Y, Z home for the older members of society. You will need to present their qualifications and what it is they have studied.

Given that as we age we get prone to ailments, it will be important to have people who have studied homecare nursing and such kind of detailed specialty to be employed as managers. We should not have cases where one sets up a home for the elderly and tells a cousin or niece, who is idle at home: "Please, sit there and take care of these old people." That is not what we are envisioning with this Bill. We need well trained professionals to take care of the elderly in these particular homes.

Part VI of the Bill provides for monitoring and evaluation for homes of older members of society. It aims to ensure that the homes for older members of society meet the safety standards and, therefore, guaranteeing the safety of older members of society residing in the home. It also provides for the appointment of inspectors who can show up any day and just check. People can meet all the requirements, as they set up a home, but as time goes by they do not maintain the same standards. Therefore, it is important to have inspectors who will go round and ensure that during any spot-check that they carry in the home, the standards that are needed are maintained.

Madam Temporary Speaker, Part VII of the Bill deals with miscellaneous provisions, which include the manner in which matters concerning older members are to be resolved; taking into account the unique needs of such persons. It provides for the non-money status for the Bill.

Finally, Part VIII of the Bill makes provision for transition of existing homes that are currently registered. We do have homes that are registered and, therefore, it is important to give a framework of what will happen to them and what will be the re-evaluation of their licenses. If there are things that they need to amend and ensure that they provide what is needed before their license can be renewed, that is provided for in this Bill.

Therefore, it is important, as we legislate, to think through what our Members of County Assemblies (MCAs) as well will be able to do and even improve and better this

law; localize it and ensure that much as we are Africans and may not be very sensitive to such emerging world trends, we should be prepared.

I want to urge my colleagues that we should not pass this Bill, so that in the next ten or 15 years, depending on our age, our children will take us to homes for the elderly. We are legislating thinking about the future. It may not happen to us, but it is something that will be important and necessary.

Madam Temporary Speaker, a few days ago we had a seminar where we were discussing about alternative ways of dispute resolution. Previously, in traditional African societies disputes could easily be resolved by having parties sitting down to discuss. There are even sayings from such gatherings, where we say, for example: "Where elders are gathered nothing can go wrong." This is because traditional African societies placed a premium and gave so much respect to older members of the society.

Unfortunately, that has waned off with the emerging trends of the world being competitive and everybody wanting to push ahead in life, such that as you get old, nobody thinks about you. With the passage of this law, we will return this premium to the older members of society, where they will be respected and treated with dignity. They will also offer us the solution to challenges we face in society.

One can decide to quietly live their life if nobody cares about them despite the fact that they might have solutions to the challenges that the society continues to face. This happens when they feel that nobody respects them or gives them the stature that is required. Sadly, that is how many members of society have chosen to live.

Nonetheless, if we give them their place of pride in society, they can address the intertribal conflicts in the country such as the ones that we have in Nakuru and Isiolo. If we had a law and framework for older members of society to be respected, be given a place to gather and their place of pride in society, we would not be having that kind of conflict.

With those many remarks, I urge Senators to enrich debate on the contents of this Bill. They should feel free to contribute ways in which we can make it better so as to give our older members of society a law that they can be proud of.

I beg to move and call upon Sen. Dullo to second.

Sen. Dullo: Thank you, Madam Temporary Speaker. I take this opportunity to thank Sen. Cheruiyot, the Senator for Kericho County, for this wonderful thought.

When people hear that the Senate is coming up with this Bill, they might think that it is a wild thought having in mind that we are in an African setting. However, this is a wonderful thought and this is how many jurisdictions in the world are helping their old people.

When people get to old age, so many things happen. Some of them become sick and are unable to move around the house hence they need somebody to take care of them. There are some whose children have grown old and have left them while some have left their spouses and are now on their own. It is high time that we took care of our elderly people. This Bill sets a legal framework for us to come up with proper mechanisms of taking care of our elderly in order for them to live a life of dignity and respect.

I once attended Mashujaa Day in my County where the elderly people were paraded as the *shujaas* of that county. What happened there was terrible for they were paraded without proper recognition. Most of them looked miserable. They did not have clothes and most of them did not have homes. Those old people do not have anything to

take care of and they look very sick. It is a high time that we celebrate Mashujaa Day and I urge Sen. Cheruiyot to think about that. What do we mean by Mashujaa Day? How do we recognise our elderly who are our *shujaas*? How do we appreciate them?

That is the thing that shocked me when I attended Mashujaa Day in my county. I later requested the County Government to come up with a strategy of how we can help our *mashujaas*. These are people who were in high positions in the society and Government but they are left on their own at the retirement age.

I like the responsibility that is put both on the National Government and county government in this Bill. The current situation is that the National Government is the one that is expected to take care of the elderly. It is important that this be cascaded down to a point where the county governments will allocate money for taking care of these elderly people in its budget. That is the bit that I liked.

I also liked the aspect of protecting the rights of the elderly people within those counties. The Bill provides for what constitutes an abuse. As the Mover has said, the rights of those elderly people, especially women, are violated even by young people, their grandchildren or passers-by. This Bill clearly points out what constitutes an abuse. If they are put in proper homes, they will be protected within the settings of the homes that are provided.

The other issue is registration of homes. There are challenges that most institutions go through during registration but I like the provision within the Bill which states that if your registration is rejected, there must be review mechanisms in place for you to reapply and see that you have managed to go through the registration process. The other thing that is important in this Bill is the requirement that the current homes be registered by the county governments if they meet the requirements. This is something that will be useful for the elderly people in our societies.

The Bill also provides for Monitoring and Evaluation which will make sure that those homes are properly taken care of. There is a monitoring mechanism in place and safety requirements provided for the homes to take care of those elderly people. Currently, there is some money that is allocated to the elderly for healthcare services through the National Hospital Insurance Fund (NHIF) and the Ministry of Labour and Social Protection but I feel that we need to have better structures in place on how this money can benefit the elderly, especially those who are sick for that money is available. Most Kenyans do not know that the money is available under the Ministry of Health and Ministry of Labour and Social Protection. The key thing to consider is transparency in terms of how that money is utilised and allocated to individuals who benefit from it.

When we talk about these homes, some people think that we are talking of some secluded places. I would want to urge the Mover of the Bill that we should come up with homes that fit within our African culture and settings or within a certain estate, community or culture. Where I come from, people live in manyattas and they sometimes live in those manyattas because of certain reasons which could be security or tribal setting. It is, therefore, important to customise those homes within the setting of an African culture.

Without much ado, I support this Bill and when we get to the Third Reading, we should capture most of the things that the Members have contributed so as to enrich it for it to be suitable and useful so as to protect the rights of our elderly people in our country. It is important that we support this Bill.

Madam Temporary Speaker, I beg to second.

(Question proposed)

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to debate on this Bill. I thank Sen. Cheruiyot for coming up with it. The issue of age is a global concern. When I went to London for the Disability Summit, I remember meeting a Kenyan retiree who was working there. She told me candidly that she had opted to stay there and that she cannot come back to Kenya because she knows the problems she will face during old age. According to her, the aged in London are well taken care of in terms of medication, food and any other needs.

Madam Temporary Speaker, this nation has to come to that level where we are concerned about our aged. We, in this Senate, need to ensure that we walk the talk with regards to the provisions of the Constitution. The Constitution is well meaning and it clearly stipulates the rights of the aged in Article 57, and these rights include respect.

Madam Temporary Speaker, I heard the Mover talking about the neglect of the elderly. I remember, during the olden days when we were travelling in a bus and you spotted an elderly person standing, we would rise for the person so that he or she could sit down. However, this no longer exists. Therefore, as we talk about this Bill, we have to ensure that the component of respecting the aged in our African culture is also factored in. It is very important that as we take care of the aged, we also see how we can get the maximum that we can from them.

Madam Temporary Speaker, the aged are neglected everywhere. I remember at one point when a friend wanted a bank loan, but they declined her application because she had about five years to retire. It does not mean that when you are aging, you have reached your optimal in terms of development. We need to ensure that the aged participate fully in the society and avoid saying that someone has reached the optimal and cannot participate in economic development. There is need for the Senate to address this issue, so that the aged live gracefully and feel accepted in the society. I support this Bill because of the value it will bring to the aged people. They have a lot of wisdom and we need to see how we can tap it from them. We can only do that by staying close to them.

Madam Temporary Speaker, there was an issue of great concern in the Committee on Labour and Social Welfare and in the Committee on Education, where we felt that the Abasuba language has become extinct. Why is it extinct? Where are the aged? They were not brought on board, because when you bring them on board, they will leave something for us to share with the next generation about ourselves and our children.

Madam Temporary Speaker, in as much as this Bill is talking about homes, I want Sen. Cheruiyot to factor in the fact that there is need to invest in gerontology, which is the scientific study of old age. When people get old, there are many things that come into place psychologically and physically. Therefore, there is need for gerontic nurses to be employed to ensure that the needs of the aged are taken care of so that we can get their blessings. This will ensure that the aged are not just dumped in a home without the necessary care. It should not be a situation where they have been left in the homes without people to take care of them, ending up cursing their children and grandchildren for neglecting them. It should be a situation where they feel that they are in that home because everyone, including their families, the society and the nation mean well for them.

Madam Temporary Speaker, there is need for a kitty to be set aside at the county level so that people at the county level can also ensure that their aged are taken care of and respected. This will also ensure that our aged play a role in the economic development of this country. There is usually a special neglect of the aged, and this Senate must ensure that this does not continue by ensuring that the aged are taken care of. We need to ensure that we tap into the information they have. We also need to sure that they are facilitated to play the important role they have in this country because they are an integral part of a nation.

Thank you, Madam Temporary Speaker. I strongly support this Bill.

Sen. Pareno: Thank you, Madam Temporary Speaker for allowing me to contribute to this Bill. I thank Sen. Cheruiyot for coming up with this important Bill.

Madam Temporary Speaker, I am happy that, finally, we are seeing the results of passing the Constitution 2010. This Bill comes to actually implement Article 57 of the Constitution which reads as follows-

“57. The State shall take measures to ensure the rights of older persons-

- (a) to fully participate in the affairs of society;
- (b) to pursue their personal development;
- (c) to live in dignity and respect and be free from abuse; and
- (d) to receive reasonable care and assistance from their family and the State.”

If you look at every Section in this Bill, it actually talks about this particular Article of the Constitution. I am, therefore, happy that the Constitution is being implemented through this Bill.

Madam Temporary Speaker, I remember that as we campaigned for the Constitution 2010, one of the campaign tools that some of us used for it to pass, while talking to the old, was to tell them that it will have a provision that ensures that the old will be protected and cared for. I am, therefore, happy that this is coming to fruition. This is because through this Bill, we shall realize the promises we made to the electorate about the Constitution 2010, which is very robust and ambitious and which takes care of the interests of each and every person in society.

Madam Temporary Speaker, I am a bit apprehensive, and there will be many others who will be like me; those who are conservative. I shudder to imagine that I can take my parents to a care centre because I feel it is not traditional and it is not in my culture. It is actually a curse if you do not take care of your parents. We believe that if you leave them to suffer there, a curse will come upon you and your children. I know that we will have a lot of cultural issues here, but I understand that we are a diverse nation.

There are those who can happily take their parents to a care centre while there are those who believe in traditions, who will fear those curses. There are also those who will not do it out of the love and care they have for their parents. However, I am happy that this Bill has given us all the options. It has given us the option of taking them to that care centre which is manned by some professionals.

We can also do what I love most – community care or home care – where you will be guided, and where the county is being asked to provide the necessary services and support for us to take care of our parents within our homesteads. I am, therefore, happy about that, otherwise I would feel so uncomfortable to actually support a Bill that takes

away my own parents to some strange hands. I would be happier taking care of my parents while getting the technical support that I might not have at home. Therefore, the home care bit is wonderful, because I have seen that it provides for medical intervention.

This Bill provides for medical and nutrition intervention, nursing and also promotes awareness for purposes of how to treat such people. Probably there is need for some training on how our people can be sensitised on how best to take care of our parents.

Madam Temporary Speaker, there is a day we came in here wearing headscarves. I can remember that you were in the lead group. As we came in, the men were happy and they also wanted to wear the headscarves. I heard most of them say that we looked like our mothers. We love our mothers but unfortunately I did not hear them say that they love their wives. I heard them say that; "We love our mothers and we are proud to wear these scarves because we love them so much."

This kind of law will ensure that we all extend that love, protection and care that we want and feel for our parents. It will also enable us to take care of them even at home. We will only take them to homes for the elderly where probably it cannot be avoided. I know this is a Bill that will be supported by Members, considering how they reacted that day by saying that we looked like our mothers when we wore the headscarves.

When I went to Australia with a Senate team to watch the Commonwealth games, I saw a lot of old but fit people offering voluntary services. In fact, I had a chance to talk to some of them. The ones I talked to were ex-soldiers and ex-social workers and they were giving a lot of support during the games. When I asked them whether they are paid, they said that they had volunteered. They said they wanted to participate in the development of the society.

Older persons in our society do not have space because we do not give them space to participate in the development of our society. Immediately one retires, it is like they should go back home and look after cows. These people are experts because they have the knowledge and the expertise. Some of them are fit to continue serving this country if given space. They can even volunteer. It is not just a matter of being paid to work in that country. They said they were volunteering to serve the nation to ensure that the nation continues to develop.

There is a provision here that we should give them room to participate in nation building. This is a Bill that will give our older persons, with the little energy that they have, to participate in building the nation and keep them busy by having them to offer voluntary services. So, this law will be handy. It will give them space and enable them to impart the rich knowledge that they have. Most of them are still fit by the time they retire and they can still impart the knowledge they have. They can give us a lot of information in terms of how to handle this society.

When we were growing up, we used to have sittings with older persons who used to tell us old stories of how things had evolved in the society. They also taught us about manners and how to behave. However, these things are long gone. Probably, this is a Bill that will create space for them to continue nurturing and bringing back the morals that we need in this society.

We are losing many people because of immorality. The results are the kind of deaths we have because our young girls are being killed left, right and centre. Maybe it is because our children do not have the necessary guidance. Given space, the older persons

can impart the moral standing that we need in the society and bring back our cultural values through the space that will be created by this law.

Part III of this Bill provides for the legal basis to do what is already happening on the ground. We know that there is some stipend that is given to the older persons. The chiefs have a problem in finding a way of enlisting and how to register them. They are still struggling. This Bill should have regulations on how the counties should identify the older persons, train them properly and ensure they access the funds.

I have cases of people who come to my home to say that they were told that they were enlisted to receive some stipend from the Government but they do not know how to access it. Some of them say that they are required to open bank accounts in Kajiado. Sometimes they look for you deep inside the village and you have to give bus fare to that old man, get his son or daughter to escort him to go and open an account and process documentation for him to get the stipend that the Government is giving.

Not all of them are getting this stipend. It is just a few people. Sometimes it is given according to who people know. At the end of the day, there are those who are suffering. Sometimes stipends are given to those who can take care of themselves when there are others who are needy. This law will give a legal basis for us to roll out the programme that the Government is already carrying out by giving support.

I have seen a provision that we need to give financial support to add to the meaning of life of the older persons. It goes further to say that they should have spiritual nourishment and access to civic rights, medical and social services and nutritious food. If this is implemented, we will have lived the dream that we have in our Constitution; that our old shall not be mistreated and abused but they shall be our gold in this country.

I support, Madam Temporary Speaker.

Sen. Mwaruma: Bi. Spika wa Muda, asante kwa kunipa muda huu kuchangia Mswada huu unaohusu wazee. Kwanza, watu wazee ni baba, mama, nyanya na babu zetu. Nakumbuka nikiwa mdogo, nyanya yetu alikuwa mzee sana. Kazi yake ilikuwa kutuomba sisi watoto wa mtoto wake. Kwa hivyo, jukumu hili lingefaa kubakia kwa watoto, wajukuu na vitukuu. Hata hivyo, haiwezekani vile hali ilivyo.

Mara kwa mara tunasikia habari za vifo vya ajuza ambao wametelekezwa. Watoto wao wa kike wanapoolewa, ajuza huwachwa peke yao. Wakati mwingine wao hubakwa na kunyofolewa sehemu zao za siri.

Mswada huu utachangia pakubwa kuweka viwango vya makao ya wazee ambao ni mama, baba, nyanya na babu zetu. Tayari kuna makao ya wazee. Kule kwetu pwani, ukiita mtu mzee, atakwambia wazee wako Chuda kwa sababu kule kuna makao ya wazee. Iwapo mtu anataka kuanzisha makao ya wazee, kuna vigezo atakavyo takikana kuzingatia kabla ya kupewa fursa ya kuanzisha.

Vile Sen. Cheruiyot amesema, sheria hii si ya wale wazee ambao wako peke yao bali hata sisi ambao saa hii ni vijana wenye nguvu lakini wakati utafika na tutakuwa wazee pia. Je, tukiwa wazee tungependa kuishi katika mazingira aina gani?

Kule kwetu nilimuona mama mzee wa miaka 130 ambaye alikuwa hajiwezi. Hangeweza hata kugeuka. Watoto wake walijiri kijakazi wa kumpeleka nje aote jua, kumpatia chakula na kumrejsha ndani ya nyumba jioni. Je, kama wale watoto hawakuwa na uwezo wa kumuajiri kijakazi, yule mama angeishi maisha ya aina gani?

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

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

Nimeona katika pitapita zangu mtaani mzee aliyekuwa na nguvu zake za kufanya kazi, lakini ametelekezwa na watoto wake. Kuna funza kwa miguu, mikono, tumbo hadi katika sehemu nyeti. Mswada huu utamsaidia mtu kama huyo ili aishi maisha ambayo ni ya kibinadamu. Itamuwezesha kuchangia katika maendeleo ya taifa letu la Kenya.

Bi Spika wa Muda, tayari kuna miradi ambayo inaendelea ya kusaidia hawa wazee. Serikali Kuu inatenga kiasi kidogo cha fedha, labda Kshs2,000 au Kshs3,000 ya kuwapa wazee ambao wana zaidi ya miaka 70. Hata hivyo, pesa hizo haziwezi kumsaidia mama kupika chakula, kunua dawa, kuoga au kuajiri mjakazi. Kuna serikali za Kaunti ambazo zinatoa madawa ya bure kwa wazee. Hata hivyo, hata upewe dawa na hauna chakula pale nyumbani, yale maisha bado yatakuwa ni ya uchochole.

Badala ya Serikali Kuu na serikali za gatuji kupeana pesa katika njia ambayo haina mpangilio kamili, Mswada huu unaweza kusaidia pakubwa kutenga pesa ambazo zitapelekwa kwa nyumba za wazee na kuajiri watu ambao wana tajiriba au uwezo wa kuwatumia wazee ambao ni baba na mama wetu. Kwa hivyo, ni muhimu sana kuwa na sheria ya kuangalia jinsi tutakavyowatumia wazee wetu.

Namshukuru sana Sen. Cheruiyot kwa kuleta Mswada huu. Nilikuwa nataka kuanzisha nyumba ya watoto ambao ni walemavu, lakini nikaambiwa kwamba siku hizi zimesimamishwa. Niligundua kwamba hakuna sheria inayosimamia nyumba za watoto kama wale na pia nyumba za wazee. Kwa hivyo, hii sheria itatusaidia kuangalia maslahi ya wazee wetu tukikumbuka kwamba ni haki ya kikatiba kuishi maisha ambayo ni ya heshima na yanayoweza kuwasaidia kuchangia katika maendeleo ya nchi yetu ya Kenya. Kuwatumia wazee wetu ni jambo ambalo liko katika *Article 57* ya Katiba yetu.

Tukipitisha Mswada huu ambao unaitwa "*The Care and Protection of the Older Members of the Society Bill*" maisha ya wazee wetu itaboreshwa.

Nashukuru, Bi Spika wa Muda.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker for giving me this opportunity to make my contribution on this Bill. Unlike in the traditional world where families used to take care of their aged with a lot of dignity and respect, a lot of things have changed. A lot of challenges and poverty have robbed the African society's dignified ways through which they used to take care of the elderly people.

The old people are our great heritage, reservoirs for wisdom, tradition and culture; they are our parents, as Sen. Mwaruma has said. Their value to us cannot be underestimated. However, the society has changed and these people are facing a lot of challenges. I was in Bomet on Monday to celebrate the International Elders' Day.

I realized that these people are going through a lot of challenges. The national Government gives them Kshs2,000 each and according to their discussion, they travel far away distances to pick this money. More often than not, they spend it on transport and some sugar. This is happening because of lack of legal structures on how to handle these particular people.

Madam Temporary Speaker, I used to get surprised when I was a principal in high school. Most of the people who used to come and plead for their children to stay in school because of issues to do with fees were the aged. If you called for a parents' day today, you will realize that most of the guardians who come to schools are the aged

people. There was a time when the HIV/AIDS scourge was serious in our country and most other African countries and it robbed most of the children their parents. Today, these old people have got double burden. Most of them are taking care of their grandchildren.

The other challenge that they are facing is loneliness, mostly in cases where one of the partners, either the wife or husband, has died. While some of us may have money to take care of our parents, we also need to provide immediate comfort. I once brought my father to stay with me in Nairobi and he told me to take him back home the following day. This was because of the nature of the house and everything else. Most of them prefer the village.

As Sen. Mwaruma said, the elderly people suffer from very simple and easy to take care of diseases. If they are diagnosed earlier, they can be assisted. As Sen. Cheruiyot has put it, to fit in our culture well, the Bill provides for home nursing and mobile nurses, who will be going from one village to another one and helping these people in terms of counseling and diagnosis of diseases. Therefore, this Bill has come at the right time.

Madam Temporary Speaker, poverty has also taken its toll on a part of our society, and these people are really suffering. I noticed that when we were donating blankets in Bomet County on Monday, and they were really appreciative. I heard one elderly woman saying: "Thank God, I will sleep properly today." We might ignore such small things, but to them, even a blanket is very important.

Another challenge is poor nutrition, because these people stick to one type of food for a long time. Whether we come up with structures to take care of them or not, it is still expensive to the Government in terms of medication and other expenses.

Madam Temporary Speaker, I support this Bill because it also touches on some very important areas. I have seen a lot of stigma, especially in those countries which isolate old people from traditional families. When they approach the age to be taken to homes for the elderly, they normally feel very bad and are stigmatised. However, as Sen. Pareno said earlier, Sen. Cheruiyot's Bill provides alternatives; for example, home nursing, where the old people will be taken care of at home.

The provision of mobile nursing services, which will meet the needs of these people in their contexts and cultural backgrounds, is good. That is why I support this Bill. I would not have supported a Bill that will distance our parents from us. However, this Bill is quite accommodative of the many needs of our society.

Madam Temporary Speaker, this Bill will also help us to fight corruption. I remember that some county governments used to send money to the elderly people through their mobile phones. This money never used to be accounted for by the counties. This Bill has provided that both the national Government and county governments will provide a proper framework of how these older people will be taken care of. I have seen some county governments giving the elderly Kshs1,500 or Kshs2,000. Do these people really need this money or are we just making an assumption?

The previous County Government of Bomet used to give money to old people through their mobile phones. I remember one elderly man, after withdrawing that money, went to drink alcohol and by the end of the day, he died. Therefore, apart from the assumption that we normally make - that the moment we give them money, we have solved their problems - this Bill will provide a proper framework of services beyond

giving them cash. This is because giving them cash will not give them guidance and counselling, a proper diet or a diagnosis of the diseases they are suffering from.

Madam Temporary Speaker, I fully support this Bill because it will provide a legal framework that will guide the policies of how these elderly people will be taken care of.

Thank you, Madam Temporary Speaker. I beg to support.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker, for allowing me to support this important Bill. I congratulate Sen. Cheruiyot for bringing this important and relevant Bill. We are all products of parents and we also have children, who will at one time take care of us. There is nothing else we can give to the elderly in our society, as a gift in our time today, than this Bill.

Madam Temporary Speaker, looking at our society, Kenya is blessed because we have different generations. However, the challenges that the elderly people go through are so huge that sometimes when we visit the villages, we just sympathise with these people. It is even worse for those people who live in the manyattas; the pastoralist communities, whose nature is to move from one place to another looking for green pasture for their animals. I am happy because you are one of the pastoralists and you understand what I am saying. Pastoralists keep moving on a weekly basis, and it is sometimes challenging to move your parents who are so old. We sometimes tie them at the back of the camel or donkey, and it is a very hard life.

Therefore, Madam Temporary Speaker, when we talk of this Bill, it encourages me because it is only some of us who understand the deep challenges that some of the elderly people in the society go through. It is even worse when you think of the poor people, because with the little food they have, they do not know who to give it to. Should they give it to their children, grandchildren or their parents, who are also elderly and need their attention? I, therefore, support this Bill because of all the things that I have said. If the Senate passes this Bill and it is implemented, we can then be proud of what we have done in this House.

Madam Temporary Speaker, I have looked at the Bill and I have seen that it is well captured. Part II of the Bill is on the Care and Protection of Older Members of Society; while Part III is on Care of Older Members of Society. As you go on, you will see provision for the care of older members of the society in homes and then there is monitoring, evaluation and safety in homes for older members of society. Sometimes even after putting up those good and well equipped homes, without monitoring, evaluation, taking care and ensuring safety, then we have not done much. When I looked at this Bill, I saw that it has catered for everything that the older people in our society require from us.

Madam Temporary Speaker, during the olden days, people used to have a lot respect for the elderly in the society. They also used to tap a lot of wisdom from them. However, that is not the case today. With the selfishness and greed that people have, elderly people are exposed to a lot of danger. This is because some people even think of getting rid of them so that they can inherit the property they have. However, if we come up with such facilities, we would then have taken care of them. We will also take care of the temptation that may be there to eliminate them. I support this Bill because of all these reasons.

Madam Temporary Speaker, as we think of it, I remembered the SOS Children's Villages International, whereby they have something like families. Most of the time, the elderly people suffer from loneliness. Despite all the challenges that have been mentioned by my colleagues, elders mostly suffer from loneliness. In order for us to avoid that, so that when we take them to centres for the elderly so that they do not continue suffering, we can come up with that SOS model. This is where we have a family of five and a caretaker, so that when they sit together, they do so as families. They will talk and discuss issues, celebrate their birthdays and do everything else like families do. This way, we can excite them in life.

In developed countries, even before somebody gets too old, they are taken to homes for the elderly. They write their will and say where they want to be taken because of one, two or three things. In fact, some years ago, I shared with one woman in the United Kingdom (UK). She said she wanted to go to a particular centre, so that she can meet with some of her friends and be taken to church on Sundays. There were so many things that she was referring to.

Madam Temporary Speaker, even as we take care of the elderly in the society and even take them to the centres, it is important for us to come up with different programmes. I have seen that we are taking care of them physically and even emotionally. However, the best thing we can do is to create that homely environment, so that even when they go there, they will continue living as if they are still at home and remembering some good things.

Madam Temporary Speaker, you referred to some of the points I had in mind. I remembered how we used to benefit from our grandmothers and great grandmothers. As young girls we would go sit with them and they would tell us some encouraging stories and shared their wisdom. As long as one is resourceful, we can come up with programmes of tapping knowledge from the elderly people. The young people can go and visit the centres and just listen to the elderly people. By doing so, they will pass the knowledge to them.

The strong ones can even be taken to different schools and places. Even politicians can visit the elders and tap some wisdom from them. Some of them, at that age, are full of wisdom. The other day, Sen. Cherargei said that he has some special gifts nowadays. Therefore, it is time for us to think a lot about this.

I support the Bill. We should give ideas on how it can be improved, if need be, and implemented. During the implementation, my suggestion is that we should not concentrate on urban areas. This is because those who live in urban area are lucky. For example, I can take care of my mother and maybe even employ a nurse for her. However, when we consider those who live in remote areas, we will be able to touch those who are really needy and transform their lives.

My recommendation and prayer is that when this Bill becomes law, it will be implemented in the entire nation, so that everyone in the villages can benefit. It is a Bill that we all need to support because it will help us to receive blessings from the elderly members of our society. Many are the times that they wonder why they gave birth to us. Some of them have given a lot to our nation, but we have never thanked them. When we implement this, I am sure that, as a nation, we will all be proud of it.

Madam Temporary Speaker, I support the Bill.

Sen. Nyamunga: Thank you Madam Temporary Speaker forgiving me this opportunity to contribute to this Bill. First of all, I congratulate the Senator for Kericho County for the well-researched Bill that I have had an opportunity to go through. He has put a lot of time on it and touched on almost all aspects of what is required of a good Bill.

The Bill is also timely because it takes care of Article 57, as already stated by one of the Senators who contributed earlier; that the elderly should be given care as they age. I pray every day and one of the issues that I tell God is that I would like to live to a very old age. Sometimes I even give Him the number of years that I would like to be around. But even as I ask for that, I know the dangers of living long in this world and the calamities and difficulties that can come with it. However, as human beings I think we are in a position to make sure that we take care of ourselves, relatives and friends as we age.

It is also very important for us to note that this Bill will not be compulsory. If I can take care of my elderly parents or relatives, I do not have to take them to any home. I can stay with them within my reach and take care of them. The Bill is flexible and gives the type of rescue that we can give to the elderly people. It is a voluntary thing, within the law and very timely.

Madam Temporary Speaker, as a country, we have never been proactive most of the time in how we do our things. This Bill is being very proactive because we are seeing the problem right in front of us. Most of the time, we wait until we are at the dead-end before we start thinking about what to do. We have so many old people around us who are suffering and nobody is taking care of them. We need to start thinking of how to solve the problem of the elderly and taking care of them early enough.

I know that the Government is trying its best to support the elderly by giving them some disbursements per month. I think it is at Kshs2,000, which sometimes takes very long. However, we must commend the Government because, at least, it is doing something about it. We just want to extend it to the county level.

It is very clear that the HIV/AIDS scourge has made it worse for many people who sometimes have lost all their children and are left with their grandchildren. They struggle to take care of the grandchildren and when they are gone, they do not have that attachment that they could have with their parents. As a result, the grandparents are left alone. It is a very common phenomenon in our communities and we see it all around us.

When we talk of gender-based violence, I do not think that we are only talking about issues of defilement, rape or fights that go on within the family. Even the case of an old person, who is not well taken care of, to me is gender-based violence, because the suffering of such people cannot even be compared with some of the suffering that we pay much attention to.

We know that the HIV/AIDS scourge has taken a toll on some communities, including mine. When we talk we know what is happening. Many people have also migrated to overseas countries looking for greener pastures and living their parents in the hands of nobody. They may be sending some Dollars every month and hoping that somebody is taking care of their old people, but sometimes that money never gets to them.

The one thing I like about this Bill is that it takes care of all aspects of life. It takes care of the social, medical cover, recreation, spiritual nourishment, counselling and

even holiday; to move them from one area to another. That may go a long way to ease the burden and suffering of the elderly people.

Madam Temporary Speaker, this Bill is timely and important. We will support it and make sure that it trickles down to the county levels. There is also the fact that there is a way of monitoring the homes. It should be an open system where anybody can walk in, do their assessment and see how the homes are run. They can find out if they are homely enough and worth it. That will also help people just to chip in. It will become a societal problem more than even an individual.

Homes for the elderly should not be used as a source of income. The main objective should be to give back to the society. This is a venture where the county government can put up the home, the communities can add to it and then it becomes an open project which can be verified and corrected, so that our people face their last days in a more humane way.

Madam Temporary Speaker, the issue of old age has become a big problem in the sense that most of us do not respect the old. As I already mentioned, I pray every day that I will reach some ripe old age; and hope that I will not be so badly off even when I reach the age I desire. However, we should give a lot of value and respect to the elderly people, because old is gold and what comes with age is important. However, the way we look at and treat the elderly people in our society is not the best. We should, therefore, rethink how we treat the elderly people.

Some of my colleagues have mentioned that we can also get value from the elderly people by learning the story and the history of our beginnings from them. Most of us do not know the history. Personally, I lost my mother a long time ago and I did not have an opportunity to learn a lot of things. I am trying to teach that to my children, but I do not know how much they can pick. In these homes for the elderly, we will have an opportunity to get information concerning different tribes from different people. It will also bring different people together. For example, an elderly person from Luo land does not have to be in a home for the elderly in Nyanza. The homes can be multicultural or intercultural, so that we continue to learn and impart knowledge from different communities.

Madam Temporary Speaker, I beg to support this timely, well-thought out and inclusive Bill. If there are any amendments to be done, we will have an opportunity to look at each and every aspect of it to make sure that by the time we pass it, it is water tight and nothing is left to chance. By doing so, this House will get the honour of passing fine-tuned Bills that are aimed at the people in the grassroots. The effects will be felt in every village so that we add value to the management and the running of our counties.

Thank you, Madam Temporary Speaker.

Sen. M. Kajwang’: Thank you, Madam Temporary Speaker. I rise to support The Care and Protection of Older Members of Society, (Senate Bills No.17 of 2018) that has been sponsored by the Senator for Kericho, Sen. Aaron Cheruiyot.

Madam Temporary Speaker, in the last one week in my county, I have buried a renowned elder, Prof. Ouma Muga. This was a gentleman who served this country in various capacities. As a young man, he topped the national examinations countrywide and when he sat for his Cambridge examinations, he again topped the examinations nationally. He proceeded to Makerere University and later on went to Australia, where he got a PhD in fluvial geomorphology. Prof. Ouma Muga proceeded to establish the Moi

University College of Environmental Sciences and, later on, joined politics to become the Member of Parliament (MP) for Rangwe Constituency. He then became an Assistant Minister in the Ministry of Environment and the Secretary-General of the Forum for the Restoration of Democracy (FORD-Kenya).

Madam Temporary Speaker, Prof. Ouma Muga died in poverty and he was a forgotten man for a long period in his life. It did not matter what contribution he made to this nation and it did not matter what achievements he had notched up in pursuit of life. That is the state of the elderly in this Republic. Currently, my County of Homa Bay is mourning another elder, a gentleman known as Aketch Chieng, who we nicknamed "Magunga". This is a man who, during the days of the Kenya African National Union (KANU) party, straddled the political environment like a colossus.

This is the man who chaired the disciplinary Committee of KANU, which incidentally expelled Prof. Ouma Muga from the party, from where he lost his seat as the MP for Rangwe. It is quite an irony that the day we were burying Prof. Ouma Muga is the day that Aketch Chieng died at the age of 79. For a man who wielded a lot of power and who was the Chairman of South Nyanza County Council – which is the present day Migori and Homa Bay counties; a geographical zone with about three million people and close to one million voters - he died in poverty. We are preparing to give him a heroic send-off, but unfortunately, we were unable to take care of him in life. That is the state of the elderly.

Madam Temporary Speaker, this Bill does a good job of taking us back to thinking about the status and condition of the elderly. In the traditional societies, the elderly were the sages and the leaders. In fact, there are those who believe that in this House, someone of my age has no business sitting here because old age is associated with wisdom. In fact, when the United States of America (USA) established their Senate, a person had to be a land or property owner; or one who has attained a certain age to sit in the Senate.

The same was the case even in the original Senate in Rome. Therefore, old age has been associated with all good things. Unfortunately, in Kenya, the old face challenges that are preventable. For example, the people who work for Kenya Railways (KR) are dirt poor, yet their money is squandered and their properties are all over the country. Kenya Railways has one of the richest pension fund or schemes in this country. However, due to mismanagement, anyone who worked at KR is poor today, if they are still alive.

Madam Temporary Speaker, we have seen cases where the elderly have been raped. We have seen cases, in certain cultures, where the elderly are being lynched and called witches. Therefore, the interest and welfare of the elderly, as captured in Article 57 of the Constitution, must be looked into. The elderly are prone to theft. There is a new age of con men and women who are using technology to steal from the elderly, particularly on land transactions. If you go to areas like Kiambu, Murang'a or those areas that are adjacent to urban areas, you will find many old men and women who have been dispossessed of their land due to fraud that is happening in land registries throughout this country.

Last but not the least, Madam Temporary Speaker, is the issue of health. When a person attains some advanced age, for example, for men at 40, issues of prostate cancer checks in; while for women, other issues of cancer and age related diseases set in. If you look at the population pyramid, the elderly that we are trying to address in this Bill are

defined by Sen. Cheruiyot as those being 60 years and above. If you look at the population demographics, those who are above 60 years in Kenya are just about five per cent of the total population, but you cannot ignore them.

This is not a vote-seeking Bill or debate. We are talking about the vulnerable and the weak in our community. The dependable ratio in this country is about 78.3 per cent, whereas life expectancy is about 66.7. Therefore, it is legitimate for us to discuss this Bill because we know that more Kenyans will be living beyond the age of 60, which is the age defined as the elderly.

Madam Temporary Speaker, there is something that happened around 2009 in this country. It was a debate which was almost similar to the one on the Value Added Tax (VAT). For a long time, the retirement age in Kenya has been 55 years. However, in 2009, the Government proposed and implemented a new retirement age in the country and pushed it to 60 years. Some of the arguments were to bring it in conformity with other East African (EA) countries.

This debate did not attract as much debate as the issue of VAT, because the VAT was touching on Wanjiku, Otieno and Kamau directly. However, the impact of this policy is that this country has got a huge pension bill, which we might not be able to pay, leave alone the debt that we owe to the Chinese, the Americans and all sorts of shylocks. The pensions bill in this country is a disaster and the Government has not played its role in financing its obligations as far as pensions are concerned, more so, on the Civil Servants Pension Scheme (CSPS).

Even though I support this Bill, there is something introduced here called the retirement homes or home care centres, which is an alien concept. I listened to your contribution and I realised that your culture is similar to mine. A curse shall be visited upon one, who sends an elderly person, their parent, to a home isolated somewhere. I have walked around Homa Bay County while seeking votes twice and I have not come across a home for the elderly because cultural traditions and practices demand that children must take care of their parents.

My father is 86 years old today and he is Nairobi. Two days ago, I discharged him from hospital after undergoing a minor surgery. That is what is expected of children. I am raising my son to know that he will take care of me and not because I will be too poor to take care of myself. I might have all the money in the world without someone to support me to climb a stair into my house or someone to support me to climb into my car. We must raise our children to know that it is their duty to support their parents and to support the elderly in society.

The support that I underline is not just about money. We have elderly parents who have done well for themselves and they have created funds for retirement but all the money in this world cannot create warmth in the heart of a human being. All the money in this world will not lift you when you are unable to get into a car or to get into a house.

I hope that we will not see the encouragement of a situation where we are dumping our parents and elderly people into homes. When it comes to homes for the elderly in Kenya, the one that comes to mind is *Nyumba ya Wazee*. I believe this is where one of the heads of the Catholic Church, Cardinal Otunga, spent the rest of his life sitting with elders, chatting and sharing wisdom. That was the path that he chose because by the time one becomes the head of the Catholic Church, he probably has not developed or

built a family around him but for the 99.9 per cent of the elderly in this Republic who have families, we must continue to encourage their children to take care of them.

The concept of retirement was very aptly captured by Governor Kiraitu Murungi when President Moi left office. The then Minister Kiraitu told President Moi to go home, buy a radio and lie under a tree and watch the kind of miracles that the National Rainbow Coalition (NARC) Government was going to do. The concept of retirement and old age has always been synonymous with rest and it is rest after a very fulfilling life.

Allow me to talk about the issues of cash transfers. The Government has come up with the *Inua Jamii* Program which targets to transfer cash to the elderly and the vulnerable in society. In the last Parliament, we attempted to get an account or accountability of the amounts that have been disbursed to the elderly and to the vulnerable across counties but we never got a response in this House.

I want to challenge the Committee on Labour and Social Welfare that this is an area that we must audit. There are a lot of ghost old men and women on that list. If we do not check it, you might find that a chief has enrolled his daughter, relatives or close relations to that. If you are going to target a million people and you get 10,000 fake people at Kshs4,000 a month, you can imagine how much money that will be every month and how much money that will be every year. We have a responsibility to unpack this *Inua Jamii* Program; and a responsibility to advise the Government on efficient ways of administering this program.

It must have been in Migori or one of those counties where the elderly said that when that windfall arrives, everyone gets to know and when they go to withdraw the money in town, they meet young men whose only intention is to defraud them of that money. We must use technology in a sustainable and adaptable manner for this money to reach the elderly people in whatever corner of the country that they sit in. This is one area that the Communications Authority of Kenya (CAK) must use the Universal Service Fund (USF) to come up with innovative technological ideas that can serve the elderly as far as the social transfer programme is concerned.

This House is partly to blame for the pension crisis in this Republic. The County Pensions Schemes Bill, we never---

The Temporary Speaker (Sen. Pareno): Sen. M. Kajwang', you need to do this faster because there are many of Senators who would like to contribute to debate on this Bill.

Sen. M. Kajwang': Thank you, Madam Temporary Speaker. We never concluded the County Pension Scheme Bill in the last Parliament. It is before this House and we have a responsibility to make sure that we adopt it. We had a conversation with the Governor for Uasin Gishu last week when we were in Eldoret and when we told him that his wage bill was unsustainable, he told us that he cannot retrench and if he retrenches, he has to pay pensions yet he does not have money to pay the pensions because the Senate has failed to conclude the matter of the County Pensions Scheme Bill.

The issue of pension is very intertwined with the elderly in this Republic because pensions are contributions or earnings that are deferred to a later point in life. The increase of retirement age from 55 to 60 has presented us with a big problem. It is just that nobody has talked about it but the Government is so indebted to those who have worked for this Republic. We must look into ways of ensuring that the elderly are

financially empowered even if we set up homes for the retirees and the homes for elderly persons.

Taking care of the elderly in this Republic goes beyond the homes and the Bill. We must create a situation where those in the informal sector that employs the majority in this Republic, are also able to sign up to pension schemes. We must encourage the insurance industry to come up with innovative individual personal pension schemes where the *mama mbogas*, those in *jua kali* sector and the *matatu* operators, who are not in the civil service payrolls, can contribute.

Finally, I want to laud those who have encouraged and suggested that the National Hospital Insurance Fund (NHIF) Scheme must be opened up to the elderly. Article 57 of the Constitution says that the elderly shall not be discriminated upon on the basis of age hence this House must make it clear to the insurance industry that they should not discriminate against the elderly in this Republic. If you want to get a medical insurance cover and you are above a certain age, there will be nobody to underwrite you. We must make it clear that they have an obligation.

I have about 20 years to reach this definition of old age. I am glad that *mama* Phoebe Asiyo, one of the leading lights in this country as far as the liberation of women and representation is concerned recently launched a book called 'It is Possible, an African Woman Speaks' and there are quite a number of people in this House who have achieved that magic age of 60. I want to encourage my colleagues to write and document their experiences because that is the only way that we, the young, can learn from them.

I want to appeal to Sen. Mugo, who has observed a lot of things in this Republic and has had a vantage position in important moments - she has been a fly on the wall when very important decisions and activities are being undertaken in this country - to write a book on her experiences. I will be extremely excited at the right time to read a book written by her and other elders in this House for that is the only way to transfer the collective wisdom and knowledge from one generation to the other.

I support.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to the Bill on the Care and Protection of the Older Members of Society. This is a Bill that has come at the right time to the right people.

Madam Temporary Speaker, I congratulate the Senator for Kericho County for bringing this Bill. It is about a specific group of people in the population that needs care.

Developed countries have made strides towards ensuring security of the older persons. This will enable them have a longer lifespan due to improved health and medical care. It will ensure that they get adequate nutrition and diet to boost their health.

Studies have shown that older persons are faced with various socio-economic challenges as a result of poverty, poor housing, immobility, HIV/AIDS and isolation and neglect among others. It is high time that Kenya implemented this, just to take care of this group in the country.

Dignity does not come by borrowing but by having a framework on things that have been pointed out in this Bill, which will enable our grandfathers, grandmothers and even us, when become old, to enjoy what we are discussing now. It is high time we passed this Bill so that we also enjoy benefits that will come as a result of this law.

Medical care and nutrition in terms of foodstuff are expensive. These people need to be taken care of. If you look at the framework that has been provided, it takes care of

this. Most of the individual families are wallowing in poverty. If they are wallowing in poverty, how do you expect them to take care of older members of their families?

The Bill has elaborated well that when counties put up homes for the elderly, they should be monitored and they should be of the highest standards and that has been explained here. This is so that the older persons get the best out of what they expect. Many members of this population are faced with chronic illnesses which are expensive to manage. Therefore, I support the idea of them being covered by the NHI, so that they access treatment of the highest quality.

We have many older persons in our communities. The counties need to get the data of all the older persons so that there is no discrimination or bias when services are given. This is because when we have good things, there are people who take advantage and discriminate against such people in the communities. For example there is stipend of Kshs2,000, which they are given but it is not enough. It is true that the Government is trying because it never used to be given. When we have a comprehensive care, then the stipend of Kshs2,000 that older persons are getting, which some of them do not access, will enable our parents, grandparents and even us when we become old to enjoy life before we pass on.

I thank you, Madam Temporary Speaker. I beg to support.

Sen. Kwamboka: Madam Temporary Speaker, I rise to support this Bill. I applaud Sen. Cheruiyot for coming up with this Bill. Indeed, it is timely.

Looking at the Bill, in Part II, Clause 7 is about the obligations of the county government with respect to the rights of older members of the society. Clause 7(d) requires a county government to establish residential care centres, social centres and such other facilities for the care of older members of society within the county in accordance with this Act.

Recently, there were allegations about some people who grabbed public utility land. Counties should invest in building rehabilitation centres for the elderly because they are important in our lives. We know that blessings come from God and the elders and it is good to protect their rights. In some cases, the elderly are neglected in important fora such as discussions on disaster management. We know that they cannot easily escape during disasters like floods and other emergencies like fire.

The elderly are important but they are not considered in the *Nyumba Kumi* Initiative. The elderly can advise others especially the young people. Nowadays we have many cases of murder and rape but we never used to hear about them in the past. It is not their wish. For some of them, it could be because of poverty or they lost an important person in the family. Therefore it is important to consider them and provide them with protection for the establishment of this country.

Thank you, Madam Temporary Speaker, I beg to support.

Sen. Seneta: Madam Temporary Speaker, thank you for giving me a chance to also add my voice to this important Bill about the care and protection of older members of society. From the outset, I congratulate my colleague, Sen. Cheruiyot, for having thought in depth about these important people in our country.

This is a timely Bill and I support it. I urge my colleagues to also support it and add more flesh so as to make it law that will help many other generations to come. This Bill is important because it brings to realisation and the implementation of Article 57 of the Constitution of Kenya, 2010, which provides that-

“The State shall take measures to ensure the rights of older persons-

- (a) to fully participate in the affairs of society;
- (b) to pursue their personal development;
- (c) to live in dignity and respect and be free from abuse; and
- (d) to receive reasonable care and assistance from their family and

the State.”

The one I like most is that they should live in dignity and respect and be free from abuse.

Madam Temporary Speaker, many changes have happened in the society. For example, many people have moved to urban centres to pursue education. Some have gone to countries in the West in search of greener pastures and even gotten married there. This has changed the culture that used to be there. We used to have a very rich culture, where people valued their parents. People believed in getting a blessing from their old parents. Therefore, these changes that have come socially, culturally and even education-wise, have caused a lot of suffering to the old people.

We now have our old people who are left alone by their children in their homes, mostly in urban centres. Some of the places are insecure and have no medical services. The infrastructure could be poor and accessing a hospital is a problem. Therefore, this population of our old people has really undergone a lot of suffering in the recent past, because of the changes in society.

Again, we have issues of poverty. Many of our communities are either food insecure or there are different types of conflicts. We have areas that experience war most of the time. This has also made many families to neglect the older people.

We also have the issue of unemployment and the type of economy that we are in. Many people are not employed and yet, they need money to pay fees for their children and upkeep. Therefore, many people cannot afford a decent life for their parents.

Therefore, this Bill has come at the right time, so that we can have a framework where we can develop community and home-based care programmes for our older members of the society. One thing that has impressed me in this Bill is the registration process for these particular homes. I know that there are people who would wish to take advantage of any kind of gap to advance or benefit by getting an income from some of these homes. Some of these homes do not have a proper framework or decent services. Therefore, this Bill provides a proper registration process to ensure that one registers a home that meets the required standards to ensure that older people live a decent life.

I say this because in many of our rural and urban areas, you will find some Non-Governmental Organisations (NGOs) trying to mobilize or source for funds from friends and organizations to build shelters in the name of homes for the elderly. When one visits these particular homes, one is shocked to see the suffering that the older people in these homes undergo. You will find homes with no water, medical experts, proper feeding and some even suffer from inadequate food. Therefore, these homes end up adding even more suffering to our elderly people. Therefore, the process of registration of these homes is an important aspect that will help us support more in this Bill.

I also like the provision that states that these homes shall have a manager who should be competent to run them. This is an important idea because it will get rid of people who want to run these homes just to benefit themselves. We shall have qualified

people from the national Government and county governments who will be checking on the requirements and the qualifications of these particular managers.

This Bill also sets out the role of this manager. What is this manager supposed to do? What services do they give to these older people when they are in these particular homes? We should not have people who will abuse the older people in those homes. These managers will be competent people who are supposed to exercise a certain role, and they will offer services to older people as required by this Bill.

Another very important aspect of this Bill is the monitoring and evaluation framework. Through this provision, the Government will ensure that there are people who are monitoring these particular homes. We are not going to let elderly people be taken there and be left alone. We will have a monitoring and evaluation system to ensure that the elderly are well kept and are enjoying their dignity and old age. They are also supposed to ensure the safety of the elderly. This Bill also seeks to ensure that these homes are supported by the national Government and the county governments. This is a very good idea because we shall not have homes that will make our older people suffer more due to lack of basic needs.

At the social perspective, these elderly people will have company. They will share experiences with one another and the community. When you visit them and want to learn, you will get information. They will also enjoy services they may not get in their homes. For example, they will get medical attention. They will be attended to, unlike when they are left alone in their homes, where they may lack medical attention from their relatives or children, who may be living far away.

Again, this Bill seeks to provide a framework for funding. I concur with my colleagues who have just said that the Government might have goodwill in setting aside some funds, like the *Inua Jamii Fund*. However, some people may take advantage of gaps within the law to misuse those funds or even mistreat the elderly. When you go round the counties, when the elderly are paid these monies, you will notice that some of them spend a lot on fare just to get the Ksh2,000.

Some of them are blind and suffer from health problems that come with age. Some of them require someone to assist them to the bank, but some of them take advantage of their situation and take their funds. Many of them suffer because they walk for long distances to board *Matatus* to get them to the banks. Some of them even have to spend a night away from their homes as they wait to get the little money that the Government gives them.

This Bill seeks to create a framework for funding these people through the homes and taking the money and services where they are, so that they do not have to line up in the banks. This Bill will also help the elderly to receive reasonable care and assistance from friends and organizations. They will learn about these particular homes and their accessibility.

The only thing I would wish this Bill to come up with is possibly a framework of getting a database for every county. This database will enable us to easily track the number of homes for the elderly and community homes in the counties. Similarly, it will enable us to easily visit these homes when we intend to so that they can get more funds from friends.

Another very important aspect in this Bill is the provision of penalties on conviction of abuse of the elderly. Many elderly people are being abused; many elderly

women are being raped and the property of elderly men is being stolen. Therefore, this Bill seeks to free them from all this abuse. This is a very important Bill that this House should support and even add more flesh to it. We should also look at the penalties. For instance, how much can we fine people who abuse the elderly in terms of denying them services in these homes? Alternatively, what might happen to a person when they abuse the elderly in these homes? We also need to have criteria on how the county governments can employ more staff for these homes.

This is a very important Bill and we need to take it very seriously at this time and develop these homes in our country without looking at the perspective of the Non-Governmental Organizations (NGOs). We need to look at them in a national and county perspective so that we can protect our elderly.

Finally, Madam Temporary Speaker, we need to enlighten our communities to understand this Bill. Just as you said earlier, a long time ago in some of our communities, when you talk of taking your parents away from the family, you might be mistaken as a social misfit because our parents would not want to move from their homes. We, therefore, need to enlighten our communities that, possibly, because of the many changes that we are coming across socially and economically because of the unemployment and poverty, we need to make our communities understand and also support this particular initiative. We should also make our communities understand that---

The Temporary Speaker (Sen. Pareno): Order, Senator. You have 30 seconds to conclude.

Sen. Seneta: Madam Temporary Speaker, we should make our communities understand that it is better for the elderly to be taken through a very organized community home or home-based care programme rather than being neglected at home if there is nobody to take care of them.

Madam Temporary Speaker, I beg to support this Bill and congratulate Sen. Cheruiyot for having thought about it.

Sen. Mugo: Madam Temporary Speaker, thank you for giving me this opportunity to also add my voice to this very important Bill. I would also like to congratulate the Mover of this Bill, Sen. Cheruiyot. It is a very important Bill, just like all the Senators who have spoken before me have noted. It has come at a very opportune time when we are seeing many elderly people suffering.

However, I would like to caution my colleagues that we should come up with a Bill which is implementable. It is a Government policy that any Bill that cannot be funded will not get implemented. We should have criteria for people who are over 60 years, whose families cannot take care of them. I do not believe that there is any government in the world that can take care of everybody who is over 60 years.

As we have heard, our people now live longer, and that is a blessing. With universal healthcare being one of the pillars of the Government, people will live even longer. There is an elderly lady in Murang'a, who I think most of us saw on television. The old lady was crawling and we were informed by the friends and families that she is over 120 years old. What made me very sad is she was sleeping in a house which was full of holes on the floor, with no beddings. Even accessing food was a problem. In fact, I told Sen. Kang'ata that we should pay her a visit.

When people are taken care of, they are able to live long. It also shows that the *Inua Jamii* Programme, which is goodwill by the Government, is not reaching some of

the most deserving cases, like that lady. The family said they are not able to look after her. To me, that was shocking because if you are able to look after yourself, you cannot let your mother sleep in such a house.

This programme is very good, but we must look into ways of implementing it, to ensure that help reaches the very deserving cases. This can be done by recording the needy old people in every county or at the ward level. We are all getting old, but I do not think that we will qualify for this programme. However, there will be many people who will qualify. In developed countries, they have social security, which ensures that everybody who is earning saves money that will take care of them in old age. If properly managed, we can do that.

We can pass this Bill, which is very good, but for sure, it will not take care of everybody. That is why we should have criteria of identifying the people who need to be supported, and it is not just the elderly. Very soon we should come up with a Bill that will take care of orphans, who are also very vulnerable. There is also free education, health and many other areas. Any government can only do so much. I agree with Sen. M. Kajwang' that we cannot say that we do not follow our culture anymore. Most people take care of their elderly, but there are those who definitely need support from outside; communities and government.

There are families which are able to take care of their elderly. We should start by educating our young people, by instilling values, which our society has let go, and this is really unfortunate. That is one value which our elderly people could be charged with instilling in our young people. When you enter a Public Service Vehicle (PSV), you will find the young seated, while the older people are standing. All this indicates that we have lost value for our elders.

Instead of children thinking of the welfare of their grandmothers or mothers, they are now thinking of the latest model of a car. It is good for all of us to have a good car to drive, but let us have values first. As a young man, you would rather have a car that will get you to work – not the latest model – and build a good home for your parents so that in their old age, they can live there. They should also employ a maid to take care of them just like they took care of you when you were growing up.

Therefore, Madam Temporary Speaker, western values are good, but we cannot discard all our good values. One of our good values which has been researched and established--- I have lived for quite a while in the United States America (USA) when I was in college and also when my husband was posted out of the country. I know that most of those people who live in homes for the elderly are very unhappy and they would rather be in the warmth of their family. However, there are those whose family or children are very needy and might not be able to take care of them.

What I want to emphasize, Madam Temporary Speaker, is for us to have a criteria so that we see what is implementable. This will ensure that when we pass this Bill, both levels of Government can implement it. There is no need of passing a Bill which ends up on the shelves. Therefore, we need to add value and find out how much it costs to pay for all our elderly aged 60 and above. I also qualify for this. However, we also need to know how many we can handle.

Madam Temporary Speaker, the other point I want to raise is on the issue of security, which has been raised extensively in this debate. This is because we hear that many of our women, including our young and old men, are going through a lot of

difficulties. We need to have data of all our elderly homes at the ward, constituency and county levels so that our security personnel can be charged to do some kind of patrol around those homes. Once that is done, those would-be law breakers will know that these people are being protected. That way, we might reduce this problem of women and girls being raped and killed.

Madam Temporary Speaker, Commissioner Lorna Mumelo, who is my colleague, told me that an old man came crying to her. Actually, she found him crying at the gate and she asked him: “*Baba* why are you crying?” He explained that it was because the lands office had tried to steal his land.

He is one of those people being compensated for the Standard Gauge Railway (SGR), and he was told that he would get a quarter of what he was supposed to get. Commissioner Mumelo took this old man to Prof. Swazuri’s office and after a long argument that matter was sorted out. He was given back his land and paid the total amount. Can we see how many other old men and women are being swindled of their land out there? We, therefore, need to tighten the laws. I believe that we can do the basics, by tightening these laws and making sure that Ministries and other government agencies where these people are served, take care of our old people without trying to steal from them.

The Temporary Speaker (Sen. Pareno): Order, Senator! Sen. Mugo, you will have a balance of ten minutes when debate on this Bill resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The Senate, therefore, stands adjourned to Tuesday, 9th October, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.