

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Tuesday, 10th July, 2018**

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

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

PRAYER**COMMUNICATIONS FROM THE CHAIR**

VISITING DELEGATION FROM MOI FORCES
ACADEMY LANET, NAKURU COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Moi Forces Academy, Lanet School in Nakuru County.

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

I thank you.

(Applause)

VISITING DELEGATION FROM MATIKO
SECONDARY SCHOOL, MAKUENI COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would also like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Matiko Secondary School in Makueni County.

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

I thank you.

(Applause)

Sen. (Dr.) Zani: Mr. Speaker, Sir, I join you in welcoming the two delegations to the Senate of Kenya. I notice that most of them are young girls. I hope that this afternoon they will be inspired about leadership and also leadership of women.

We need the girls and women of Kenya to continue to play their roles in leadership to address the issues that affect young girls and women, and to create a level of development that will make all of us proud in this country; addressing social, economic and political issues. As we debate this afternoon, the guests will realize that we are looking at issues affecting counties because as the Senate, we are here to protect the interests of counties especially in the realm of devolution.

Mr. Speaker, Sir, I join you in welcoming them. Thank you.

The Speaker (Hon. Lusaka): Please proceed, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I would like to welcome the students to the Senate. It is important to note that, currently we are experiencing a big problem in this country because of either fear of exams or fear of the unknown. I encourage the students that their last year in school should not be a year for them to try and destroy their future. It should be a year for them to prepare for what is unknown. That is the excitement of life.

I encourage them that when they go back, I know that they have friends in other schools and other counties. They should talk to them so that they can stop this menace of burning our institutions. The schools are what have helped us to be here. I encourage these young girls to aspire to be greater people and be seated here. The only way that they can be able to come and sit here is by them beginning to be responsible at an early age in high school.

Mr. Speaker, Sir, I welcome and challenge them to look at all these men and women who are seated here; honourable men and women; that they use us to mentor and guide them into the future because we are who we are because somebody loved us, took care and believed in us. When they start showing responsibility in school, then this country is going to be a good place.

I thank you.

Sen. Wambua: Mr. Speaker, Sir, I thank you for this opportunity. I join you and my colleagues in welcoming the students who have paid us a visit today. I would like to reiterate what Sen. Olekina has said, that as we experience the wave of crime in schools, I encourage the girls who are visiting us today that no matter the situation they face in school or at home, tomorrow is always a better day. They need to persevere and confront the issues that they face.

The Cabinet Secretary in charge of Education has pronounced herself on this matter. She said that for those students who are found to engage in misbehaviour, including destruction of property, it will become a record in their school leaving certificates and it will follow them all the days of their lives. I encourage the girls that have visited us today to follow the proceedings and be inspired and aspire to join leadership as we did in the best interest of this country.

I thank you.

The Speaker (Hon. Lusaka): Please proceed, Sen. (Dr.) Langat who is also the Chairperson of the Committee on Education.

Sen. (Dr.) Langat: Mr. Speaker, Sir, I thank you for giving me this opportunity to join you and my colleagues in welcoming the students in the Public Gallery. I encourage

the students that this is the time to prepare for their future. All of us were once students. We did not even get an opportunity to come to the place that they are in today.

They can learn a lot from their visit to the Senate. As the Chairperson of the Committee on Education, Senate, I would like to tell them that discipline is core for success. As we have seen, there are currently a lot of issues in schools such as burning of schools and students' indiscipline. I would like to tell the girls in the Public Gallery that drugs are a reality in schools. So many times we visit schools and realize so many people peddling drugs. Cheap students can easily engage themselves in drugs hence becoming destructive and destroying themselves.

I encourage the girls in the Public Gallery that they have a future. They should be disciplined and engage themselves in debates the way we are doing here. This great House awaits them in future. Welcome to the Senate.

Thank you.

VISITING EXECUTIVE FROM GOOGLE USA

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting executive from Google United States of America (USA), Mr. Daniel ole Ting'a, in-charge of Information Communication Technology (ICT) delivery at the Office of the Chief Information Officer (CIO).

Mr. Ting'a is currently in Kenya to strategize on ICT capabilities and enablement for both the Government and private sector. He is also assisting in the setting up of a call centre in Narok County which will employ 200 youths in ICT support.

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

I thank you.

Sen. Olekina: Mr. Speaker, Sir, I would also like to welcome my good friend, Mr. Daniel ole Ting'a, for the good work that he is doing in ensuring that these students have a bright future; setting up a call centre in Narok County which will employ over 200 youths. We are looking at the older people. We are looking at the youth.

Therefore, the work that Google is doing is good in terms of ICT. We should encourage most of the youth to partake courses in ICT because they offer jobs which are not the usual traditional office jobs. You can sit at home and work.

I, therefore, welcome Mr. Ting'a and encourage him to not only focus on Narok but to also go to Kajiado, Samburu, Marsabit, Bomet and all the 47 counties to ensure that we are able to employ more youths.

I thank you.

Sen. (Dr.) Milgo: Mr. Speaker, Sir, I also join you and my colleagues in welcoming Mr. Ting'a from the USA. As a Member of the Committee on Information, Communication and Technology, I wish to tell him that he is most welcome to Kenya.

He is not only welcome to Narok County but to other counties as well. I am glad that Sen. Olekina has mentioned that he will go to many other counties. ICT will be a great employer. As a Member of the Committee on Information, Communication and

Technology, I am grateful to find out that there is someone who is already creating employment.

More particularly, Kenya is grappling with issues of unemployment right now. I am sure that the girls who are in the Public Gallery today are very excited to find out that issues of ICT are being encouraged right now.

I, therefore, welcome Mr. Ting'a and once he clears with Narok County, let his next stop be Bomet County which is my county. I welcome the girls in the Public Gallery, more specifically the Moi Forces Academy, Lanet students, because that is where one of my daughters went to school and she shone. That is a giant school.

In fact, one of the principals who served in that school was a Member of Parliament in the Eleventh Parliament. This is a great House. I am sure that we who are standing here should be your role models. Prepare to come here once you clear school.

I thank you.

Sen. Sakaja: Mr. Speaker, Sir, allow me to first welcome the students who have come to visit us in Parliament today. I encourage them that even today is a future that they once hoped for before. The world is their oyster. If they choose to defy their present gratification, they can be anything that they choose to be.

Everything that they require is provided for them including the opportunity to engage with their leaders. I wish them all the best as they pursue education. I am sure that amongst them, we have people who are the trustees of our country's posterity and that they will change this country in whichever sphere they will get into. Leadership is not a position. It is not about being a Member of Parliament (MP) or a Senator. Leadership is influence wherever they might be. I wish them all the best as they move along.

Mr. Speaker, Sir, I also wish to recognize Mr. Daniel ole Ting'a. I do not know whether he is related to the "Tinga" that we know. I welcome him to the Senate of the Republic of Kenya.

Mr. Speaker, Sir where he works in Google in the United States of America, I have had the chance to visit the headquarters. I have also had the chance to go to Alwalton in San Francisco; what they call the Silicon Valley. They recognise that Kenya is the emerging Silicon Savanna because of the kind of interventions and innovations that are coming from our young people. I encourage the young people of this country; I know he is starting a project in Narok. I am proud of my young people in Nairobi at Nailab, Ihub. The kind of innovation coming up is world changing.

We are living in a world that is now driven by information technology, powered by data. We must ensure that our children, right from the lowest level of education have the tools with which to compete. Today our young people in Narok are not competing with young people in Bomet but they are competing with young people in Japan, in the USA and all over the world. Consequently, we must give them the same tools that all of them have across the universe.

Thank you. We hope to see better work from you. We are glad that one of your former colleagues Mr. Mucheru is a Cabinet Secretary in our country and we can see the input that he is making in the Information Communication Technology (ICT) in our country.

The Speaker (Hon. Lusaka): Next order.

PETITIONS**THE FIGHT AGAINST COUNTERFEIT AND
CONTRABAND GOODS IN KENYA**

Sen. Sakaja: Mr. Speaker, Sir, I would like to present a petition on behalf of Nairobi traders. This is a petition to the Senate concerning the fight against counterfeit and contraband goods in Kenya as well as the challenges that the Nairobi traders are facing.

We, the undersigned, Citizens of the Republic of Kenya, and members of Nairobi Importers and Traders Association; draw the attention of the Senate to the following:-

(1) THAT, we fully support the Government's efforts in the fight against counterfeit and contraband goods in Kenya;

(2) THAT, importers and small traders have employed millions of Kenyans and continue to be a major source of employment and a major contributor to the growth of the economy;

(3) THAT, most of the imports comprise goods that are essential but not manufactured in Kenya;

(4) THAT, we have the following grievances which we wish to have addressed by the Senate:-

(a) Infiltration of the import and retail business by foreigners - the space previously occupied by small scale importers and businesses is being gradually taken over by foreigners, predominantly Chinese, who are edging out locally owned businesses and firms from the sector;

(b) Undue harassment by government agencies and officials – the small scale importers and traders are subjected to frequent, undue and unnecessary inspections and raids by government officials, both from the national and county government, even where goods have already been inspected and certified at the points of entry. This has adversely affected our ability to undertake our businesses;

(c) Blanket destruction of imported goods at the ports of entry – government agencies are increasingly resorting to destruction of entire containers of goods, even where only a few items have been found to be suspect. This has affected small traders who normally pool together and consolidate their efforts to import goods in one container.

(d) Flexibility of the Certificate of Conformity regime (COC) – at the moment, local traders and importers are required to produce Certificates of Conformity issued from foreign agents. We propose that this be revised to have in place local certification measures which will also reduce the cost incurred by businesses.

(e) Time taken to clear goods at the ports of entry - majority of small scale importers and traders use bank loans to purchase and import goods, on the understanding that once these goods are sold they will repay the loans. This is compromised when the clearance procedures at the ports of entry take too long, meaning that these traders default on their loans and are subjected to auctioning of their goods and closure of businesses.

(f) Requirement for separate Bills of Lading for each trader – due to the small volumes that each trader imports, majority of traders are forced to share containers, in which case a single Bill of Lading is issued for all the goods in the container. The

introduction of a requirement that each trader must produce a separate Bill of Lading would push small scale importers and traders out of business.

(g) Timeframe for implementation of new policies, regulations and requirements – on most occasions, small scale importers and traders are not consulted during development of new policies and regulations. They only see KEPSA (Kenya Private Sector Alliance) and big organisations being represented. Further, when these are published, traders are not given sufficient time to comply with the new requirements, thus incurring great losses. There should be a window period of at least one year for implementation of new policies, to enable small importers and traders comply.

On the same issue, we appeal that goods which are being held at the post as a result of implementation of these new measures be released. There is also need to educate traders on the specific standards requirements for each category of goods.

(h) Criminal cartels and enterprises frustrating small business owners and interests – Small scale importers and traders have often been the victims of criminal cartels, including people purporting to be agents for branded items. They have given examples. As well as those who are strategically stationed at ports of entry and collude to buy auctioned goods at cheap prices after they have been impounded by government.

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

(6) THAT, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

(7) WHEREFORE, your humble petitioners pray that the Senate addresses the issues raised by the importers and small traders in order to successfully achieve the Government's goal without hurting small traders who are on the verge of closure.

Twenty one of the leaders of these groups have signed the petition.

The Speaker (Hon. Lusaka): Hon. Senators Pursuant to Standing Order No.225 I shall now allow comments, observations or clarifications in relation to the petition for not more than 30 minutes.

Yes, Sen. Wetangula.

Sen. Wetangula: Mr. Speaker, Sir I laud the Senator for Nairobi for bringing this petition on behalf of small traders. This is one country where the small trader is least valued. Yet if you go to places where there is no government and it is the Nongovernmental organisations that run the lives of people; you will find small traders toiling and moiling day and night to make sure people access goods.

In my long career as a legal practitioner I have been very close to the Somali community. There is a point that he has raised that has made me come to speak to this. You will find a container or consignment of Kshs50 million and the biggest investor in that consignment will probably be of Kshs2million. It will be a whole range of people; some have imported goods worth just Kshs100,000 Kshs600, 000, Kshs1million and Kshs1.5 million aggregating to about Kshs50 million in one consignment.

It takes a heartless government official to impound, destroy or auction that consignment. Without caring that they are hurting so many people who have taken small loans to make a living, to educate their children, to meet their medical bills and to make ends meet.

One of the enemies of free trade in this country is the Kenya Bureau of Standards (KEBS). They are very quick in letting in substandard goods but always blocking genuine

but small consignments of small traders' coming into the country. In fact the KEBS works for criminal cartels in this country.

Then you have customs which is a collection centre, they cannot release goods until and unless the importer has 'talked to them'. I do not know what they mean by "talking to them". All these things are frustrating free trade for the small people and people who are emerging. You can imagine a fresh graduate from the university takes a small loan of Kshs200,000, joins a big team to import something that will generate another maybe Kshs100,000 on top of Kshs200,000. Then it goes up in smoke at the port.

It is something that is very sad. I urge the Committee that will be assigned this Petition to carry out a thorough inquiry as to why we have Chinese hawkers in River Road, Nairobi. They should also inquire into why we have hawkers from all over.

Mr. Speaker, Sir, I have said on this Floor here that the Kenya Commercial Bank (KCB) cannot be allowed to open a branch in Manchester, Reading or anywhere else in London. You go there to do international business, period! It is only in Kenya where you find Barclays Bank in Karatina, Migori, Bungoma and everywhere else, mopping up local funds. When Barclays Bank makes Kshs20 billion in profit, that is money out of our economy. However, when KCB makes Kshs15 billion in profit, that is money into our economy. We need to have our priorities right.

Mr. Speaker, Sir, I urge the Committee that will handle this Petition to look into these things thoroughly so that we can protect the ordinary common man, who is toiling and moiling day and night, through rain and sunshine to make ends meet.

Thank you, Mr. Speaker, Sir,

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

Proceed, Sen. Olekina.

Sen. Ole Kina: Thank you, Mr. Speaker, Sir. First, I rise to support the Petition brought by the Senator for Nairobi County on behalf of the small traders. It begs a big question as to what the job of the County Government of Nairobi is, in terms of licensing small traders. If we are not careful, one day we will have a million ladies or young men from China and before we realize it, our entire population will be converted into Chinese. This is very serious!

(Laughter)

Mr. Speaker, Sir, the challenges we are facing in this country are all about protecting the integrity and future of this nation, Kenya. I know that my good friends find amusement in this; but we should all be patriotic and defend our country. The cost of living in this country has completely skyrocketed. If someone is not able to get a job, they should be free to sell their products. However, when they do so, they have no clue about pre-shipment inspection, which is mandated by the Kenya Revenue Authority (KRA) before any goods are brought into this country.

Mr. Speaker, Sir, I sympathize with the small traders, but I also challenge them to seek guidance from the departments that we have in this country. There is no reason why an entire container should be destroyed. In fact, what should happen is that, if that container contains any part that is considered to be counterfeit, the person who should be punished is the one tasked to inspect those goods before they are shipped. We have PSI

services, which are supposed to ensure that these risks do not fall on the people who are unable to pay for them.

Mr. Speaker, Sir, it saddens me when I drive to Narok and the person selling roasted maize on the roadside is a Chinese. I then wonder what happened to the people who live in Mai Mahiu; can they no longer sell roasted maize? Therefore, this Petition should not be limited only to this issue of counterfeits, but it should also expand to the work that the Nairobi County Government is doing in licensing those small traders. The people who come into this county should support this economy.

The Petition should also extend to finding out the kind of work permits that are being issued by the Directorate of Immigration and Registration of Persons. For someone to be free to move around with his or her products in this country, it means that he or she has been licensed and given a permit by the Directorate of Immigration and Registration of Persons.

Therefore, this inquiry should not only be limited to those goods; it should extend to the people who are licenced to pre-inspect the goods before they leave their country. It should also extend to look at what the Kenya Bureau of Standards (KEBS) is doing. It should also extend to look at the officers of KRA, who permit these goods entry. I will even support the destruction of a billion shillings worth of products by the Government to save this country.

Mr. Speaker, Sir, the problems we are experiencing in the sugar industry are because some people were sleeping on their job. We cannot, therefore, come here; try to sanitize this and say that certain parts of the container are clean, yet others are not. We should stop that because there are those big companies which pay billions of shillings to be given that licence.

Mr. Speaker, Sir, I support this Petition and hope that the Committee which will be tasked to investigate this matter will go further and look at all those agencies that I have mentioned here so that we can have a solution for our hawkers in Nairobi County.

Sen. Kasanga: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to support the Petition brought by our Senator for Nairobi. It is, indeed, very sad because small traders are mostly youth. This Government has pledged support for the youth and so I do not understand why these agencies are quick to fight the youth. In fact, we expect that they would be organizing them to solve their problems or to make their businesses more efficient and effective as opposed to fighting them. It is, indeed, very sad.

Mr. Speaker, Sir, I look forward to the Committee that will be working on this issue to investigate it deeply. Why is it that we have foreigners doing things that Kenyans can and should be doing? This is a question I am raising further in a Motion that I will be bringing to the Floor of this House. This is because we see many foreigners in the construction industry doing what Kenyans can and should be doing. Our agencies should protect the youth and ensure that they have a lifeline to start their livelihoods when they leave school.

Mr. Speaker, Sir, I support this Motion and thank the Senator for bringing it. I look forward to the Committee that will be working on it.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. I congratulate my good friend, Sen. Sakaja, for bringing this Petition. We are aware that last week, traders demonstrated, complaining of unfair trade practices in this country.

Mr. Speaker, Sir, some of us are young and it is sad that most of the people who have been affected by this fight against contraband goods are young people. In as much we support the Government in the fight against contraband goods in this country; it should not become a licence to stifle people of their success. Some of these fights have been taken a notch higher by the police. I had mentioned earlier that, nowadays, the police in my county walk into people's kiosks and *dukas* and declare that some of the things are contraband. What are the KEBS and the KRA doing?

What capacity do the police officers have to know whether the goods in shops or kiosks are contraband goods or not? The Kenya Revenue Authority (KRA) and the KEBS should be charged for negligence. Why are there contrabands goods in our country? Why are police taking advantage of the situation to harass the small business traders? I hope the relevant Committee will give us a far reaching solution to this problem.

I want to see our young and enterprising people enterprising given opportunities to eke out a living because the Government cannot employ everybody in this country. If we want to create more opportunities for the young people, we must create a conducive environment. I urge the Cabinet Secretary for Interior and Coordination of National Government to be careful in some of his utterances because he may land into problems.

For example, there is somebody who has sued the manufacturers of trust condoms because he suspected they were substandard. To him, they were contraband and he is seeking for compensation. There is a failure by the KRA and KEBS; that is why we have substandard goods in the country.

Secondly, there is a legal framework which does not allow some jobs to be done by foreigners. I want to agree with Sen. Olekina that if we are not careful, we might find a Kenyan Chinese. I have been told that along Thika Road, we have some Kenyan Chinese. There are roads being constructed by the Chinese in Western Kenyan and other parts of the country. Even in my learned senior's region - Sen. Orengo's region - there are many Kenyan Chinese. That is unfortunate.

We need to enact a law where foreigners will not be allowed to sell maize and involve themselves in small scale businesses that ordinary Kenyans can do. Dr. Fred Matiang'i, the CS, in some areas is doing a great job for this country. We saw him demanding to know how work permits are issued to foreigners and why they do work that can be done by ordinary Kenyans.

I hope this Petition by Sen. Sakaja will receive the necessary attention that it deserves and that there will be a proper legal and policy framework to ensure that we jealously protect our small traders. Most of them are young people who are trying to eke out a living. We need to protect them because they have taken loans from banks and other financial institutions.

I support this Petition and I hope the police and other agencies will not take advantage of the situation and harass small scale traders in disguise of cracking down the contraband goods because they do not have the capacity to do so.

Sen. Orengo: Thank you, Mr. Speaker, Sir. I am rising in support of what I have heard from the Senator for Nandi County and the Senator for Narok County say with regard to this Petition.

Mr. Speaker, Sir, probably now you will be allowed to enter the Port of Mombasa because you are the Speaker of the Senate. However, if you go there as an ordinary

Kenyan, you may not be allowed to enter. I have tried to go through the ports during the time the road through Makupa Causeway had a huge traffic, but it is not easy even if you are a Senator. Even if you hold whatever position in the Government, entering it is extremely difficult. Yet, you find circumstances in which containers of contraband or counterfeit goods going through it. They do not come in single items, but they come in containers. They are able to go through the port and enter the market.

The question that should be asked, and has been rightly put by the Senator for Bungoma County, is that whenever you find contraband goods in the market, the starting point is to ask the KRA and to that extend the KEBS. When you go any country, the people who keep economies running are the middle level and small business.

In Nairobi City County, for example, if you go through Kenyatta Avenue, River Road and Ngara, it is the small businesses that keep the economy running. In addition, if you go to New York City, it depends on small business. In fact, there was a time when President Bill Clinton was saying that 60 per cent of the business that takes place in there is by small business and traders.

Mr. Speaker, Sir, if you have the police and state officials running amok, trying to harass and intimidate small business without dealing with the source of that problem, we are causing misery and loss to many people who are otherwise very innocent. I support this Petition. I hope that when it goes to the Committee, it will be dealt with in a comprehensive way so that some understanding comes out on why some of these things are happening.

I have been in a situation where somebody imported medical equipment and who had all the papers, but all that was burnt in the name of counterfeit. He had done everything possible under the law, but at the end of it of all, a lifetime investment was ruined. He had taken loans from banks and he had even bought insurance covers in order to import the medical supplies. We will be doing a great service if we can protect small businesses and small traders in this country.

They look like they do not matter, but if you look at the City of Nairobi as a whole, from end to end, what keeps the economy going are these small businesses. They may be giving little money in terms of taxation individually. However, when you put it together, it is worth more than any multinational that is operating a business in this country.

This also applies to farmers like tea and maize farmers. Although we were told that in paying farmers, some people out there, would prefer paying the bigger suppliers who can supply many bags that require a week to unload and yet they can unload overnight and get paid. Overall, you will find that it is that small farmer who keeps the country fed. These are the people who do most of the work in the farming sector.

Mr. Speaker, Sir, this is an important Petition. I support it wholly and I hope the relevant Committee will come back and report to us as quickly as possible.

Sen. Seneta: Thank you, Mr. Speaker, Sir. I also add my voice on this important Petition. Allowing counterfeit products into our markets is an economic crime which is committed against the businessmen and citizens of this country. Besides, the pretense of fighting counterfeit products at the expense of our young people and small stakeholders is an economic crime. Our young people should not be fought in the pretense of fighting counterfeit goods entering into the country. We need to be serious on big traders who import counterfeit goods everyday into this country.

I therefore urge the “Super Senator” of Nairobi City County to go further, once this Petition is presented to the Committee. The Committee should first look into the capacity of KEBS. If there is a Government agency that is punishing and letting down this country, it is KEBS. The Committee should therefore, investigate the capacity of KEBS and whether they are even able to look into the standards of products that are entering into this country and those that are being sold. Do they even have the competence? Under what policies and regulations are they enforcing some of the weird and careless restrictions that we are seeing them implement?

In fact, when we talk about the imported sugar that was said to be contaminated with mercury and other contaminants, I thought that the first recommendation we could have seen from them was the disbandment of KEBS or its investigation because it is the one that is letting this country down. The Committee should therefore, not let us down. They should look into this Petition very seriously. They should not only look at counterfeit products in terms of those that have been denied entry into the country, but also all other counterfeit products we see in our markets today.

We are not safe as a country. We are told even the medicine we take and the bottled water we see around, we do not know who has looked at the standards. Today, there is nothing we can trust to be very safe whenever we are buying. We are also buying things that are sub-standard. You buy shoes today or any household item, and it does not last because these are counterfeit products that have been carelessly allowed into the country.

I think it is high time that the Ministry of Trade should look into this. I urge our Committee to look into this Petition very seriously and report to this House on what measures are to be taken after this.

The Speaker (Hon. Lusaka): Hon. Senators, we only have five minutes. So I will give Sen.(Prof.) Imana Ekal to conclude.

Sen. (Prof.) Ekal: Thank you, Mr. Speaker, Sir, for giving me the chance to contribute to this very important Petition.

The small traders are the young people of this country who are trying very hard to make it and get out of their situation. In a country without enough jobs for our youths, we should be supporting and encouraging small traders, organise and find them places where they can sell their wares so that they can make it in a very difficult situation.

When I was a young person just out of college, I already had a letter of appointment telling me where to go and work. I found one university student who is doing a degree whom I found in a hotel that I booked today. He was just telling people which rooms were available and so on. That is awful and just how low we have gone as a country. Our youths graduate out of university with degrees and still do not have jobs. Due to that, the youth are becoming creative in such a way that they want to sell what they have. We need to support them instead of beating and chasing them away. They need our support.

I support what my brother, Sen. Olekina, said about the prevalence of Chinese all over this country. We are really inviting disaster. I went to buy a car the other day in one of the warehouses and the guy that was showing me cars was a Chinese! I was surprised because I looked at this guy and said, “You do not even know enough English and here you are taking me around, telling me this car is better because it is this---.” Is this something that a Kenyan youth cannot do?

It seems that there is something wrong with our systems. In countries such as the US and in fact China - we were there the other day - as a Kenyan, you cannot just go there and start working. You have to have the right papers to work. Otherwise, you just go there and languish in your poverty as a foreigner, yet, these people are just coming to Kenya and getting jobs and taking them away from our youth and we support them.

Mr. Speaker, Sir, China is so heavily populated. The last time I looked at its population, it was 1.4 billion people. It is so heavily populated that they are looking for places in the world where they can go. I think Africa is the next Chinese continent. Let us not take what Sen. Olekina said for granted and then we start laughing. We need to start looking into the prevalence of the Chinese as something serious. We may be displaced and find just a few of us in our own country because foreigners are coming in *enmass*.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Honourable Senators, pursuant to Standing Order No 226(1), the Petition stands Committed to the Senate Committee on Tourism, Trade and industrialization. In terms of Standing Order No 226(2), the Committee is required, in not more than 60 days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioners and laid on the Table of the Senate.

I thank you.

(Applause)

Next Order!

PAPER LAID

REPORT ON THE DISASTER RISK MANAGEMENT BILL, 2018

Sen. Sakaja: Mr. Speaker, Sir, I beg to lay the following report on the Table:-

Report of the standing Committee on national security, defence and foreign relations on the Disaster Risk Management Bill (Senate Bills No. 8 of 2018).

This is for the benefits of Members. The Bill has already been moved and it is to guide deliberations as Members debate it in the Second Reading.

(Sen. Sakaja laid the Document on the Table)

The Speaker (Hon. Lusaka): Next Order!

NOTICE OF MOTION

ESTABLISHMENT OF MENTAL HEALTH FACILITIES IN COUNTIES

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

AWARE THAT Article 43(1) of the Constitution provides that every person has a right to the highest attainable standard of health, which includes the right to health care services;

NOTING THAT cases of mental illness are on the rise with 1 in 4 Kenyans likely to suffer from a mental disorder at some point in their lives, coupled with the fact that many Kenyans with mental illness do not receive adequate treatment;

CONCERNED THAT the World Health Organization has ranked Kenya sixth, among African countries with the highest number of depression cases;

DEEPLY CONCERNED that there exists internal inequities in the distribution of the already low numbers of mental health workers in Kenya with the available professionals being concentrated in cities leaving rural areas with very few professionals if any;

FURTHER CONCERNED THAT, delivery of mental health services is facing a myriad of challenges key among them, inadequate and understaffed rehabilitation facilities and outreach programmes leading to the provision of insufficient mental healthcare services at the psychiatric units;

NOW THEREFORE the Senate calls upon the National Government in collaboration with the County Governments to-

(1) increase the number of specialized well equipped mental health facilities and develop effective outreach and other mental health programmes targeting Kenyans in remote areas and learning institutions;

(2) increase the allocated mental health budget to ensure there are adequate funds targeting this specific area; and

(3) develop initiatives to encourage more Kenyans to pursue and specialize in psychiatry and build the capacity of community health workers and staff in mental health facilities through continuous training.

I thank you.

The Speaker (Hon. Lusaka): Next order!

Proceed, Sen. (Prof.) Ekal.

STATEMENTS

INSECURITY IN TURKANA COUNTY AFFECTING CRUDE OIL EXTRACTION AND TRANSPORTATION

Sen. (Prof.) Ekal: Thank you, Mr. Speaker, Sir, for giving me the chance to make this statement. Pursuant to Standing Order 46 2(a) I rise to make a statement on an issue of general topical concern regarding insecurity in Turkana County that has paralyzed crude oil extraction and transportation from the county.

As you may be aware, tension has been rising in Turkana County over insecurity and management of exploration, extraction and transportation of oil from the county. Residents of Turkana County on 27th June, 2018 blocked trucks from transporting crude oil from Ngamia 8 in Lokichar to Mombasa. The demonstrators demanded that the trucks

be driven back to Africa Camp Solutions where Tullow Oil Company has its offices and logistical center.

The residents gave their reasons for blocking the road including insecurity, failure by the exploration company to offer residents jobs, discrimination of the local community in awarding of tenders and criteria for sharing out the community's share of profits from the oil.

Mr. Speaker, Sir, despite the shoot to kill order by His Excellency the President on bandits terrorizing residents of Turkana and Pokot communities, several bandit attacks have been experienced in the county. The most recent attack being three police reservists who were shot dead and livestock stolen at Lokor Ward where the first four oil trucks were flagged off. This is what has escalated the current demonstrations by the locals.

Turkana County is one of the poorest counties in Kenya. The Kenya National Bureau of Statistics (KNBS) indicates that 88 per cent of the people in the county live below the poverty level compared to a national average of 45 per cent. Since the oil discovery in Turkana County, Turkana residents have been protecting the oil in the hope that development will be accelerated in the county. It would only be fair that they too benefit and move from the abject poverty to absolute wealth.

Mr. Speaker, Sir, the importance of oil in the country's future economy cannot be overstated. These ongoing conflicts are likely to hurt the steps that has been taken in oil exploration. The discovery and exploration of oil in most countries in Africa is a blessing and a curse at the same time. We would like Kenya not to take that route where the precious discovery becomes a curse. We want our people and especially the residents of Turkana County to benefit from the extraction of the oil. Further, we want the security of the residents to be assured. No fighting should be witnessed as a result of this discovery and extraction.

Mr. Speaker, Sir, I therefore, wish to call upon the national Government working together with the County Government of Turkana to ensure that peace and security is restored in the area to continue the extraction and transportation of oil. I also appeal to the national Government to ensure that the residents of the county get a share of the cake through employment opportunities. Finally, development in the area must be accelerated.

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

Sen. Wetangula: Thank you, Mr. Speaker, Sir. I rise to join the distinguished Senator for Turkana County in the Statement he has made about insecurity in his county. I was in Turkana County last week. Everybody who stood up to speak was crying about security. In fact, at the time, two Members of Parliament (MPs) from Turkana had actually led the citizens into blocking the highway so that the oil from the fields of Lokichar could not leave the county. Their message was very clear: "We are looking for attention because of insecurity."

Mr. Speaker Sir, it is totally unjustifiable for parts of this country to be like the Wild West. In Turkana, Samburu, parts of West Pokot, and Baringo, people live as if there is no structure of leadership to protect them. In the legal framework of social contract, a citizen surrenders his right to defend himself to the state so that the state can defend him and his property.

Turkana County is even in a bigger jinx because of the oil discovery. When I was in Turkana, I said that I would expect that the people of Turkana County will shift in no time from despicable disgrace to amazing grace and from abject poverty to opulence and

wealth that will change the lives of people. However, if insecurity remains the order of the day then even being wealthy is meaningless. You cannot enjoy the little or the much you have because of insecurity.

As I join the distinguished Senator for Turkana County in making this important statement, I urge that extraordinary problems require extraordinary solutions. As a matter of urgency, the Government should have a Marshall Plan on Turkana County and the counties that are bedeviled by insecurity, not to forget Garissa, Lamu and counties that are constantly under attack from Al Shabaab bandits.

Mr. Speaker, Sir, in Turkana County, it is not Al Shabaab. It is an internal problem where we are unable to manage the intercommunity interactions between the various nationalities of this country.

More importantly as I finish, the problem of Turkana County is more complex than ever before because people are not fighting about rustling cattle, stealing goats and sheep or hijacking young girls to make them wives. We now have oil. We have very valuable lessons from Nigeria. The Ogonis started complaining about appropriation of oil by the Nigerian Government in the same way that the Turkanas are doing today. The Nigerian Government ignored them. Ogoni land became and remains a sore thumb in the body of the country of Nigeria.

We do not want Kenya to go that way. We want our oil to be a blessing and not a curse. Countries with oil as you know are in problems, for example, Angola, Congo, Congo Brazzaville, Nigeria, and Sudan. South Sudan is even in bigger problems. We want Kenya to be a shining example because of the foundation of the structures of governance that we have in this county. That we can produce oil that appears to be a curse to everybody and turn it into a blessing to this county.

I support the distinguished Senator.

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

Proceed, Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir. I would also like to support this particular Statement. For very many years, when we were young and in school, we used to hear of insecurity in Turkana. These people are insecure economically and this is a semi-arid region with a lot of challenges. They also lag behind when it comes to education, although their children are hardworking. There are some years that they used to lead in the country despite all the challenges.

This insecurity has risen to a higher level; from cattle rustling to now interfering with their God-given oil in Turkana, which everyone hopes will open Turkana County for greater development and economic stability. Since insecurity is becoming a threat to economic growth in Turkana County, our Government needs to increase security measures in that county.

It is possible to put in place measures and control insecurity in this country. We have got enough security personnel, but I tend to think that staffing, when it comes to matters to do with security, has a problem. More often than not, they send people who are not experienced, like young people from college. At times, indisciplined officers, who become problematic in other places, are sent there. That place has been set as the Siberia, which we used to learn about in school, for punishing indisciplined security personnel.

The Cabinet Secretary (CS) in charge of security must put in place measures to make sure that security in this particular county and the whole country is taken seriously,

knowing that the oil will be of economic value to this country at large. It is the high time that security matters are taken seriously in this country so that we live secured. If we are not secure in our country, where else shall we go to get security?

This matter must be taken seriously and even the Committee that will be given this particular issue to deal with must do its work seriously. The fact that there is a Bill on the same issue means that it is becoming a concern. This security matter must be taken seriously by our Government and particularly, this House. We must stand together to make sure that there is security in our country.

There are also other issues that are contributing to insecurity even in other places, for example, unemployment of the youth. Yesterday, when we were coming from the funeral of the late Senator for Migori, Sen. Oluoch, the town that we passed through was crowded by youth who were saying: "Give me Kshs50; give me something." Passing through the town almost became impossible. That also causes insecurity and it is the case in most parts of this country. Therefore, insecurity is becoming a matter of concern and it should be addressed seriously.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, the Senate Minority Leader.

The Senate Minority Leader (Sen. Orenge): Thank you, Mr. Speaker, Sir. The distinguished Senator for Bomet County has not understood some of the tools of Kenyan politics. If you are the Speaker and you are stopped in Kisumu, you know what to do, and you will be cheered.

(Laughter)

Mr. Speaker, Sir, this is a very important Statement and we commend the distinguished Senator for Turkana County. Sometimes resources like oil, as he has said quite rightly in his Statement, can be a curse. If you look at some of the countries with the greatest resources in the world, they are not necessarily the countries that are doing well. There are some countries without mineral resources or even commodities that could be sold in international market which are actually not doing well. However, there are countries which are just based on providing services and communications and they are doing quite well.

If you look at what is happening in the Democratic Republic of Congo (DRC), one of the richest countries in the world – I dare say – an ordinary Congolese from that country cannot be proud of the wealth and resources in that country ever since they attained independence from the Belgians. The colonial powers priced those countries because of their resources. Angola, even after getting independence from the Portuguese which they had to fight for over years, is not yet out of the woods. In the northern part of Africa, even where there was stability like in Libya, although without democracy, the resources of oil are not giving the returns that Libyans expect.

Therefore, the oil found in Turkana cannot be for the benefit of this country and more particularly, for the Turkana County if the problem of insecurity there is not addressed. I dare say that the question of insecurity in Turkana and Pokot is becoming an embarrassment because they are not beginning today; they began even before Independence. One would have thought that, now with our Governments in the post-

colonial period, we would be able to offer peace and security for Turkana and those other counties which, for all that period, have not known peace and stability.

So, for us to get the premium from oil as a nation and a country – leave alone Turkana – the issues of peace and security, law and order should be addressed. It is not peace as we understand it; it is peace as the people who are in Turkana themselves understand peace to be. This is because sometimes we think that by taking policemen there and giving orders of shoot-to-kill we are creating conditions of peace. That may not create peace in Turkana.

The people in Turkana and Pokot have learned to be very good marksmen; they are better than even our police forces. However, they do not shoot to kill. They shoot to defend their property, livestock and territory. So long as you do not guarantee them peace, they will continue to get means and tools of providing peace and security for themselves. Kenya will get nothing from this great resource - the oil - until we address the question of peace and security in Turkana.

It is becoming a song for all Governments. I dare say that even after something seemed to have been done during the Grand Coalition Government, because there were so many delegations that went there to address internal problems within the counties and also the border issues with Ethiopia and Uganda, we have not seen any dividends from those kinds of activities. Therefore, one would want to urge the Government to try and find a lasting solution to the people of Turkana.

One of the issues between the local leaders and the national Government has been how to share resources of oil. That will work towards bringing peace and stability in that region, because everybody is fighting over resources. Even the internal law and order issues in the counties and between counties are principally a fight about resources, more particularly, water and livestock. Kenya would be a better place if we addressed the challenges in some of the counties which have been marginalised for a long period. They include Turkana, Marsabit, Mandera, Lamu, Garissa, Wajir, Isiolo and to some extent, Elgeyo-Marakwet, where there are some areas which have got challenges. Therefore, it is important that these things are addressed.

Mr. Speaker, Sir, I do not know whether the Senate should try one more time, because there have been all kinds of peace missions by the Senate Committees to try and determine how to resolve those problems. The Senate could probably provide leadership by going into that county through the Committee on National Security, Defence and Foreign Relations composed of the team of Sen. Sakaja and Sen. Haji.

Oil is a very important resource and instead of leaving it to the Executive, parliamentarians, particularly our committees, should go there and find out how to resolve this problem. They should have a conversation with the people of Turkana County and their distinguished Senator here, to find a lasting solution and not one that is meant to make people only happy for a moment.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this Statement. I also thank Sen. (Prof.) Ekal for this Statement. Oil is a very important commodity; very few countries own it and, as a result, they become very wealthy. Oil can help us, as a Nation and also the people of Turkana County, who languish in poverty. As the Senator clearly said, about 88 per cent of the people in that region languish in poverty.

All along, we have been looking at how to work on the Sustainable Development Goals (SDGs), because SDG One states that we have to look at ways of eliminating all forms of poverty. If the people of Turkana County have languished in poverty, there is now the need to find how we can break the cyclic nature of poverty in that County and help them so that the oil can also benefit them.

Mr. Speaker, Sir, insecurity is undoing the gains brought by our Constitution. Article 43(1)(e) states:-

“Every person has the right— to social security.”

Therefore, there is need for security to be beefed up in the County so that people are secure. The Senator also mentioned that a child was killed in the process. The right to life is a constitutional right for everyone. There is need for the Government to put in place mechanisms to ensure that every citizen in Turkana County is secure and that their lives are not threatened because of oil. Oil is a blessing to the people of Turkana County because it can be used to create jobs for them.

Mr. Speaker, Sir, there is need for public participation in order to engage the people of Turkana County in a meaningful way, so as to have blessings from the community. If a project is accepted by the community, it then does very well because the community will ensure that the project succeeds. It is, therefore, important to ensure that there is a deliberate effort to engage the people of Turkana County in this process so that they can accept the situation and see it as a blessing for them. That way, they will find ways of working with the Government so that all sides benefit. The oil will help this Nation as a whole and not just the people of Turkana County.

Mr. Speaker, Sir, there is also the need for us to find ways of protecting the police. If police reservists are also being killed in the process, then who is protecting us? There is need for concerted efforts to ensure that the oil in Turkana County becomes a blessing for this Nation and for the people of Turkana County.

I support the Senator for this noble Statement that he has brought to the Floor of the House.

Thank you, Mr. Speaker, Sir.

Sen. Halake: Thank you, Mr. Speaker, Sir. I support the Statement by Sen. (Prof.) Ekal, even though I am saddened that we now only debate under Standing Order 46(2)(a). This basically means that we cannot track outcomes of the discussions that we robustly and elaborately spent a bit of time on. In fact under Standing Order 46(2)(a), our only hope is that we can highlight issues and they get the attention they deserve. Sometimes you would be kind enough to commit these statements to committees. However, I am also wondering when we will go back to having our Statements under Standing Order 46(2)(b) so that we can track performance on some of the outcomes of what we have been crying for.

With that said, Mr. Speaker, Sir, I would like to support Sen. (Prof.) Ekal for bringing this Statement. In the last 40 years, historical data shows that there has been a negative correlation between the GDP of resource exporting countries – not all countries, of course – and the economic growth of certain countries. Countries like Norway or countries in the Gulf perhaps have positive correlations because of the nature of their Governments, which are monarchies.

However, if we do not do something about the issue that has manifested itself in the blockage of the trucks, we risk going down the path of the oil becoming a curse,

which has been very elaborately talked about by Senators who spoke before me. The reason why this is so – in all the literature available – is that in every instance where there is no inclusivity and the public has not participated sufficiently, then these ugly incidences rear their head. However, with regard to the natural resource rich countries where they encourage efficient redistribution, we do not see these incidents.

Mr. Speaker, Sir, I know that the people of Turkana are very smart and they have used this opportunity of the oil trucks to highlight their issues. However – and I stand corrected – it is not necessarily the oil or its transportation that is the problem. It is the other issues around insecurity and the fact that they did not participate in some of these developmental decisions, where it was clear that their opinions were not taken into account.

Mr. Speaker, Sir, as I have said earlier, some of the richest or the poorest countries are, of course, the oil or resource rich countries. However, what I am seeing happening in Turkana County is extractive as opposed to resource sharing with the communities in terms of what has been reported to us in the Statement. If the local communities are feeling pretty much like spectators – they are not part of the tenders or job opportunities that have been created – then, we are definitely looking at a resource curse ingredient that is brewing. Therefore, this country should do something, both at the Ministry level but also at the county level. We expect the county government to do something before this escalates into a full blown curse that we have just been talking about.

More importantly, Mr. Speaker, Sir, as I said earlier, I stood up to request and to find the answer as to when we will be reverting back to the Standing Order that would ensure that we get some feedback and outcomes from these Statements. It is all good for us to articulately debate these issues. However, if we are just playing to the gallery such that we are not able to measure what our debates have achieved or what outcomes our statements are getting for us, then it seems to me that Standing Order 46(2)(a) – I will not say it is a waste of time – but it is an exercise that cannot be measured. Therefore, I wish that we revert to Standing Order 46(2)(b), which will give us the opportunity to execute and look for results.

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

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

I thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I beg to support the implementation and, hopefully, the commitment of this Statement to a Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Halake. Shortly, we shall have a report on the way forward on Statements under Standing Order No. 46(2)(b). The matter has already been discussed by the Procedure and Rules Committee of this House.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to comment on and support the Statement on the challenges faced as a result of the discovery and production of oil in Turkana County. The Statement has been brought to this House by the good Senator from Turkana County, Sen. (Prof.) Ekal, who I

serve with in the Committee on Energy. The discovery of oil will either help or destroy the Turkana people.

I am alive to the fact that Turkana and Nairobi counties receive the largest share of resources that are disbursed to the counties by the national Government. However, I note with concern sentiments of my good friend, Sen. (Prof.) Ekal that Turkana County is one of the poorest counties in Kenya. I beg to differ with his opinion because that could have been the case before devolution. A county that receives almost the same amount as the capital city of this country should not be talking about poverty. They need to think about good governance for them to take advantage of the extractive industries that will spring up with the discovery of oil in Turkana Country.

Security is key and it must be maintained all the time. However, if we keep on pointing fingers and saying that the local people must benefit and yet we have not empowered them through education, then we will be doing a lot of disservice to them. Let us support and empower them through education so that they tap into other industries that will spring up with the discovery of oil. If we do not do so, we will not help them at all.

Right now, the Ministry of Education, Science and Technology is focusing on technology colleges that will train plumbers and electricians who will work in the oil industry in Turkana and in other counties. The Turkana people should be given opportunity to start other businesses because people working in oil industry must feed. Therefore, any Kenyan can open a restaurant and feed them. We need to improve the quality of the food that is served in some restaurants in Turkana County. It is sad that the people extracting oil in Turkana County are getting their sandwiches and other foodstuff from hotels in Nairobi County. This is what we need to be talking about.

The County Government of Turkana must create a database with regards to its human resource. For example, how many people can work in the hotel industry? How many plumbers and electricians are in Turkana County? If they are lacking or those skills are wanting, they should find a way of attracting more investments into their country so as to uplift the quality of education of their people.

It is sad Turkana people feel that they will not benefit from the oil and that is the reason they are apprehensive. To them, they do not see the reason why some people will continue exploiting and transporting the oil which will not benefit them directly. This Government has an opportunity to save Kenya from turmoil. We do not want to go the Nigeria way where we there bandit attacks every day because of oil.

If we do not take the oil that we have discovered in Turkana as an opportunity to improve the living standard of our people, then we will go the same way as other countries in Africa that discovered oil many years ago. Poverty, corruption and conflict in Africa is as a result of weak governance.

What exactly is the County Government of Turkana doing to uplift the education standards of its people? They should challenge their professionals and other people who are outside the country to come back and take the opportunities in their county.

Mr. Deputy Speaker, Sir, I hope you will see it fit to not only commit this Statement to the Committee on National Security, Defence and Foreign Relations, but also to the Committee on Tourism, Trade and Industrialization as well the Committee on Education.

We will solve the problem of insecurity when we create effective extractive industries in Turkana County and neighbouring counties.

I support and I hope that my good friend whom we serve with in the Committee on Energy will sit down with the local leaders in Turkana County and have a public participation exercise so as to help their people realize the pros and cons of fighting this industry.

Sen. Sakaja: Thank you, Mr. Deputy Speaker, Sir. I thank Sen. (Prof.) Ekal for bringing this issue. It is poetic and timely that on a day that the Senator for Turkana County has brought an issue regarding the security of his people, it is the same day that his Governor is busy talking about immunity for governors from corruption prosecutions. This shows you the difference in priorities. If resources were used well in Turkana County as said by Sen. Olekina, then we will not be dealing with some of the issues we are talking about today.

Despite clear provisions in the Standing Order No. 46(2)(b) on how personal Statements are treated, I want to undertake on behalf of the Committee on National Security, Defence and Foreign Relations that we will take up this matter. It is part of our work plan in the second part of our calendar. We want to deal with the issue of cattle rustling throughout the north rift counties. I know that there are some amendments being proposed to Standing Order No.46(2)(b), but we will take up that matter.

It is sad because this is not the first time that we are dealing with this issue. Previously, I led a delegation of the Senate and the National Assembly in the last Parliament, when I was the Chairperson of the Joint Committee on National Cohesion and Equal Opportunity to Sen. (Prof.) Ekal's County, where we went to Lokwar and Nakuse, which are in Turkana South.

At that time, there was peace, because we had peace committees between the people from Lokwar-Nakuse and those ones from Turkwel across the river in West Pokot. The young Pokot and Turkana Warriors were the ones preaching peace, slaughtering cows together and moving together.

Mr. Deputy Speaker, Sir, where some of these initiatives fall off is where other institutions that are charged with follow through do not continue with their work. We moved from Lokwar-Nakuse and went to Turkwel in West Pokot and the solution was just there. The Kerio Valley Development Authority (KVDA) would have brought a solution in that area to engage these young people.

We went to Loruk in Baringo, Nginyang' and Sindai. The solutions again were with the people and we agreed on what needs to be done. From there, we went to Bargo in Samburu where for the first time, we witnessed, in more than 50 years, the first peace deal between the Turkanas and Samburus of Bargo. There were certain agencies that were supposed to follow up on that peace agreement including the National Cohesion and Integration Commission (NCIC) and the National Police Service (NPS).

They did not do anything about it and that peace deal recently crumbled. Even as we go back - because we will go back to that area - I hope the area Senator, Members of his Committee and all the Members of this House from those counties; Baringo, Samburu, West Pokot and Turkana, will be there. We really urge you to support us in this work.

Mr. Deputy Speaker, Sir, it is interesting that Sen. Ledama and Sen. (Prof.) Imana Ekal are Members of the Committee on Energy. The biggest opportunity for resolving the

issues in the North Rift lie within their committee. If you look at the geothermal trail starting from Nakuru County moving up, that is where the greatest solution comes from. The by-product of geothermal production of energy is water which is one of the biggest problems in these areas.

We had agreed with Mr. Simiyu who was hounded out of GDC on how we will improve the leather industry in the North Rift through the by-product of the geothermal exploitation in that area. Most countries are getting more money from leather than from the meat of these cows. We need to change our mode of engagement with the pastoralist communities. These are issues that we must take up and we are taking them up again as a committee.

We had also proposed that these young people in those areas who had been handling the arms - if you want to see what happens when a country resolves to deal with this issue - look at Uganda. Our neighbours have sorted out the issue of cattle rustling across the border. If these young people go to the NYS, the military or the police, they will be a great source of a solution and we will use less money training them. We do not need to train them on how to shoot; they are much better than the young boys that we send there from Nairobi, Kiambu or Western. They already know how to use this equipment. They are asking: Why is it that when you come for recruitment, you take very few of our young people?

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

Sen. Sakaja: Mr. Deputy Speaker, Sir, we had also proposed amendments to the Penal Code. The first amendment to the Penal Code indicates: "To redefine cattle rustling as a capital offence." You cannot have a situation where cows are stolen, women are raped, houses are torched, people are killed and you tell people: "*Ita wazee waongee*". It cannot work like that. We must call it as it is, a capital offence.

As I finish, I want to commit that the Committee on National Security, Defence and Foreign Relations is taking up this matter. Kindly allow us to follow it within our workplan - so I will not say two or three weeks - but within our workplan which I will engage with you on. We are taking up this matter and we will move forward.

I would wish that the Leader of Majority and in his absence, the Leader of Minority, gave a Statement on the very ridiculous statement we have heard from governors today saying that they must be immune from corruption. I am happy I did not see Governor Mike Sonko of Nairobi City County there; I do not know what your governors were doing there. We must challenge that issue. Article 143 does not provide for immunity of governors. If they are corrupt, they need to be jailed.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! As I have just directed, I can see the level of interest is very high. I have more than 15 requests on the screen. Gradually, we are abandoning our way of doing things. Statements are just one of the items on the Order Paper. It is not the only item. As I have said, going by practice, the time for Statements is regarded as Statement Hour specifically to constrain the Senate to take not more than an hour in that agenda so that other items can be addressed.

Having said that, the very reason why this House decided, with the directive of the Speaker to suspend Statements under Section 46(2)(b) was to allow a re-working of that framework so that we are able to attend to the important issue of Statements but at the same time, be fair to the other items of the Order Paper, including legislation.

Having said so, I will stop further debate at that point. This provision we are using does not allow further comments once the Senator making the Statement has read their Statement in not more than 10 minutes. So, I will make my ruling on this matter. We have two other Statements on the Order Paper. The second Statement is by the same Senator, Sen. Prof. Imana. I will direct that that Statement be deferred and be put on the Order Paper tomorrow. After that, I will allow the last Statement for the day from Sen. Chebeni. She will have a maximum of 10 minutes. After that, I will allow comments for a period not exceeding another 10 minutes so that we can close this issue of Statements.

Hon. Senators, the Statement by Sen. (Prof.) Malachi Imana Ekal, Senator for Turkana County, raises a very weighty issue which is life regarding insecurity in Turkana County generally but in particular, relating to recent events where we have seen a near paralysis of the oil extraction and transportation process from that county.

As you are aware Senators, the tension in Turkana is live and active and the residents in that county are demanding some quick action by the Government. I have listened to the contribution of the Senators including the Vice-Chairperson of the Committee on National Security, Defence and Foreign Relations, Sen. Sakaja. He has told the House that they intend as a Committee to consider that matter alongside other matters they are considering, relating to the former northern frontier districts and insecurity, cattle rustling and theft.

However, given the sensitivity of this matter, its urgency, implications for national security as well as the potential to derail a very important national exercise of oil extraction and transportation, I now direct that the Committee on National Security, Defence and Foreign Relations, engage with the Cabinet Secretary for the Ministry of Interior and Co-ordination of National Government and in addition, visit Turkana County and report back to this House in two weeks with concrete measures that can be undertaken by the national Government, the county governments to avert a crisis.

It is so ordered.

CATTLE RUSTLING AND POLICE BRUTALITY
IN ISIOLO COUNTY

(Statement deferred)

Senators, now I will give the Floor to Sen. Chebeni. You have 10 minutes.

What is it, Sen. Mwaruma?

Sen. Mwaruma: Mr. Deputy Speaker, Sir, the issues raised are not only to do with insecurity but also revenue sharing between the counties, especially the local content. We can add the Committee on Energy to interrogate the agreements between the counties and the exploring company.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! If you want the Energy Committee to do anything in particular, you present a statement and convince the House that the issues demand special attention outside the normal working of committees. Otherwise, you are free to attend the meetings of the Energy Committee and convince them to prioritise that matter.

What is out of order Sen. Sakaja?

Sen. Sakaja: Mr. Deputy Speaker, Sir, nothing is out of order. We will deal with those issues within the context of security. Adding us another Committee that might be a bit slower than my Committee which is very nimble---

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

Sen. Olekina: Mr. Deputy Speaker, Sir, my friend Sen. Sakaja is completely out of order to suggest that the Committee I sit in is slow. We are dealing with issues of local content. Sen. Mwaruma, whom I sit with in the same Committee raised issues which need to be considered.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is out of order?

Sen. Olekina: Mr. Deputy Speaker, Sir, it is out of order for him to purport that the Committee is slow. I would also like to support the point raised by Sen. Mwaruma on the issue of our Committee being part of that process.

The Deputy Speaker (Sen. (Prof.) Kindiki): I have already made a ruling on that. What is it Sen. Halake?

Sen. Halake: Mr. Deputy Speaker, Sir, is it in order for the Senators to talk about themselves and the Committees they sit on as opposed to what needs to be done to get security back in Turkana County?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! Sen. Sakaja, you should thank the Chair for arresting a situation which would have gone overboard. When you start telling your colleagues that they are slow, you are giving yourself powers you do not have.

Secondly, you are imputing improper motive on a Committee. While we know that all Committees in this House undertake very important national duties, it is almost a declaration that the Committee is on a go-slow or a strike. Let us hear what you have to say.

Sen. Sakaja: Mr. Deputy Speaker, Sir, my words were taken out of context. Having chaired a joint Committee before, the bureaucracies of joint quorum might slow down our process. I did not mean that the good Committee on Energy is slow. Apart from the empirical evidence you have on response to statements, all Committees are as fast as the rest.

Nonetheless, I just meant that the bureaucracy that comes with different clerks, timetables, Members and quorum requirement might slow us down and we want to jump onto this issue with alacrity and a lot of diligence.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Sakaja, you have acquitted yourself. Sen. Chebeni you have a maximum of two minutes.

STATE OF EMERGENCY MEDICAL CARE IN KENYA

Sen. Chebeni: Mr. Deputy Speaker, Sir, pursuant to Standing order 46 2 (a) I rise to make a statement on an issue of general topical concern regarding the state of emergency medical care in Kenya.

Article 43 of the Constitution provides that every person has a right to the highest attainable standard of healthcare services, including reproductive healthcare and further; that a person shall not be denied emergency medical treatment.

The Health Act No.21 of 2017 defines emergency treatment as necessary immediate healthcare to prevent death or worsening medical situation. The Act asserts the right to emergency medical treatment including pre-hospital care and the duty for all healthcare providers whether in the public or private sector to provide such emergency treatment.

Sadly, emergency medical care in Kenya has remained under-developed and under-equipped. Many Kenyans die every day for lack of prompt and quality emergency medical services.

Mr. Deputy Speaker, Sir, to begin with, there is the issue of lack of adequate specialised trained emergency personnel. Currently most public emergency centres are staffed by clinical and medical officers who lack specific training in emergency care. Secondly, there is lack of standard operating procedures and emergency operation plans leading to deaths of many Kenyans.

The third issue is lack of resources. The majority of counties in Kenya lack ambulance services and specialised equipment to handle emergency cases. In most cases, patients are transferred to hospitals by private means because few people can afford an ambulance, given the cost of hiring one.

There is also scarcity and the lack of a coordinated and reliable central dispatch system. This is a problem. Over the last couple of years, Kenya has seen an increased number of major incidents and disasters. The rise in global terrorism and lack of enforcement in traffic and building regulations has contributed to this. Without a coordinated response to these incidents, there is the potential of unnecessary increase in morbidity and mortality.

Emergency care systems should be recognised as a priority in Kenya. It is for this reason that I wish to draw this matter to the attention of the Senate and the Standing committee on Health. As we are all aware, health is a devolved function. Further, as you may all recall, Parliament passed the Health Act, 2017. This Statute makes elaborate provisions on how healthcare services should be handled in Kenya, including the collaboration between national and county governments on matters relating to emergency healthcare services and the enactment of regulations for better implementation of the said Act.

Mr. Deputy, Speaker, Sir, it is unfortunate that many provisions of this Act have not been operationalized almost one year since its enactment. The health of Kenyans is too important to be taken casually. Parliament has legislated, let the executive implement the law. Parliament cannot legislate in vain.

I, therefore, call upon the Standing Committee on Health to undertake its oversight mandate and ensure that the Health Act, 2017 is fully implemented.

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

Hon. Senators I did not want to interrupt the Senator. Nonetheless, I want to bring to your attention the provisions of Standing order 84 which says-

“No Senator shall read a speech but a Senator may read short extracts from written and printed papers in support of an argument and may refresh memory by reference to notes”.

I have noticed with concern that a number of Senators are reading reports and statements. Except in very specific cases anticipated in Standing Order 84 (2) - I do not

think this one is anticipated - where the Speaker may allow a Senator to read in particular cases and is satisfied that this is necessary for precision and statement of facts.

This applies to speeches, statements and reports by Committee Chairs. You can make reference to your statement and quote an extract but internalise the content of your paper, speech and statement; that is the whole idea of debate. Only make occasional references. In future, I will not be satisfied under Standing order 84 (2). For purposes of this statement, I am satisfied it fell under Standing Order 84 (2).

I will allow one or two comments. I cannot see any requests. Senators who have not spoken? Senator for Kitui, Sen. Wambua you have three minutes.

Sen. Wambua: Mr. Deputy Speaker, Sir I will be guided by your directive on Standing Order No. 84. I want to congratulate Sen. Chebeni for bringing up this Statement. The state of healthcare in this country has reached crisis levels. The situation is so bad in some counties that hospitals have become death traps for patients.

Sometimes patients have to bribe their way to be attended to in public hospitals. If they do not give bribes, they get tired waiting on the benches and leave to seek medical care in private facilities, which are owned by the same doctors who frustrate them in public hospitals.

Mr. Deputy Speaker, Sir, last weekend I had a serious challenge in my county in regard to healthcare. A young man called John called me on Saturday, at 12.30 p.m., and said that his father, who was admitted at Kitui General Hospital passed away on Friday night at around 10.00 p.m. and his body was still lying in the ward. He said that the same situation has prevailed in that ward for the last three weeks.

Mr. Deputy Speaker, Sir, I urge Sen. Chebeni, at an appropriate time and as urgently as possible, to consider seeking leave of the Speaker to adjourn the proceedings of the House and debate the state of healthcare in the country. Health is a fully devolved function, but there are serious concerns with regard to equipment, personnel and conflict of interest. There are serious concerns on the capacity of many of our county governments to manage the health function.

When that time comes, it will be necessary for us, as leaders in this nation, to provide direction with regard to what the county governments can do and the kind of assistance they should get from the national Government to ensure quality healthcare services.

Mr. Deputy Speaker, Sir, I thank you, for the opportunity.

The Deputy Speaker (Sen.(Prof.) Kindiki): Sen. (Rev.) Naomi Waqo, you have three minutes.

Sen. (Rev.) Waqo: Thank you, Mr. Deputy Speaker, Sir. I stand to add my voice on this important Statement and also thank Sen. Chebeni for bringing it to the House.

The state of emergency medical care in Kenya is extremely bad and we, as leaders, feel embarrassed when we see what is happening on the ground. I come from Marsabit, which is part of the marginalized counties. With that background, there are many counties that have suffered more than others. When it comes to staffing and personnel, we have people who are not qualified in some of the medical centers.

To make matters worse, in areas like the place I come from, the Government used to send staff who were under disciplinary action. When such staff were sent there, they mistreated the patients and did not serve them in the right way. So, it is unfortunate that

many of our institutions have lost credibility and are not serving Kenyans as they ought to.

Mr. Deputy Speaker, Sir, many patients have died on the road while being transferred from one place to the other. For example, in Marsabit County, where I come from, many people have died on the road while being transferred from Marsabit to Meru. We all know that the poverty level in that area is high and people have no money to transfer their patients or transport dead bodies. It is something that we need to give attention to. I suggest that a proper audit be done and a report tabled when the time comes.

Mr. Deputy Speaker, Sir, thank you, for giving me the opportunity. I support the Statement.

The Deputy Speaker (Sen.(Prof.) Kindiki): Thank you, Senator. We have come to the end of that Order.

Let us move to the next Order.

BILLS

First Reading

THE PETROLEUM BILL (NATIONAL ASSEMBLY
BILLS NO.48 OF 2017)

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

The Deputy Speaker (Sen.(Prof.) Kindiki): Hon. Senators for the convenience of the Senate, I direct that we skip Orders 9 and 15.

Next Order!

Second Reading

THE KENYA ROADS BILL (NATIONAL ASSEMBLY
BILLS NO. 47 OF 2017)

(Bill deferred)

Second Reading

THE IRRIGATION BILL (NATIONAL ASSEMBLY
BILLS NO. 46 OF 2017)

(Bill deferred)

*Second Reading*THE PUBLIC PARTICIPATION BILL
(SENATE BILLS NO.4 OF 2018)*(Sen. Orengo on 3.7.2018)**(Resumption of Debate interrupted on 3.7.2018)*

The Deputy Speaker (Sen.(Prof.) Kindiki): Sen. Cherargei had the Floor, but he is not here. I do not see any requests.

Sen. (Dr.) Musuruve, are you requesting to speak?

Sen. (Dr.) Musuruve: No, Mr. Deputy Speaker, Sir. I had contributed.

The Deputy Speaker (Sen.(Prof.) Kindiki): Sen. (Prof.) Imana Malachy Ekal.

Sen. (Prof.) Ekal: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this particular Bill. In a democratic system, it is important that the stakeholders, who are involved in an issue, are given time to air their views. Sometimes we assume that the local *wananchi* are not smart enough to come up with intelligent decisions. We, therefore, run into problems by making such assumptions.

The idea of public participation should be encouraged. *Wananchi* should give their views on issues that affect them. In the civilized or Western countries, there are provisions for people to vote on a particular issue, in the name of public participation. The people or stakeholders vote 'yes' or 'no'. That way, *wananchi* give their views, which then guide a particular matter.

However, in our case, we seem to dictate most of the time. We cannot afford to dictate in a democratic system. *Wananchi* should be given time to give their views and say what they think about a particular issue. I, therefore, support the concept of public participation because it is important. We can avoid problems and conflicts by getting *wananchi* to speak out their minds and guide our decisions.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to also contribute to this Bill. I rise to affirm my full support for this Bill, which is more than timely. The Constitution that we passed in 2010 recognizes the supremacy of the people in determining how resources are supposed to be utilized in terms of development in the counties, constituencies and in our wards. For some of us who, under Article 95, are supposed to be in the forefront protecting the interests of the counties, it is unfortunate to report that there is a lot of confusion in the way resources – which we fight so hard to be taken to our counties – are utilized.

Mr. Deputy Speaker, Sir, as we speak, we have three entities that are active on the ground; the county government, the Member of Parliament (MP) through the National Government Constituency Development Fund (NG-CDF) and the Women Representatives with the Women Enterprise Fund (WEF). However, all these three entities rarely consult the people. They do not have a mechanism of an effective public participation exercise that will integrate the various resources that are sent to our people so that we do not have duplication. I will give one example.

Mr. Deputy Speaker, Sir, I am surprised to learn that in various county governments, governors are now giving bursaries to entities that do not fall within their mandate. For example, university students have a fund that has been created for them by the national Government, where they can access loans. However, a practice has emerged because there is a popularity contest and this thing called bursaries has become so popular. Our governors are now diverting resources – that we send to them for specific functions that have been devolved – to functions that are reserved for the national Government.

The disconnect is that we do not have an effective mechanism where we involve the public and where the public is informed on what the Constitution says about the functions of the national Government and the devolved units. This information is important so that the public can clearly tell the county governments to disburse money through their budgetary allocations strictly to functions that are devolved.

Therefore, Mr. Deputy Speaker, Sir, I am impressed to note that Section 4(b) of the Public Participation Bill (Senate Bills No.4 of 2018) states that:-

“The conduct of public participation shall be guided by the following principles- provision of effective mechanisms for the involvement of the public, communities and organizations that would be affected by or be interested in a decision;”

What has been happening in the past is that the Governor and Members of the County Assembly (MCAs) would push through the passage of a budget where the people have not been effectively – and I want to emphasize the word ‘effectively’ – involved in the allocation of resources. Therefore, once we pass this Bill, we can now play our role as Senators in ensuring that before a budget is passed by any county government, there must be effective public participation. This should be the same thing for other elected leaders who have funds that are supposed to take development either to the constituency or to the county.

Mr. Deputy Speaker, Sir, I will give an example of the WEF. The Women Representatives have been allocated funds to support various projects in furtherance of affirmative action. This should include giving money to women groups and reinvesting part of it in bursaries. However, there is no mechanism or data on the ground to enable us to know the number of people who have benefited from the fund – which I will call illegal – in a particular ward from the governor’s office, the MP’s the NG-CDF bursary fund or from the WEF.

Mr. Deputy Speaker, Sir, you will be surprised that even MCAs also want to come up with another bursary, but for what? In all these four categories of people that I have mentioned, there is no data. This means that student “x” can get allocations from the county government, the Women Representative, the MP and the MCA. This is because people do not participate for them to say “For the WEF, we want it to be directed to orphans, who are girls or the boy child. For the county government, we want money to be taken where it belongs, like in building village polytechnics.” Therefore, the idea in Section 4(d), that public views should be taken into consideration before anything is done in our counties, is very important.

Mr. Deputy Speaker, Sir, if you go to most of these counties, you will never get a report that you can make reference to easily. However, I have seen that this Bill now has a provision in Section 8(1), which states that:-

“The responsible authority shall prepare an annual report at the end of each financial year.”

We expect that some of those reports should be filed in the Senate so that we can have a reference point. I remember there was a time when the entire budget process for Kiambu County was annulled by the courts simply because the people of that county filed a petition before the High Court. They challenged the entire process and said, “We, as the people, were not involved in the passage of that Bill because there was no public participation.” Consequently, the court annulled the entire budget making process. However, once we enact this Bill and it becomes an Act, there will be a clear mechanism that will guide the various entities, from the CDF to the county governments, *et cetera*.

Mr. Deputy Speaker, Sir, as I conclude my contribution to this Bill, I know that each county has a County Integrated Development Plan (CIDP) which gives the priorities for each county for the next five years. I believe that one of the key requirements is that before a county government puts the CIDP in place, there should be an effective involvement of the people through public participation. However, the disconnect in the NG-CDF is that there is no clear mechanism on the kind of projects that the MP should give priority to.

Mr. Deputy Speaker, Sir, I was once in a school where I met an MP – I will not name the constituency or the MP – where the members of public just told the *Mheshimiwa* “we want you to take some allocations for development in our school and our priority here is that we need to start the construction of a kitchen.” The hon. Member just shot up and said, “I am going to allocate money to replace the iron sheets in this school.”

That shows the kind of disconnect between the money we have and the needs of the communities or the people that we represent in this House. Article 10 of the Constitution clearly states that the people that we serve are our bosses and, therefore, before we make any decision in terms of development projects, we need to listen to their needs. In our various areas, maybe constituencies or county government, we need to listen to the needs and the priorities of the people that we represent.

Finally, Mr. Deputy Speaker, Sir, it is a good thing that we incorporate the issue of transparency and accountability in our decision making process. I emphasise the need for the people of this country to know any money released by the Exchequer to our governors is not their money. Therefore, they should not go to the people and tell them that they will do “a”, “b” and “c” for them.

First of all, they should ask their people what project they would like to prioritise in their ward, constituency and county. The same thing should apply to the Constituency Development Fund (CDF). This culture where a governor or hon. Member of Parliament goes to a constituency and says that he has brought them money for “a”, “b” or “c” project should come to an end once we enact this Bill that will guide public participation.

Mr. Deputy Speaker, Sir, with those few remarks, I support this Bill.

The Deputy Speaker (Sen. (Prof.) Kindiki): Those remarks are not few, Sen. Omogeni.

Sen. Omogeni: Mr. Deputy Speaker, Sir, I amend. With those many remarks, I thank you.

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

(Laughter)

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to comment on this extremely important Bill on public participation. My first question is whether the public is aware of the constitutionality of the term “public participation”. If I were to answer on behalf of the public that I represent here, it is yes. However, the process of engaging the public in decision making in this country is wanting.

In most cases when an exercise of public participation is carried out, there is a huge disconnect between what is being shared to the public *vis-à-vis* what happens on the ground because of language barrier. For example, the Government of Narok County would go to Elangata Oosaen and ask people to give their views on policy issues they are planning to introduce, but communicate in English language. These people do not understand English. Of course, people will sit there watching and nodding in agreement of everything said even if they do not understand language. This Bill is extremely important because it has to set certain requirements on how these citizens will be included in the decision making.

Mr. Deputy Speaker, Sir, public participation is a political principle or practice and may be recognized as a right. Our Constitution recognizes it. It says for us to be able to carry out services to the people of Narok County or Nakuru, their views must be included in the decision making.

Even on issues of the environment and water management, people need to be consulted on how these services will be delivered to them. Are they normally consulted? If you ask the county government they will say, “yes.” Mostly because they will put an advert in the newspapers and the people who will see it are those who buy newspapers. How many Kenyans pay taxes, yet they do not buy newspapers?

Mr. Deputy Speaker, Sir, this Bill should not only set out the requirements, the rules and regulation of public participation, but should go further and demystify. It should also elaborate on how the county governments in areas where people do not speak Swahili and English can carry out this exercise so that people are given an explanation. Currently, we are facing a problem in Narok County with regard to the Mau Forest eviction because of language barrier.

I congratulate the Government for moving fast to evict people who have invaded the Mau Forest. We have the problem because the community and the Government are reading from two different scripts. The community is suffering. However, some of them are suffering, but they do not know why. The Government knows the importance of the water catchment areas, but they are not involving the local community to know why they are doing so. When people encroach, we tend to protect them because they are our brothers.

This will be the right opportune for me to say that I have a similar Bill focusing on county oversight. Sen. Omogeni raised the question of budgets. The Public Finance Management Act is very clear. It requires county governments to consult the taxpayers on how to spend money in their counties. However, the issue of public participation is important to ensure each county government and Ministry must, before they can even develop policies, engage the public.

Mr. Deputy Speaker, Sir, we recently had a public participation session on the Local Content Bill (Senate Bills No.13 of 2016). However, the people who appeared in

those sessions were not members of the public. It was the investors and people who have an interest in the extractive industries because they want to protect their interests. What about the interests of the people in Turkana County? How can they be protected yet their government is not demystifying these policies and the Bills that we are passing in this House.

I fully support this Bill because it will ensure that the rights of the people of Narok County are respected. Today, they are questioning-rightfully so - the importance of municipality. Before a municipality is established by the county assembly, the people must be educated. They must be told the pros and cons of a municipality. One cannot just bring in policies and dump them on the people without consulting.

I comment the distinguished Sen. Amos Wako for having thought clearly about the process of public participation. The only way we can feel as if we belong to this country is when we pay our taxes, we are represented and our views are also considered in every matter.

Right now, the people who are being evicted from the Mau Forest might find another home in the Narok Mau. This will cause a lot of conflict. I hope the Government will not solve one problem and create another one. They should take this opportunity to educate those people who call that place home that is not right because our rivers are drying. They should seek their views because these people are contributing to the economy of this country. If you look at our tax base, over 40 per cent comes from income tax while the other comes from Value Added Tax (VAT), license fees and others.

Mr. Deputy Speaker, Sir, I would wish that the sponsor of this Bill can also introduce a provision that will require public participation to be carried out in a language that the people who are affected by the decisions understand.

If you go to my village of Oloombokishi, the people barely speak Kiswahili. Their Member of the County Assembly (MCA) speaks the Maasai language. So, let them carry out the public participation sessions by speaking the Maasai language. It will also require that when you are putting out an advertisement for public participation, you can use other avenues including funeral sessions, churches or local vernacular radio stations to reach to the people.

Mr. Deputy Speaker, Sir, I do not think that any county government or county assembly should move forward with this issue of converting former town councils into municipalities without seeking the views of the people who live in those towns. In Narok County, you will find an old man who has 100 acres of land. He has kept that land for over 50 years. That land goes all the way up to the urban centre. His neighbors have sold their parcels of land. Slowly by slowly, the town has now completely expanded swallowing the 100 acres of land of this old man. The moment you introduce a municipality, you begin charging that old man land rates. He has enjoyed having a freehold title for many years. He does not know that. So, let us engage and consult him.

I encourage that as we develop this, let us engage the stakeholders. Those stakeholders are the poor farmers who pay taxes. We should tell them that we are now coming up with a policy that requires them to be part and parcel of the budget making process. We have these County Integrated Development Plans (CIDPs) which are developed by county governments in urban centers. Just like what Sen. Omogeni said, when the people want a kitchen, give them a kitchen. Do not come out and say you are going to give them iron sheets. When the people want a hall which they can use to meet,

let them have it. If they want a road, let them have it. Narok County is one of the biggest bread baskets of this nation. We produce a lot of wheat, barley and potatoes, but all that is rotting because the citizens of Narok North, for instance, are not consulted on what is important for them. Maybe public participation is carried out and they know that it is a right, but there is nothing written in law for them to find out what they can do if their right is violated.

Mr. Deputy Speaker, Sir, the other issue I would like to see in this Bill is what if certain policies are introduced and passed, and it is alleged that public participation what carried out yet it was not, what should happen? Should we result to going to a court of law for us to get remedy? Should we set a threshold on the number of locals or people in the streets who must participate in a public participation session for it to be considered as having been carried out effectively?

I do not want to belabor the point, but it is quite clear. The Constitution has spelt out the importance of public participation in every decision that is carried out in this country. The people of Kenya know, but it is us, the Government, Parliament, county governments and county assemblies, that try to circumvent that. They do not want people to be involved because ordinarily, it will take a lot of time for that decision to be crystalized. Little do they know that when you share an idea with many people, eventually, what you come up with will be intelligent or satisfy and answer all questions that maybe the people who were coming up with it did not consider.

Finally, when we engage our citizens in decision making, we are empowering them. This Bill does not only seek to engage or seek the ideas of our citizens, but also empowering them. It is giving them a right to walk proudly and say: "I paid taxes to develop Kenya and my views were respected."

Mr. Deputy Speaker, Sir, with those many remarks, I support.

The Deputy Speaker (Sen. (Prof.) Kindiki): They are many indeed.

Proceed. Sen. Kibiru.

Sen. Kibiru: Thank you, Mr. Deputy Speaker, Sir. I rise also to support the Bill on public participation. From the start, public participation is a way of ensuring that citizens get value for money. We have seen several projects that are coming up in our counties. We have seen for starters how the budget is made. However, there is one question we keep on asking ourselves. Yes, we have made the budget and asked people to participate by telling us what they would want included in the budget. However, one keeps on asking whether there is a mechanism of feedback to ensure that once the budget has been made through that participatory process, the people who participated in doing so get feedback. Where people recommend that they want a dispensary, because of resources, the powers that be in a county may not be in a position to give the community what they asked for. How does the community get the feedback that, indeed, what was promised is not going to happen or is going to happen? As the people go ahead to do the guidelines for this Bill, it is important to look at the issue of feedback mechanism.

The other question as we do public participation is that there could be undue influence given the kind of projects that the community wants to undertake. One wonders how we will mitigate against those kinds of undue influence. For example, currently in my county, public participation has been carried out for people to select factory millers for their coffee. We have cases where some societies are complaining that public

participation was not carried out or it had undue influence from some interested millers. The issues of conflict of interest are coming up.

Mr. Deputy Speaker, Sir, it is important, as the guidelines are developed for the public participation, that we ensure the public is also educated on the pros and cons of some of the issues they want to discuss. Before we ask the public to participate, they need to understand the pros and cons of some of the issues that will be taken to the public to decide on.

We all know that we have public participation in the budget making process. However, we also need public participation in monitoring what has been done. As Senators, as we oversight, we need to do develop mechanisms of seeing that the public participation that has happened proposing certain issues to be done by the county governments are carried out.

We do that by developing tools including management information systems so that we can make the public participate by way of communicating to our offices, to ensure that whatever they participated in is adhered to.

Public participation is also in the *Nyumba Kumi*. I believe it is working well because communities are asked to come up with names of the people whom they trust and are of integrity, who can participate in the issues of security. I believe that in certain parts of this country, the public has participated in establishing the *Nyumba Kumi* affairs.

Mr. Deputy Speaker, Sir, as I conclude, public participation is a good way to go. As mentioned, it will have value-addition and it will ensure value for money. We would like to look at the pros and cons of every aspect that is put into public participation.

With those few remarks, I beg to support the Bill.

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

Sen. Olekina: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No. 55(3) to request that you defer putting the question on the Bill to a later date because I do not think there are enough Members to vote.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. You should have waited for the Chair to first declare that there are no more requests. Therefore, it is so declared.

So, what is it now, Sen. Olekina?

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I am still a freshman and I am doing my best. However, in the interest of this matter, given that it is very important, I rise pursuant to Standing Order No. 55(3) to request that you defer putting of the question on the Bill to a later date because when I look around, I do not think we have enough delegations to take the vote.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. I direct that the putting of the question on the Bill be deferred to tomorrow.

(Putting of the Question on the Bill deferred)

Let us move on to the next Order.

BILL*Second Reading*THE DISASTER RISK MANAGEMENT BILL
(SENATE BILLS NO. 8 OF 2018)

(*Sen. Sakaja and Sen. Mutula Kilonzo Jnr. on 5.7.2018*)

(*Resumption of Debate interrupted on 5.7.2018*)

Who had the Floor last time? It was Sen. (Dr.) Zani and she is not around. I do not see any requests.

Proceed, Sen. Omogeni.

Sen. Omogeni: Thank you, Mr. Deputy Speaker, Sir. I rise to make my contribution in support of this Bill. First, I begin by saying that in the past, this country has had very many disasters. What has come to the fore is that we do not have an organised mechanism of responding effectively and adequately to disasters.

So, first and foremost, this is a very timely Bill and I hope that once it is enacted, it will go a long way in mitigating the way we deal with disaster management. However, I have a few observations on the Bill as drafted. I want to begin with the Board of the Disaster Risk Management Authority. Looking at Clause 7 of the Bill, we have picked a number of bodies that should have representation in the Board. I have an issue with Clause 7(f). If you go to the bodies that have been identified as the ones that will pick the persons to sit in the Board, we have the Kenya Private Sector Alliance (KEPSA), the Kenya Medical Association (KMA) and the National Council of NGOs.

In the many occasions that we have had disasters, often times, you will find that there are issues of buildings that were not constructed to standard, buildings that were constructed on riparian land, the county government did not effectively supervise constructions of buildings, the hospitals were not well prepared to deal with the injuries that resulted from a particular catastrophe and so on. It will be fair that we nominate bodies that are directly linked to the causes of these disasters.

Mr. Deputy Speaker, Sir, I really do not see the role the KEPSA will play by having a representative in the Board. Equally, I do not see what role the National Council of NGOs will play in the Board.

I propose that we consider bringing on board engineers because these are the people who can help us. If you have a disaster somewhere and you want to effectively get evacuations, engineers will be able to advice on the structural integrity of a building and how one can safely navigate their way in. So, I propose that we consider making necessary amendments to this Bill and we bring on board engineers.

When disaster happens, you need people who can assist in praying for people and also in terms of managing the stress that becomes a natural consequence of these disasters. I propose that we also consider bringing on board the National Council of Churches of Kenya (NCCCK) so that we can coordinate the issue of dealing with families of the victims that are affected when we have a disaster.

I have just seen what has happened in Thailand; the 12 young footballers and their coach who were trapped in a cave. The people who have been at the forefront in evacuating those young footballers are the military. When we make proposals of the people we need to sit in this Board, I will request that we give a specific role to some of our security agencies; maybe the military or the Administration Police. This is because they are the people who assist in ensuring that once there is a disaster somewhere, security is provided and they also have the equipment to assist.

So, my contribution to this Bill is that we should relook the representation in terms of the people who will sit in the Board which is provided for under Clause 7.

When you go to Clause 12, it talks about the Director-General. I have never been a lecturer in a university, but one of the qualifications there is that to be appointed as Director-General, someone must have a degree in Disaster Risk Management. We should open this up. There are people who may have degrees in other areas who can effectively steer the Authority. The Director-General does not necessarily need to be somebody who has a degree in Disaster Risk Management.

When we talk about 10 years management experience, you may have a very good person trained in the security sector who has the relevant experience in terms of his training in managing risks, but not necessarily management. So, when we put in this issue of 10 years management experience, it is like what we used to experience when we were newly graduated professionals from university. In each job we used to apply for, we were told that they needed five years' experience. How do you acquire experience when you are a new graduate from a university? I propose that we remove the issue of 10 years experience in management. It should be 10 years in the relevant field.

Mr. Deputy Speaker, Sir, Clause 18 is on the establishment of the County Disaster Risk Management Committees in our counties. Under 18(e) we have made provision that we should have a representative of the Kenya Red Cross Society (KRCS) in each of the county disaster risk management committees. To the best of my knowledge, I do not think that the KRCS has presence in each of the 47 counties, and I stand to be corrected. I think we can find other representatives who have presence at the county level other than the KRCS.

Equally, I think we are giving a lot of prominence to the Kenya Private Sector Alliance Association (KEPSA). I have a problem with this amorphous body that is not backed by an Act of Parliament. I am sure that KEPSA does not have presence in all the 47 counties. If we need to incorporate representation to sit in the board in various counties, we need to pick bodies that have presence in each county. I am looking at bodies like the Kenya National Union of Teachers (KNUT), the Law Society of Kenya (LSK) and others. I think there will be a challenge in getting a representative from KEPSA in every county. The intention of the Bill is good and it should get full support of this House. I hope that we will consider some of the key weaknesses in the Bill, so that when we pass it, it will address disaster risk management.

Mr. Deputy Speaker, Sir, this country has not had a strategy in place to address risk management. I hope that once this Bill is passed, we will have in a place a risk management strategy and even warnings. If you go to Asia now, you will be warned that there is risk of floods, because they have the monsoon winds. Here in Kenya, we do not have a body that keeps issuing warnings. In the United States of America (USA), any time there is a risk of a disaster happening somewhere, you will always get updates on

national television. I hope that once this body is in place, we will get these updates, not only at the national level, but even at the county level.

I read about landslides in Murang'a and I am sure that the people of Murang'a County do not get any updates from their county government. We read about the floods that happen in Narok County. There is a time when vehicles that were parked on the streets of Narok town were swept away, when this could have been well managed. For example, if the poor Senator for Nyamira County is driving from Nyamira to Nairobi, he could be warned that there will be floods in Narok Town and he should consider the alternative route through Nakuru. Once this body is in place, we hope that we will save lives. Some deaths could have been avoided if only we had a good strategy on risk management in place.

Mr. Deputy Speaker, Sir, with those many remarks, I support.

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

Sen. Olekina, proceed.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Bill with very few remarks, which I hope the sponsors will take into consideration.

I have a problem with all these authorities that are being established and are all based at the national Government. First of all, on the functions of the Authority, there is one that says: "Advise national and county governments on disaster risk management measures." However, when you go to its headquarters and where it will be based, it says that the Authority may establish other offices it considers necessary for the discharge of its function.

We are in this Senate to defend devolution and ensure that we are fully devolved. I recommend that the sponsors of this Bill should change that "may" to "shall" and state clearly that: "They shall establish offices in 47 counties." How will you advise county governments yet you are based here in Nairobi, and you may and may not establish offices? That is an oversight and the drafters must consider changing that to ensure that we fully support devolution.

We are fighting corruption in this country. Therefore, when you give an authority the power to borrow and lend money that, to me, is suspect, it can be abused. I recommend to the sponsors of this Bill to do away with that lending. They can borrow money and write grants, but they should not be an institution that has powers to lend. Leave that to the banks or financial institutions, where everyone can go to get money.

Mr. Deputy Speaker, Sir, on the issue of the Board, it is my hope that the sponsors of this Bill will consider that even though the chairperson is appointed by the Cabinet Secretary (CS) from among the members appointed under (f), which is all these other entities, the CS who is given that power should be required to consult 47 disaster management experts representing each county. Finally, the CS should appoint somebody from a disaster prone area. Some areas in this country are blessed in that they do not know anything to do with disaster; they never have to worry. Where I come from, because of the encroachment of the Mau Forest, and as Sen. Omogeni clearly stated, Narok Town floods all the time. I hope that the chairperson and people appointed to serve in that Board will come from those disaster prone areas. This is because it is in their interest to ensure that the decisions that they make impact positively their people and help them.

It is sad that in this country, we tend to approach things from a kneejerk reaction, after an event. Right now, many of our roads are destroyed. I remember during the Coalition Government, there was a disaster management team and the President also set up a disaster management body, but they were completely out of touch with the reality. As we consider the disaster that happened in Solai, if this Authority was in place, we would not be getting conflicting statements. The Kenya Red Cross Society (KRCS) has done its work and now we, in the Senate, are doing our job. It would have been easier for us to go to this Authority that has a representation in Nakuru County, for them to give us information, so that we know how to support our people.

Mr. Deputy Speaker, Sir, I have an issue that I have noted in all the Bills which talk about establishing an Authority. There is one clause, which I think is from a template, that everybody who is drafting a Bill copies and pastes to their Bill. It says "Two persons, one man and woman nominated by the Council of Governors." I had raised an issue concerning this clause even in the previous Bill. I do not understand why we are giving so much power to the Council of Governors (CoGs), yet we know that this is a problem that affects –not two individuals – but almost 47 counties. I would, therefore, request the sponsors of this Bill to do away with that clause.

Mr. Deputy Speaker, Sir, each of our counties has a department that deals with disasters or environmental issues. If it is not a department or a County Executive Committee (CEC) Member, then anything that comes close to dealing with disasters should be requested to be part of that Authority. Drought is a disaster and, maybe, the CEC in charge of Agriculture can be requested to be part of that Authority. Therefore, this Senate has to fight for devolution so that every Bill we debate here should be to advance devolution. It is my opinion that some of these Bills claw back on devolution.

Mr. Deputy Speaker, Sir, the spirit of this Bill is amazing and it is something that will help us. I am sure that if this Authority was in place, moving people out of the Mau Forest would not have waited until now, when people are dying and our rivers are drying. This Authority would have made it very clear that there is a problem; and there is a disaster waiting to happen.

Mr. Deputy Speaker, Sir, I also have an issue when we talk about the Director-General. There are people in this county who are experts. You will find that in some companies, the Chief Executive Officer does not necessarily have a degree that comes from the practice. Therefore, I think we should open this up and allow more Kenyans to apply; thereafter they will be vetted and interviewed. Sometimes, because of either certain regulations or red tape, some very intelligent people who would have been engineers ended up becoming teachers. However, they think, eat and talk like an engineers. We should, therefore, open this up and give people, who did not have an opportunity to pursue a certain career before, the opportunity to help solve disasters.

Mr. Deputy Speaker, Sir, I wish that we could increase the number of people in the fire department. We recently experienced fires in some markets, including in Gikomba Market. Currently all over the country, we have students who are afraid of the outside world and are, therefore, resorting to burning schools. That is a disaster! Therefore, let us put people who are experts in the fire departments. The KRCS does a good job, but it will come in as a complimentary benefit or support once this body has been established in all the 47 counties. Let us give our institutions an opportunity to do their work.

Mr. Deputy Speaker, Sir, when we were seated in this House, I saw the breaking news that all the 12 football players and their coach from Thailand had been rescued, and that the entire rescue operation was carried out by the navy. It is important to also include our military in these efforts. When you travel to Egypt, you will realize that they have the largest military in Africa, if not in the world. Most of the work carried out in that country is done by the military. Our military is equipped with a lot of expertise and resources; let us utilize them. There is no point of just putting them there in the barracks. We are very happy and we thank God because we have never had a major fight, apart from the peace missions in Somalia. However, there is no point of us keeping our military personnel there yet we sometimes have these disasters.

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

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

Madam Temporary Speaker, during the Solai tragedy, I read that the Cabinet Secretary (CS) in charge of the Ministry of Defence said that when they were called, they went to help. However, when we tried to get more information, it was limited to what we could be given; and they took pictures. It is important that we coordinate everything during disasters and information should be disseminated and given to this Authority. Therefore, the composition of the Board has to include all these experts, including people from the military, the agricultural sector and anybody who can come up with mitigation strategies that can help us.

Madam Temporary Speaker, when our cows die, like they do very often, it is a disaster. It happened just last year when Narok and Kajiado counties were littered with carcasses of animals. That is a disaster! We need somebody who can help the community understand. This has to be someone who either comes from that community or who cares about the future of that community in terms of their basic economic support and who will encourage them to seek other alternatives. I, therefore, persuade the sponsors of this Bill to expand this body further so as to support the entire country.

Madam Temporary Speaker, it is imperative that the Authority comes up with a disaster management plan which goes down to the grassroots. We know very well that we have several fault lines in the Rift Valley and mud slides in some parts of Central Kenya and parts of Rift Valley. Therefore, specific disaster management plans should be developed to help solve the problems in each of these areas. If you come and tell me that you have a major plan for the whole country yet when the cows of the Maasai are dying, there is no plan to help them and we approach it from a knee-jerk reaction, it will not help us.

Madam Temporary Speaker, as we move forward and as I conclude, I am happy that this Bill has classified the different types of disasters. This will help them in coming up with better policy for mitigation purposes.

With those few remarks, I beg to support the Bill with amendments.

Sen. (Prof.) Kamar: Thank you Senator.

Proceed, Sen. Ndwiga.

Sen. Ndwiga: Thank you, Madam Temporary Speaker. I stand to support this Bill. This Bill is well drafted and it takes care of the core issues that affect this country during emergencies.

Madam Temporary Speaker, counties are at the frontline of disaster management. I think that a Bill like this one which emphasizes on national establishments and set-up, misses the point because I would have expected that the counties would be the focal point of disasters and, therefore, disaster management committees in the counties. Those are the first line managers of any disaster. The Bill has missed that point that we need to expand the disaster management knowledge and expertise beyond the committees.

During the long rains which have been pounding this country for a long time and in areas like Murang'a and Embu where we had landslides, many of the people who ought to have been the first line helpers of the people did not know what to do in the first instance. I propose that we should include disaster management in the school curriculum in secondary schools so that when we have these disasters – and they occur everywhere – we know how to deal with them. We are now having mudslides in areas where we never had mudslides. In Narok County where we have never had land separating; that is happening now.

Madam Temporary Speaker, my proposal is that we need to go beyond the committees of the counties and go to institutions within the counties to assist and also build capacity. Disaster management must start with the ethics of a community. Most of the time, we hear about buildings collapsing. That has absolutely nothing to do with natural disasters. This is professional negligence. This is caused by lack of ethics. Corruption has crept to such levels in this country that our own professionals do not give a damn whether they passed the proper building plans. Even when some engineers inspect buildings, when they find that things are not being done the right way, we do not get any report and repercussions occur.

I support the Bill and still emphasize that we need to go beyond the county committees. I hope that once we pass this Bill, funding will be provided for disaster management. In my experience, most of the funding stays in Nairobi. It is true that there are disasters in Nairobi but we also have a county government in Nairobi. Funding should be availed to county governments on the ground so that when disasters strike, they have the capacity to move in with speed and take care of those disasters.

I beg to support.

Sen. Kibiru: Madam Temporary Speaker, I rise to support the Bill. I will start by persuading the proposers of the Bill to seriously consider moving an amendment at the Committee Stage to include using of the highly trained NYS graduates in disaster management.

Madam Temporary Speaker, I am a graduate of the NYS because I went there for pre-university training before joining the university. I can confirm that the young people trained at the NYS are well-disciplined.

The country has come of age where we need to have firefighters like the ones we see in other developed countries. In terms of disaster management, I believe there can never be better people to be on the frontline than the firefighters who are well-trained. We have had issues with the NYS and also had many graduates coming out of NYS. We need to ask NYS to specifically train fire-fighters in disaster management with the best practices that happen everywhere in the developed world so that they will be the in the

frontline in addressing issues of risk management. We have 47 counties. I would therefore, propose that we can have graduates of the NYS who have been trained in fire-fighting attached to the 47 counties. We will be having a stand by team whose duty will be to address issues of disaster management.

One of the most recurrent disasters of our time is fire. These officers who are trained in fire-fighting can rescue people who are trapped in a fire and landslides. I propose that we second graduates from the NYS to the counties to be on standby as the first line of call for disaster risk management.

With those few remarks, I support the Bill.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I do not see any more requests. So, I will call upon the Mover to reply.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, I beg to reply.

I would like to thank the following Senators for their contribution: Sen. Pareno, Sen. Mwaura, Sen. Christopher Langat, Sen.(Dr.) Musuruve, Sen. Kasanga, Sen .Omogeni, Sen. Olekina, Sen. Ndwiga, Sen. Kibiru, and Sen. (Dr.) Zani.

I will address their concerns. I will begin with the ones for both Sen. Olekina and Sen. Omogeni on the role of the Kenya Defence Forces.

Madam Temporary Speaker, under Article 241, the role of the Kenya Defence Forces (KDF) on disaster management is secondary. When the Cabinet Secretary appeared before us on the Solai tragedy, she was very clear that their role is secondary. They do not want to play a lead role in disaster management. However, they have told us – I want Sen. Kibiru to hear this – that they are the only outfit in Kenya that is trained on disaster management. The National Youth Service (NYS) does not even come anywhere close to the training.

Our KDF officers have been trained in Israel and other nations in Europe on disaster management. The unit in charge is based in Embakasi. They have promised that once this Bill is in place, they are prepared to train counties and decentralize. They have highly qualified personnel although they did not tell us how many they are. The KDF wants to remain at that role.

To answer the queries about the Authority, this is one particular Authority that, perhaps, the Senators did not look at Clause 37. The four authorities that are established in the Department of Special Programmes and three under the Office of the President will all be collapsed into one outfit. That is the national authority. Therefore, what the National Drought Management Authority (NDMA), the National Disaster Management Unit (NDMU) and the National Disaster Operations Centre (NDOC) are doing today will be done by one Authority. That is the reason this Authority is in place.

Madam Temporary Speaker, secondly, their role is coordination, they are the lead agency to coordinate. In the case of Solai, the national Government was the leader. The provincial administration was the leader coordinating even the military personnel. This outfit will play that role. My dear colleagues, it is this outfit that will call the military. In the case of Solai, the military personnel were called from Lanet 12 hours later. The Kenya Red Cross Society (KRCS) was called six or seven hours later. This agency will look at the disaster and make that assessment.

To answer Sen. Ndwiga, the County Disaster Management Committee and the intention of this Bill is to make the counties the first responder. The only way to tap into the kitty that is sitting in the National Treasury is to ensure that this Authority is in place.

The contingency fund that is set up in the budget is then transited into the Disaster Risk Management Fund. That is the intention. That money will not sit idle and the National Treasury where the Cabinet Secretary in charge of the Ministry of Devolution and Arid and Semi-Arid Lands (ASALs), Hon. Eugene Wamalwa, walks around the country distributing iron sheets, *unga* and water. That is not his role. He cannot do so. He is one person and, therefore, cannot reach everybody. The intention of this Bill is to correct that.

Madam Temporary Speaker, to answer Sen. Olekina, in terms of Clause 4(2), the word 'may' there has been used very cleverly. They did not want to say 'shall' and there is a reason. The Governor of Kilifi County, where there was disaster, came to us that they had set up a disaster Bill and Act in Kilifi County. However, when they called the County Commissioner, he waited for instructions from his boss in Nairobi. Therefore, if you say "shall", this authority will set up an office in Kilifi. When they do so, they will overtake the office that is supposed to be at the county. Therefore, who will be the first responder when you have an office of national level in Kilifi? It will be the national Government. That is not the intention. The intention is to make sure that even if they set up, they have one officer not an office. The officer could be a coordinator, but the person to run that would be at the county level.

We have looked at this carefully because we knew what would happen when the officer in charge of the NDMA sits at the fourth or sixth floor at Office of the President, he is the same person who was in Solai. Therefore, he had to leave Nairobi and go to Solai. When we had the plane crash, somebody had to leave the leave the Office of the President at Harambee Avenue and go all the way. That is what we are trying to avoid using the word 'may'.

Madam Temporary Speaker, the reason we want to make sure that the Council of Governors (CoG) is involved is because it is not possible to coordinate the 47 counties. The CoG is set up under the Intergovernmental Relations Act with a purpose. There is a person in charge of disaster management. That person is called Gov. Wambora. Therefore, in terms of the representation of the CoG, their representative for now would be Gov. Wambora. Like we had in the Devolution Conference, our Chairman, Sen. Kinyua, was sitting on our behalf as the Chairman, Devolution Committee. That is the purpose of all this.

To answer Sen. Omogeni, the Kenya Private Sector Alliance (KEPSA) is everywhere in every county. If we want to know a body that has got organizations of every kind in business is KEPSA. They are in every town. If you want to know the business men in a county, the person to ask would be KEPSA. Therefore, in our view, we stand guided, they are the best placed.

My dear colleagues in Clause 13, if we were to open the gates as to who should sit in the Disaster Management team, trust me, even Group 4 Securicor (G4S) would sit there. Therefore, we have suggested in Clause 13 to have the co-option clause. If you have a disaster in Makueni County and you need to co-opt a person either the G4S or the military, the option is left open. Nevertheless, we cannot include everybody.

In the non-state actors and NGOs, you find G4S and others. There are people in the non-state actors who have better equipment and personnel than counties, hence the importance of NGOs. Sen. Olekina, that should answer your query.

What is the best practice on employing a person in disaster management? The person who leads the United Nations Disaster Management Response Team in Kenya is

from Italy and is an expert in disaster. Actually, you do not want to play around with this position which is very technical. You need expertise. I have it in good authority that putting in a person who has a degree in this field is not good enough. It is far much better and is best practiced all over the world to have a person who has some expertise.

I met a young man who left Kenya and went to Japan when he was 18 years. He is from the Kalenjin nation. He studied Architecture and got married to a Japanese. He is now Japanese. This gentleman is now an expert in disaster management. He is a Kenyan who designs bridges and buildings. This is a very technical field and we cannot just put anybody in charge. Dear colleagues, please bear with me when we say for purposes of this Authority, I believe that we should have an expert. I am told that we have people who can do this.

Sen. Ndwiga, I have answered your question on expanding the Committee; the co-option Clause is there, and they can do so. I agree with you entirely and that is why we have the County Disaster Management Committee (CDMC) which will devolve disaster to the village level. It is anticipated that somewhere in your village, there will be disaster management curriculum. Consequently, we will teach people how to respond to disasters both at counties and national level. It is anticipated the counties will do so.

I agree with the funding staying in Nairobi. Nevertheless, how do we get that fund out of Nairobi? If we set up the fund under this Act it will then become easier to release it to counties, since the national Government has refused to release these funds, for good reasons because disaster is a concurrent function. It is both at the national level and county level under the Fourth Schedule and that is the reason we thought it fit to have that Fund.

The National Youth Service (NYS) is highly trained. When I said NYS should be disbanded, people thought it was to be disbanded. It was disbandment to the extent that the NYS should be devolved to counties. Sen. Ndwiga, your county should be assigned a specific unit of NYS, same to Sen. Kibiru. The idea is there and I do not see any reason why that should not happen in terms of training.

In addition to borrowing and lending, there is a standard clause I believe this organisation ought to be able to borrow. I anticipate that we will buy fire engines and the Authority ought to get into a public-private partnership to buy fire engines. Sen. Olekina, this country is divided into four in terms of disaster mapping not disaster-prone areas. The right word is disaster mapping. In each area, there is a specific disaster. You cannot say Narok County is most affected. There are other counties affected by other epidemics. The epidemic in Nyanza is not the same in Narok. The issue in Isiolo and North Eastern Frontier is not the same in Tana River, but in all of them the country has developed a framework for disaster mapping.

Sen. Ndwiga, the Authority has early warning signs. The Kenya Meteorological Department gave us pictures. If people had bothered, the Solai tragedy would not have happened. They have pictures and water flows. That is the same, the Kenya Meteorological Department issued a warning to KenGen, so that the people in Tana River and downstream could move. KenGen followed the advice given to them by the Meteorological Department. The people of Nakuru were warned that they had received 55 days worth of rainfall, which they had never received in 60 years. We asked where everybody was in the 37th, 38th, 39th, 40th, 41st and 42nd day yet they had already been

warned. It had not rained like that in Nakuru for 60 years, but they failed to see the signs. Therefore, the early warning signs are incorporated in this Bill in many ways.

I have answered the question of the military, the degrees and the Kenya Private Sector Alliance (KEPSA) policies, which we have incorporated. Sen. (Dr.) Zani mentioned the issue of the women, which is a typo that will be included.

On the question of the Kenya Red Cross Society (KRCS), it is a voluntary organisation set up by an Act of Parliament. For some strange reasons, it is the only organisations in Kenya that quickly responds as volunteers and it is organized. That is the reason the President of this Republic gave them Kshs1 billion to resettle flood victims all over the country. He has acknowledged that his Government agencies have failed. That is why we have given a non-state actor. Why would we, the sponsors of this Bill, not put the KRCS if the President has acknowledged them?

We will incorporate surveyors and engineers for the construction industries, but not just anybody. We have been told that the Directorate of Immigration and Registration of Persons ought to waive the rules on expert on fire. In the Sinai Tragedy, we got doctors to come into the country and we waived their visa requirements and that of the organization that licences doctors. So, it is also incorporated in this Bill.

Madam Temporary Speaker, Sir, I am happy with the comments made by Sen. Mwaura, which are spot on. I am also happy that we participated with him in the last session to craft some of these clauses. The reason it appeared well drafted is because we sat, as eight legislators, including Sen. Mwaura and went clause by clause for two days in Mombasa. If the credit comes to me, I must share it with people like him for the good work they did at the time, hence the reason this Bill appears to be well done. I hope that I will not be blowing my trumpet if I said it is indeed well done.

With those few remarks, I beg to reply and seek, under Standing Order No. 55, that you defer putting of the question to a later date.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, that brings us to the end of debate and reply to the Disaster Risk Management Bill (Senate Bills No.8 of 2018). As requested, I, therefore, order that the question be put at a later time.

(Putting of the Question on the Bill Deferred)

Next Order!

BILL

Second Reading

THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS)(AMENDMENT) BILL (SENATE BILLS NO.2 OF 2018)

Sen. Olekina: Thank you, Madam Temporary Speaker. I beg to move that the Retirement Benefits (Deputy President and Designated State Officers)(Amendment) Bill (Senate Bills No.2 of 2018), be read a Second Time.

Madam Temporary Speaker, the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bills No.2 of 2018) was published on the 28th February, 2018, and read the first time on the 18th April, 2018. The principal objective of the Bill is to ensure that Parliament approves altering of the benefits due to a retired Deputy President and designated state officers under the Retirement Benefits,(Deputy President and Designated State Officers) Act.

Madam Temporary Speaker, the present legal framework of the Retirement Benefits (Deputy President and Designated State Officers) Act, as currently enacted, is unfavourable to a Deputy President or designated state officers who are out of favour with the Government of the day. The Bill seeks to curtail and check the powers of the Executive in altering or modifying benefits due to a retired Deputy President and other designated state officers as provided for in the present Act. Therefore, this Bill is crucial in ensuring that the State does not modify and alter the benefits due to a designated state officer as a tool to intimidate a designated state officer, especially those who are not in the “good books” of the Government of the day. Additionally, the Bill provides a framework for reviewing decisions of the Executive to alter and modify personnel attached to the entitled person.

Madam Temporary Speaker, the Bill establishes a Parliamentary Joint Committee on Entitlement comprising of the Majority and Minority Party Leaders of Parliament and five other Members of Parliament. The Joint Committee is mandated to consider petitions that seek to alter entitlements due to the entitled persons or complaints regarding such entitlements. The Committee has a maximum of 30 days to consider such petitions.

Madam Temporary Speaker, Clause 4 of the Bill seeks to include the Senate in determining whether an entitled person should be denied the benefit awarded under the Act and considering petitions that seek to alter the entitlement of an entitled person.

Clause 6 of the Bill provides that-

“Where an entitled person dies in service after the commencement of this Act, a lump sum of payment on death calculated as a sum equal to five times the entitled persons’ annual salary shall become payable to the entitled person’s legal personal representative.”

Madam Temporary Speaker, in terms of the children’s benefits after the demise of the entitled person, Clause 7(a) of the Bill provides that-

Upon the death of an entitled person who is in receipt of, or who is entitled to a pension under this Act, the surviving eligible child shall be entitled to-

“if there is only one eligible child, pension at the rate of 25 per cent of the pension entitlement of the deceased entitled person.”

The Clause further provides in Clause 7(b) that-

“if there are two or more eligible children, a pension at the rate of 50 per cent of the pension entitlement of the deceased entitled person to be divided equally for the benefit of each child.”

Clauses 9 and 10 of the Bill sets a minimum of six and a maximum of 10 armed security officers to be assigned to a retired Deputy President, Vice President and Prime Minister.

The Bill also proposes to give an entitled person the opportunity to select officers to serve him or her. Further, the Inspector General of Police is obliged to refer to the Joint

Committee on Entitlements when he seeks to alter or reduce the security arrangement of an entitled person.

Madam Temporary Speaker, this is a crucial piece of legislation to strengthen good governance and accountability by the State. It comes at a time the Senate has seen loopholes in our laws with regard to State treatment of a retired Deputy President, President and other designated state officers. It is our solemn duty to safeguard and promote the rule of law. I have no doubt that we shall consider the Bill and make further proposals to enrich the legislation.

Madam Temporary Speaker, this Bill is very controversial because of the way it has been sensationalised by the media. This is an amendment to an already existing Act of Parliament which was passed in 2015 that set what a retired state officer should receive. It is only sealing loopholes which are there. We all differ. Democracy is a very good thing because it encourages us to share our opinion and agree to disagree. However, when we agree to disagree, it should not affect the benefits of the people who have served this nation and given it all.

Madam Temporary Speaker, I know even as we speak, the governors and judges are also seeking to be included in this Bill. I know there are so many problems but these are things that we can interrogate and respect the benefits for the people who have served this nation.

Madam Temporary Speaker, during the “resist” period, the security attached to the former Prime Minister, the Rt. Hon. Raila, were withdrawn. When we sought to know the reason, we realised that the law that gave him those benefits had loopholes. This Bill is not trying to increase the wage bill as purported by several people who are talking about it out there but is trying to put order. If I have a benefit, then it should be given to me. If at any given time, anyone in this country believes that the benefits that have been accorded to me are more than should be accorded, then they have a right to petition a joint committee which is what this Bill is introducing.

It is also very dangerous to say the way the current Bill reads that the retired deputy president and other state officers may request security. It does not give a limit neither does it give a maximum. It also does not give responsibility on who has a right to withdraw this security or alter the benefit. This Bill will bring sanity into this business where if I disagree with you and you are in Government, then I will never enjoy any of my benefits. If we do not debate this Bill and allow Members to comment on it, it will get to a point where it will be difficult for anyone in this country to get it.

If we can alter at will the benefits of former Vice Presidents who served this country, then I do not know where we are heading. Being a Vice President or former Prime Minister is not something easy. You give all that it takes to serve in that office. You wake up at the wee hours of the night and traverse the whole country. We are currently entertained by a lot of back and forth movement on this issue. However, it is a misconception. This Bill is not seeking to increase the benefits, but is only seeking to seal the loopholes which are there.

Madam Temporary Speaker, it will be good and I welcome amendments to this Bill to even consider, including other State officers. For example, former Speakers of this House and the National Assembly, Judges of the Supreme Court, Court of Appeal and other judges. Those are people who have served this country. They do not serve this

country, so that when we retire them we now kick them. We are supposed to reward them for what they have done.

When you read the Bill as it is right now, there is no framework on decision in terms of how the benefits will be managed. However, these amendments will ensure that no one gives himself or herself powers which are not in the Constitution to alter the benefits of a designated State officers.

The more I read the Bill which I drafted; I will consider changing a few areas. I welcome the amendments. However, it is important for members of the public to understand it because it is a matter which is highly controversial. This Bill does not seek to increase the benefits of retired State officers. This Bill only seeks to seal these loopholes.

Madam Temporary Speaker, if we do not put a limit or a maximum number of security personnel who will be assigned to a former State officer, it can be abused. For instance, if that former State officer is in good books with the Inspector General of Police, he can get the entire military or police force to protect him or her. If we say there is a minimum of six them, so be it. If it says there is a maximum of 15, then it is so. If it says that when you die, you are remembered, then that will be the case.

It is sad that we do not recognize the work done by former State officers. I have met many of them who are currently languishing in poverty because their pensions were not clearly defined. It will be sad if this House goes down in history as a House that does not care about its State officers

. So, Madam Temporary Speaker, I would like to request that this Bill be read a Second Time and request Sen. Mutula Kilonzo Jnr., to second it.

Thank you.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. I rise to second this Bill; the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bills No. 2 of 2018) with the following general principles: First, I am aware because I did research on the principal Act. I must also confess that it was done at the time when my late father was a Minister for Justice and Constitutional Affairs and I was researching on this.

The intention at the time - it should be there now - is that what we encourage our officers who have served in these capacities, that have already been identified either as President or Deputy President, to live or enjoy retirement in peace to the extent that they do not look impoverished when they leave office. It is evident and most of us will confess and maybe not say it loudly, that when we are defeated in elections, we become paupers immediately. I know a corner in this building where former colleagues sit and you can see their levels of desperation.

There is a very bad conversation that was going on sometime back about the then former Prime Minister and former President that they can only receive retirement benefits if they confirm that they have left politics. I do not think that should be the basis of giving them the benefits of retirement. I know those individuals after leaving office were faced with various challenges here and there. I do not think it is fair to leave people of these designations high and dry by withdrawing their security; chase cars, *et cetera*.

I happen to go to the same church with the former President Mwai Kibaki. The way he is treated is the way you should treat a former President. He comes to church; he has a designated parking lot, bodyguards and other sorts of things. That is the way a former President should live. If a former President can live that way, a former Prime Minister ought to live the same way too. Similarly, if a Deputy President who is the President in waiting leaves office, he or she should live in that format. I do not think it is a contradiction.

All over the world, former Presidents are treated well. The former President of the United States of America, Barrack Obama, is coming to Kenya. That gentleman will come here with pomp and colour. Most likely, he is going to have Central Intelligence Agency (CIA) officers, aeroplanes, security personnel and he will live large here. When I was in the State of Washington in December, I was shown his residence. He lives and is treated like a President.

Jimmy Carter, who was a President a long time ago, lives like a President. We want Hon. Moody Awori, Hon. Musalia Mudavadi and Hon. Kalonzo Musyoka to be treated like former Vice Presidents as well as the former Prime Minister, the Rt. Hon. Raila Odinga. Fortunately, we are now discussing this after the handshake which makes it easier. Otherwise, there would now be points of order on this and that.

(Laughter)

Yesterday, I was at the funeral of our late colleague, Sen. Okello. Sen. Mwaura was speaking so boldly in Nyanza. I was told that Migori County is like the Afghanistan of the National Super Alliance (NASA), but Sen. Mwaura spoke boldly. Sen. Kang'ata spoke also boldly about debts that are owed to somebody he mentioned whom I will not mention here. What is the purpose? The purpose is that if the current Deputy President who wants to be President loses the presidential election in 2022 – he must anticipate he can lose because it is an election – then we want him to live like a former Deputy President. He has a big office in Karen in some very nice building paid by State coffers where he meets my good friend, Sen. Cherargei and others who are invited there. I have not been invited yet. However, if he can have an office like that; a residence where he can work in peace, when he retires he should be treated as such. From my own reading, I do not think Kenyans would starve if the former Vice President, Hon. Kalonzo Musyoka, was given three drivers, one personal assistant, one accountant, two secretaries, two housekeepers, two senior support staff, two gardeners, two cooks and two cleaners. I say so because we are paying Kshs1 billion a month to the Chinese for the Standard Gauge Railway (SGR). That train is a disaster because we will pay a debt for a long time. I do not think we will pay Kshs1 million a month to have these sort of people that I have mentioned here.

Madam Temporary Speaker, you are the only one seated here who has been a Minister in the higher education docket, and you did well. To some extent, they should treat you well. When the former Attorney-General, Sen. Amos Wako, who sits here, left office he negotiated to be in office for a year during the transition, have a police driver who he has to date and a top of the range Range Rover. He was the Attorney-General. Why not a President and a Prime Minister? Why do we discriminate? If a Speaker can be

given an opportunity under this Act, I think it is not bad enough. I say so because I could also be a President or Deputy President, in 2047 or so. I would like to be treated well.

(Laughter)

It should be understood from the perspective that if we send our former Presidents and Prime Ministers and Deputy Presidents to go and represent us in Sudan--- I saw Hon. Raila smiling when he was in South Sudan because the Jubilee Government is treating him well. They should have done so by making sure this becomes law, so that it does not need a handshake to be designated and given trappings. My party leader has not been accorded the same privileges. I am not holding his brief now, but simply saying that we do not need to have handshakes to treat those people in those offices – Speakers and Attorney-Generals – well. I would hate to meet Prof. Githu Muigai on the streets looking rugged. It is not the way to treat an Attorney-General. The former Attorney-General, Charles Njonjo lives large. I believe at that time they were being taken care of.

Without belabouring the point, I think this is the discussion that his country must have. In the case of a President, after two terms you go home. For the Deputy President – and I am speaking to Sen. Cherargei so that he knows – when you serve as Deputy President of Kenya for two terms, you cannot serve again. Therefore, you must prepare to win or lose. You can only become a President or go home. Therefore, this is important because anybody can win or lose. I am still waiting for a time when this country will have a lady as a Deputy President, so that even the women of this country can enjoy the trappings that are here. It is not only for men. Men in this country are very selfish.

Thank you, Mr. Temporary Speaker.

(Question proposed)

Sen. Mwaura: Thank you, Madam Temporary Speaker. I rise to support this Bill. I can see that time is not on our side, but I will try to be brief.

Madam Temporary Speaker, there is a nexus between people holding on to power and the lack of retirement benefits in Africa. You cannot spend a whole lifetime serving people, just for you to be treated like a dog – for lack of a better word – out there. We see this every day in the corridors of this Parliament, where former legislators have gone out of their way to serve this country but have nothing to show for it. They have a big name, they are respected and yet the only place that they can go to is this Parliament, because they are understood here. Even when they come here, most of us see them as a bother because they will ask you for Kshs2,000 so that they can live some kind of life.

Madam Temporary Speaker, when I came here in 2013, I was shocked to see people I used to read about in the newspapers, looking like paupers. They looked as if they slept in the suits they were wearing. There was an initiative by Hon. Adan Keynan to help former parliamentarians when he presented a Bill on the Parliamentary Society of Kenya. I do not know what happened to this effort. At some point, we allocated Kshs10 billion to cater for this problem, but I actually do not know what happened.

Madam Temporary Speaker, for those of us who are in this House for the second time, there is, at least, the possibility or assurance of a defined benefit of pension. However, this is only upon the attainment of 45 years of age. I do not know how old Sen. Olekina or Sen. Mutula Kilonzo Jnr. are; they look fairly young. However, by the time some of us finish our second term, we will not have attained 45 years of age. In my case, I will be 40 years; which means that I will have to wait for another five years to access my pension. This is a tragedy because younger people are coming to Parliament. The truth of the matter is that by the time one finishes their term, they would have been cannibalized because of the informal social welfare system which requires us to solve community problems with our monies. I was recently with some legislators from across Africa in some forum and they were surprised at the salary that a Member of Parliament (MP) in Kenya gets. It is high, not because of anything else; but because of the high dependency; we are actually social welfare dispensers.

One day I asked the Deputy President about the kind of pressure he goes through, because I could feel the pressure when I was vying for the position of an MP in Ruiru Constituency. He told me, “Sen. Mwaura, *wacha tu!*” Therefore, you can imagine that pressure. Can you imagine the pressure that the President or the party leaders go through, because over and above being asked to do such things, they also bankroll campaigns. This whole issue of election campaign financing is a grey area. Therefore, you serve this country, you are treated with dignity, but the moment you lose power, you are treated like a door mat. When one loses power, even the phone calls reduce and you do not need to charge your phone twice a day.

(Laughter)

Madam Temporary Speaker, when I lost the nominations for Ruiru Constituency, even the street boys could not greet me. I was a very lonely man. I only became alive when my name was gazetted on 25th August, 2017. That is when I heard people tell me: “*Tulikuwa tunakuombea*”, which literally means that they were praying for me.

(Laughter)

That is the irony of life and people. That is when I realized that people do not respect you when you are in positions of power; they only respect the position. The moment you leave that position, you are forgotten. Even the party leadership will forget about you and focus on the new entrant in the field. That is how lonely it is to be in the political life of this country.

Some, if not most of us, have come into public space because we want to make a difference. I believe that leadership, almost invariably, has the capacity to transform society. We have to deal with issues of how to make a country work.

Madam Temporary Speaker, I can see that the time has gone; I will stop here so that I can get the remainder of my time in the next sitting, if you allow.

Thank you, Madam Temporary Speaker.

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.30 p.m.; time to interrupt the business of the Senate. The Senate, therefore, stands adjourned until, Wednesday, 11th July, 2018, at 2.30p.m.

The Senate rose at 6.30 p.m.