

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Tuesday, 6th March, 2018**

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

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

PRAYER**COMMUNICATION FROM THE CHAIR**

SENATORS' *KAMUKUNJI* ON
WEDNESDAY, 7TH MARCH, 2018

The Speaker (Hon. Lusaka): Hon. Senators, upon a request by the Senate Majority Leader and the Senate Minority Leader, I have convened a Senate *Kamukunji* scheduled to be held tomorrow, Wednesday, 7th March 2018, in the Senate Chamber at 12 Noon. The agenda for the meeting will be to receive a report on the 5th Annual Devolution Conference.

I urge all hon. Senators, to plan to attend the crucial meeting.

I thank you.

PETITIONS**ALLEGED IMPROPRIETY IN PROCUREMENT OF MEDICAL COVER
FOR STAFF WORKING IN COUNTY GOVERNMENTS**

Sen. Kang'ata: Mr. Speaker, Sir, I bring a Petition which is dated 23rd February, 2018. The Petition is from the residents of Murang'a County who draw the attention of the House to the following:-

(1) That the insurance sector in Kenya is well regulated by the Insurance Regulatory Authority (IRA), and there are specialist Medical Insurance Providers (MIP) that act as brokers who then source various health insurance coverage plans.

(2) That health insurance protects the insured from high costs arising out of an illness or an accident provided, they are covered on a health policy from the health insurance companies.

(3) That counties have been providing health insurance covers for the members of staff working with the county governments.

(4) That the procurement processes for the health insurance in the counties have been riddled with corruption with the highest bidders winning as opposed to the lowest bidders.

(5) That insurance companies have been conspiring with corrupt county officials and overcharging their bids for consideration of commissions.

(6) That counties are losing millions of shillings as a result of inflated bids where monies paid beyond market price is shared between corrupt county officials and companies.

THAT, we hereby confirm that efforts in term of letters addressed to the relevant ministries and oral representations to the concerned parties have been made to have the matter addressed, and they have failed to give any response.

THAT, we hereby confirm that the issues in respect of which the Petition is made are not pending before any court of law, constitutional or legal body

THEREFORE, your humble petitioner(s) pray that:-

(a) The Senate carries out in-depth investigation on all county health insurance tenders awarded in the last 10 months.

(b) Where corruption is unearthed, propose criminal prosecution against health insurance companies, directors and county officials.

(c) Any other resolution the Senate deems fit.

Thank you.

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.

I cannot see any request on my screen. If there are no comments, let us move to the next Petition.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I have made a request.

The Speaker (Hon. Lusaka): Kindly proceed, Sen. Murkomen.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, this is a very important Petition. I congratulate the petitioners from Murang'a County, who are:-

- (1) Mr. Andrew Thairu Ngone
- (2) Mr. Noah Gachucha
- (3) Mr. Eliud Maina
- (4) Ms. Edna Njoki
- (5) Mr. Davis Mburu
- (6) Mr. Sammy Kahura Muriuki
- (7) Mr. Abdalla Juma
- (8) Ms. Jane Wairimu
- (9) Mr. Joseph Karatu
- (10) Mr. Samuel Gatuguta

I congratulate them for their initiative because this is a very important issue. I have said on the Floor of this House in the last Parliament that one way that many resources in the counties are being fleeced are through hidden service charges particularly in the service sector.

Sadly, even those of us in the legal profession have been used as a conduit to siphon resources that come from county governments. If you look at the amount of money that is sometimes paid as legal fees through the Council of Governors (CoG), it is extremely ridiculous.

The Senate Minority Leader is whispering to me that even individual counties pay high legal fees too. As you are aware, the Advocates Remuneration Order does not limit the maximum that you pay to your client. It only states the minimum. Therefore, corrupt and unscrupulous individuals operating around counties are now taking advantage of that window that was meant to provide a negotiation between a client and advocate to inflate the legal fee with the intention of benefitting those who pay those legal fees.

Mr. Speaker, Sir, you will realize that those fees, just like in the case of Murang'a Petition on insurance, the same situation applies in insurance. Depending on how you negotiate with an insurance company, you can get a premium of up to 2 per cent or 10 per cent. It all depends; if you have agreed with the insurance company or the insurance agent. We must investigate this issue. The relevant committee to which this petition will be committed to – I suspect it is the Committee on Finance and Budget – must come back with legislative proposals on how to curb this menace so that the people of this Republic cannot find themselves in a situation where the legal fees and other service charges are paid more quickly than money meant for hospital equipment, roads and providing water for the citizens.

Therefore, I totally agree with the Petition. We do not know the facts but they will unfold once the Chairperson of the relevant committee and his team has looked into the matter. In fact, these ten petitioners are the kind of people that once this work has been done and it leads to legislative proposals, they are the right kind of people to receive a Head of State Commendation and not people who because of---

(Laughter)

All I am saying is that these are more qualified people to be recognized under the Head of State Commendation.

Mr. Speaker, Sir, I thank the active Senator of Murang'a County who was my colleague and Student Organization of Nairobi University (SONU) leader in my time for his over-activeness and initiative as a Senator. I do not know what he is up to nowadays but he is very focused on things that affect Murang'a County only. I can say that his future is bright as long as he remains this active. You never know what will happen to him a few years down the line.

I beg to support and say that this Petition must lead to a serious legal reform.

The Speaker (Hon. Lusaka): The Senate Majority Leader, you are being very generous with complements to the Senator of Murang'a County.

Please proceed, Sen. Outa.

Sen. Outa: Mr. Speaker, Sir, I thank the residents of Murang'a County and the good Senator and my friend, who destiny made it possible for us to be here in the Senate for bringing this Petition.

If you had asked my friend and I before if we would want to come to the Senate, it would not have been our choice. We however found ourselves here. I thank the people

of Murang'a County for bringing this Petition because under this so-called insurance or medical cover, there are so many underlying details which are not disclosed.

Even we, at the Senate, have a medical cover from the Jubilee Insurance. But what is surprising enough for me is that when my daughter was sick, we sent her to the hospital thinking that she was fully covered. However, we realised that the Jubilee Insurance cover does not cover us fully and we had to part with some money. That is why we need more disclosure on this medical insurance cover before they fleece individuals and institutions like Parliament. As I thank the Petitioner, we also need to go deep and unearth the uncouth ways of how insurance companies have been fleecing the public of resources.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No. 226(1), the Petition stands committed to the Standing Committee on Labour and Social Welfare. 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 petitioner and laid on the Table of the Senate.

I thank you.

Next Petition.

THE PROPOSED MITUBIRI SANITARY LANDFILL PROJECT

Sen. Kanga'ta: Mr. Speaker, Sir, I bring another Petition which was received on 28th February, 2018.

I rise pursuant to Standing Order No. 224(3) to present a Petition on behalf of the residents of Maragwa, Kandara, Kigumo and Gatanga Constituencies in Murang'a County. A sanitary landfill has been proposed to be located at a place called Mitubiri, in Maragua sub-county of Murang'a County, occupying 19.5 hectares. The said project is situated in a place which is largely agricultural and in a fast developing area due to its proximity to Thika and Kenol Towns.

Mr. Speaker, Sir, the project is intended to be a dumping site for waste from the five counties of Nairobi, Kiambu, Kajiado, Murang'a and Machakos. Although the National Environment Management Authority (NEMA) conducted an Environmental Impact Assessment (EIA), Murang'a County Government has dismissed claims that it was involved in the planning of this project. Area residents have raised concerns that the project may turn our county into a dumpsite and, therefore, affect ground water and pollute the soil. Landfills have the potential to cause serious health problems to human beings, including bringing hazardous elements like lead, mercury and cadmium.

Mr. Speaker, Sir, the petitioners have tried all other methods to try to have this matter settled, but all those efforts have not been fruitful. They therefore pray that:-

(a) The Senate intervenes to ensure the said sanitary landfill project is halted pending consultations;

(b) The Senate intervenes to ensure that an appropriate safety audit is undertaken on the said project to guide the implementation and the effects of the project thereafter;

(c) The Senate intervenes to ensure that a fresh public participation exercise is conducted by the relevant Government agency to enable residents to fully understand the implications of the project; and finally,

(d) The Senate takes the necessary action to gather evidence and ascertain the lack of or viability of the project; and, if that is ascertained, then engage the relevant Government agency to ensure cancellation or relocation of the project.

Mr. Speaker, Sir, allow me to express what the people of Murang'a County are feeling. Ninety per cent of the water consumed here and by the people of Nairobi County comes from Murang'a County. But the 'thank you' we get from the people of Nairobi County is giving us their waste. We give them water for free but instead of them thanking us, they are giving us waste. We are very unhappy with this project that intends to bring all the waste – from Dandora dumpsite in Nairobi and Machakos – and relocate it to Murang'a County.

(Laughter)

The Speaker (Hon. Lusaka): Hon. Senator, do not get carried away by your own Petition.

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.

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Speaker, Sir. I want the sponsor of the Petition to listen; as you can see, he is standing up. Sen. Kang'ata has come up with an interesting proposal. However, if he had listened to me the last time I was moving the Sessional Paper on the National Slum Upgrading and Prevention Policy, he would have realised that this Petition is more premised on the argument that Nairobi County is different from Murang'a County. However, in my moving notes – which I want to repeat here – I said that Nairobi County is probably carrying burdens of Murang'a County than any other county in the Republic of Kenya.

Mr. Speaker, Sir, the principle that this waste should be dumped anywhere in this country – and I am not saying that it should or should not be dumped in Murang'a – is wrong. All of us who come from Kajiado, Kiambu, Murang'a or Machakos are the reason why the population of Nairobi County during the day is more than twice the population of Nairobi at night. Most of the waste that Sen. Kang'ata is saying will be taken from Nairobi to Murang'a probably includes the waste attributed to him, because he is based in Nairobi.

(Laughter)

So, Nairobi County is suffering because those people from Murang'a County with their bananas, oranges and mangoes; and the people with potatoes from Nyandarua come to Nairobi County in the name of selling the vegetables. However, they leave the waste in Nairobi County and go back to Murang'a County. I think Nairobi County has simply said "the waste should follow you". Therefore, we should get a place to properly dump this waste.

Whereas we welcome this Petition, but the premise of the Petition must not be that the waste from Nairobi County cannot be dumped outside Nairobi. What must be looked at is this; was an EIA done? Is there land for that matter? Is dumping waste in that

place the right thing to do? We cannot say that the waste cannot be dumped in Nairobi County but it can be dumped in Machakos County; or it cannot be dumped in Murang'a County, but it can be dumped in Kajiado County. Somehow and in some way, we must find a place to dump waste outside Nairobi County because there is no sufficient land to do so in Nairobi.

Mr. Speaker, Sir, even as the Committee looks at this proposal, they must also look at modern technologically advanced methods that can help us deal with waste management, both the normal waste that we know and the pathogenic or medical waste in a manner that will not pollute our environment, the rivers, so that they cannot cause death and diseases, as Sen. Musuruve told us last time. This is because our lifestyles and the things that we dump in our country cause diseases such as cancer and others.

Mr. Speaker, Sir, while I support this Petition, I want the Committee to look at it thoroughly from a more global perspective and not just whether or not it is Murang'a.

Thank you.

The Speaker (Hon. Lusaka): Those who want to speak should press the intervention button because I think there is a challenge.

Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, allow me to congratulate Sen. Kang'ata for this timely Petition. Through the last Senate and the Committee on Energy, Roads and Transportation, at the time chaired by Sen. Moi, the people of Kibwezi East Constituency managed to benefit from an intervention of the worst oil spillage in the country. So, this is also a matter that should be taken seriously.

Part of the recommendations made by the Committee on Energy, Roads and Transportation at the time was that part of the failure in some of these disasters or events is the National Environment Management Authority (NEMA). Therefore, the Committee that will be charged with this responsibility should look at a proposal; do we need to restructure the NEMA? This is because the Act is very clear. Sen. Kang'ata would not need to bring a Petition like this if somebody had bothered to advertise and publicise the report that would lead to the said dumpsite.

Needless to say, we have mismanaged waste management in all counties. If you drive to the airport in Mombasa County, before you get there, the first thing that you see on the left hand side is an ugly site of waste. Before we deal with this issue, and I believe it will most likely be the Committee on Health and the Committee on Lands, Environment and Natural Resources --- This is a matter that affects Nairobi County – I can see Sen. Sakaja here – and we need to handle it.

The question of waste management, whether medical or what Sen. Murkomen is talking about, will be a bother. During my campaigns, I found a site where people were dumping syringes and innocent children in Makueni County were using them because they did not know what they were. So, this is a matter that should be taken seriously and serious recommendations must be made. However, Sen. Kang'ata should not say that we are getting water for free in Nairobi County; we are paying so much for it.

Thank you, Mr. Speaker, Sir.

Sen. (Eng.) Maina: Thank you, Mr. Speaker, Sir. I wish to support this Petition. The fact that garbage from Nairobi City County is being dumped in Murang'a County may not be the biggest issue. It is high time this country decided and came up with enforceable policies that will protect our mother nature everywhere.

The dumping of the refuse in Murang'a County will be an issue because there is no process for ensuring that the garbage itself is processed in a manner that ensures it does not become toxic to Mother Nature. Sen. Mutula Kilonzo Jnr. mentioned that as you drive across Mwache Creek from Changamwe in Mombasa County, you see a grisly site of garbage on your left hand side. Even here in Nairobi City County, garbage is just dumped in Dandora. A few vultures go there and pick what they can get. Street children go there too and try to survive. Some women go there and pick a few items and sell.

Mr. Speaker, Sir, today, proper garbage management is done to the benefit of humankind. It is used in other counties to generate power and actually segregated in a manner that it becomes acceptable to Mother Nature. It may be interesting to note that there are countries where sewage is treated to such a level that it is pumped back for domestic use. I may not feel very comfortable to use it, but it is processed to a level where it is hygienically palatable.

Now, this Committee should tackle the issue of garbage handling in this country. However, I do not know whether we should start with our blatant cutting down of trees or garbage management. We need to wake up because we have a beautiful country that has all the treasures that we were given by Mother Nature.

Why could the garbage not be processed here or somewhere in the vicinity and used to generate power? Somebody approached me years back and said that they were ready to do this. They gave a proposal to the then Nairobi City Council to actually process garbage in the manner it is done elsewhere and generate quite a substantial amount of power. That got nowhere. The question is: How and why? There are things that we need to address.

Therefore, the Committee should go deeper and not just be concerned with the dumping. This is because if it is not dumped in Kenol in Murang'a County, it will be dumped somewhere in Kajiado or Machakos. That is not a solution; we are just removing poison from here and taking it elsewhere, and it is not the right way. The Committee should come up with a thorough policy guideline and let us have enforceable laws. I keep sympathizing with Hon. ole Kaparo when I see him every time talking passionately and almost breaking into tears. But who takes him seriously?

Mr. Speaker, Sir, we need to address those attitudes.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Speaker, Sir. I also congratulate the Senator for Murang'a County for bringing this Petition. However, the issue today is not whether solid waste from Nairobi City County should be dumped anywhere. It is not whether it should be Murang'a, Kiambu, Thika or wherever. The issue is whether we should be dumping any waste at all.

Calcutta in India is the largest city in the world in terms of population with 25 million people. However, it has no difficulty in managing its solid waste and does not look for landfills anywhere. The Committee that will look at this Petition should thoroughly interrogate Nairobi City County Government because it generates more than 2,500 or 3,500 tonnes of solid waste every day.

It is important for the Committee to come up with a report that goes beyond the request of the distinguished Senator and recommends legislation that obligates every urban centre to have a waste management programme that is technologically acceptable. We can have incinerators and kilns that will burn down this waste after it has been sorted out to generate power.

Mr. Speaker, Sir, some of the waste we are grumbling about is made up of recyclable and reusable materials. We need a proper system of separation and then burn down the waste to generate power. The by-product of the burning will also generate manure for farming. We visited a waste management site in Berlin City. The entire Berlin City with 9 million people have their management of waste on less than 20 acres. From there, you see high-voltage lines pumping power into the national grid.

That is what we want to see so that we do not complain as Sen. Kang'ata is complaining. Mombasa has an eyesore, in Kisumu County, our former colleague Governor (Prof.) Anyang'-Nyong'o is up in arms with everybody about the management of waste which is dumped next to a national stadium and many other places. Let this not be just a petition for the people of Murang'a County, but a petition that can be used as a prototype to give direction on how to manage waste technologically countrywide.

Thank you, Mr. Speaker, Sir.

Sen. Seneta: Mr. Speaker, Sir, I also congratulate the Senator for Murang'a County for bringing this important petition to this House. This is not only a problem in Murang'a or Nairobi counties, but also in all our urban areas, towns and shopping centres. We, as Senators, need to legislate on solid waste management in this country. It is a big a problem. Dumping waste everywhere causes conflict among communities.

For example, we cannot allow Kajiado or Murang'a county to be the dumping site of waste from Nairobi County even if water comes from Murang'a County. It is unacceptable. We, as a country, need to think of a technological way of managing our waste. Currently, we have waste all over our counties. We need to designate specific areas as dumping sites where we can recycle the waste and make use of it.

I urge the Senate Committee dealing with this petition to engage the Ministry and the National Environment Management Authority (NEMA). This NEMA has been sleeping on the job. Do they have the capacity to do their work? Do they have sound policy on waste management? The NEMA is failing this country in terms of waste management and health hazard measures.

Sen. (Prof.) Ongeri: Thank you, Mr. Speaker, Sir. This is a very timely petition, Sen. Kang'ata. I would urge the Senate Committee on Land, Environment and Natural Resources to draw heavily from the document of the New Urban Agenda which has been globally debated at various fora of United Nations regarding waste management, disposal and sustainable cities and urban centres and how they need to grow. All our county governors were represented in this global debate. This has come out as a result of a sustainable programme and activities that need to be carried out.

I can put to you regarding Nairobi City. In fact, Sen. Sakaja should pick up the proposal by Japan to generate power to the national grid from the Dandora Dumpsite. The major element we need to pick out of this petition is how to handle solid waste, how to segregate the solid waste from the hazardous waste against the innocuous waste which can be turned into manure and other events.

We have a small pilot program in Thika within Kiambu County. You can go and see how the solid waste can be managed and water recycled back into the system. This was done by UN-Habitat where I was the Ambassador. What I am requesting is that this Committee draws heavily from the results, debates, and conclusions at the General Assembly on the New Urban Agenda.

Thank you, Mr. Speaker, Sir.

Sen. Mwaura: Thank you, Mr. Speaker, Sir. I rise to support this petition. I saw my very good friend, Sen. Kang'ata with his constituents vigorously demanding that Murang'a County, which has been a very good source of water for the city and other amenities, being used as a dumping site is totally unacceptable. I do not know whether it is in the same vein that we also saw some monkeys being chased away around sometimes back. However, that is a story for another day.

Mr. Speaker, Sir, if you look at the history of this Republic, in the 1980s, the major concern was the dumping of poisonous waste from the so-called developed countries to African countries. In fact, a classical case was where somebody from the United Kingdom wanted to buy land worth Kshs2 billion then to use it for toxic waste dumping. It is quite interesting that with the advent of devolution, we are seeing this issue arising from two neighbouring counties –Nairobi and Murang'a.

The data that is available shows that if we are not able to take care of our waste globally, our oceans are suffocating with plastic waste. In fact, it is estimated that by 2050, there may be more plastic waste than fish in our oceans. That is something that is quite telling. We need to look at this because plastic alone takes about 500 to 1000 years for it to decompose and much less years if at all that process is fast-tracked. Yet, if you look at plastic particularly, only about 12 per cent is recycled for use globally.

Rather than having these disputes between Nairobi and Murang'a counties, we have an opportunity to invent ways of ensuring that we meet our energy demands. In fact, we are able to depopulate our environment with the waste that is there.

So when the Senate Committee on Land, Environment and Natural Resources goes to investigate this, I think one of the things that would help this august House is to propose measures through which we can ensure that such disputes do not arise in future and that we take advantage of the humongous amount of waste that is being generated by our cities, towns and villages.

All of us have seen a tremendous change with the ban of polythene in our places. This is because you see less and less of these papers around and that has provided a better environment for all of us. I fully support this Petition. It is in good taste, and I would want to imagine that it does not only address the political questions that may arise, but also provide solutions for the betterment of the environment of this country.

I support.

The Speaker (Hon. Lusaka): Hon. Senators, since this is just a petition, let the remaining Senators just take two minutes. Let us have Sen. Malala.

Sen. Malala: Thank you, Mr. Speaker, Sir. First of all, I appreciate my colleague, Sen. Irungu for bringing up this Petition which has in fact ignited a debate bigger than its content. The big question here is: "Are our counties autonomous and can they operate in isolation?". The answer is; no. In Kakamega, we get water from Nandi County and supply the same to Busia County after processing it. Therefore, we cannot operate autonomously as county governments.

I would like to urge my friend, Sen. Kang'ata, to be creative with the waste that is being dumped in Murang'a County. Murang'a County is the food basket in Kenya since it is agricultural. If you converted the waste into manure, it will be more valuable for you than to take it back to Nairobi.

Secondly, I would like to support the Senate Majority Leader who suggested that it is Murang'a that is benefitting more from Nairobi. Therefore, we would even urge

Nairobi to transfer the dumping site in Dandora to Murang'a so that the traders of Murang'a can get space to trade in Nairobi. This is because the markets in Nairobi are congested.

Sen. Kang'ata: No!

(Loud consultations)

Sen. Malala: Therefore, this exercise will benefit both counties so that we take the waste back to them.

Mr. Speaker, Sir, this brings us to a need to have a policy entrenched in legislation to be adopted by all county governments so that we have a sustainable way of disposing off our waste. Moving forward, I think we will need to mentor our county assemblies to prioritise the waste management legislation so that we can have a sustainable solution to this problem.

The Speaker (Hon. Lusaka): Let us have Sen. Sakaja.

Sen. Sakaja: Thank you, Mr. Speaker, Sir. I thank my colleague, Sen. Kang'ata, for bringing this matter to the fore. I may not agree with his approach because I think the Senator needs to, first, count himself very lucky that Nairobi intends to take waste there. If he sees how the world is moving, even countries like Sweden are importing waste.

I think we need to raise our level of engagement on this issue. The benefit of this Petition is that we will discuss deeper on matters of waste management. As it is, Nairobi and Murang'a counties have a very long and deep relationship, politically and on ecological issues such as water. We receive a lot of water from Gatanga in Murang'a County and in return, Murang'a County also gets a lot from Nairobi.

Mr. Speaker, Sir, if you look at a landfill - I hope this Committee will look at those issues - a highly engineered sanitary landfill - and I would like the Senator to listen to me - will be of great benefit to the people of Maragwa, Kandara, Kigumo and Gatanga. Even if we just look at the issue of energy production in that area, the insistence must be that you do not just want a garbage dumping site but a landfill that will actually be highly engineered to provide those benefits. That is the direction we also want to go in Dandora where, incidentally, a lot of the residents are also from Murang'a.

Mr. Speaker, Sir, this will be an interesting Petition to discuss within the Committee, but let it also provide a direction on how we can deal with this matter beyond just Nairobi City County but across the country.

I support.

The Speaker (Hon. Lusaka): Let us have Sen. Faki.

Sen. Faki: Mr. Speaker, Sir, I wish to congratulate my colleague, Sen. Kang'ata, for this timely Petition. Garbage is a real problem. For instance, in Mombasa, garbage collection companies are claiming over Kshs300million in unpaid bills for garbage that is said to have been collected. If you drive across the Makupa Causeway, which is the entry to Mombasa Town and the rest of the former Coast Province, you will find piles and piles of garbage that is being dumped without any use to *mwananchi* and the county in general.

Mr. Speaker, Sir, I wish to support the Petition and say that we should devise ways through legislation to deal with this problem of garbage. We are spending more money in collecting the garbage and dumping it than doing development in areas that require it in the counties.

Sen. (Dr.) Kabaka: Thank you, Mr. Speaker, Sir. I take this cue to congratulate my friend, the Senator for Murang'a, for this important Petition. However, I would like him to take into cognizance a very important aspect in terms of the dumping of waste. We need to know that the dumping is not only done in Murang'a County but also in other areas like Athi River which empties its waters into the Indian Ocean.

It is important to know that all the industrial effluent from Nairobi, Murang'a, and Kiambu counties empties its heavy pollutant metals into Athi River. That is the water which is used by our people downstream. That goes a long way in affecting aquatic life. Again, there is a lot of irrigation along the said river and a lot of risk. Last time, we were talking a lot about cancer. It is now proven - in fact, if you read yesterday's *Daily Nation Newspaper*, you will realise that the top page touched on the cancers caused by vegetables grown along the polluted rivers.

Very soon, my colleague here, Sen. Mutula Kilonzo Jnr., should not very much celebrate that we are going to have Thwake Dam. All these effluent is going to be emptied there. We therefore, need---

The Speaker (Hon. Lusaka): You time is up! Let us have Sen. Omogeni.

Sen. Omogeni: Mr. Speaker, Sir, I also want to join the speakers who have spoken before me in congratulating the able Senator for Murang'a for this very timely intervention. I want to join my colleague, Sen. Kang'ata, in agreeing with him that we must be very proactive in taking care of our environment. The greater risk that we pose to the future generation is failure to protect and take care of our environment.

Mr. Speaker, Sir, what is trending in the international fora is concerted efforts to ensure that we protect our environment. That far, I fully agree with Sen. Kang'ata. However, we also must embrace technology in seeking intervention on how we can protect our environment. The first problem we have in this country is that we have not moved to where the First World is in terms of collection and storage of our waste.

This is because there are countries that are ready and willing to partner with us as a country and allow us to export our waste to their countries. However, they cannot engage us because we have not put in place systems of separating the collection and waste of our garbage. Subsequently, we know which garbage is recycled and which one can be stored and exported.

The Speaker (Hon. Lusaka): Yes, Sen. Kihika.

Sen. Kihika: Thank you, Mr. Speaker, Sir. I join my colleagues in supporting this timely Petition by Sen. Kang'ata. It is a Petition whose subject matter affects all the counties across the board. As others have said, as you drive from one county to another or from one town to another, you notice and see the eyesore that is the garbage that is across our counties. In Nakuru, for example, there is this Kioto in London ward that is a terrible eyesore. Beyond that, there are a lot of health hazards attached to lack of good waste management.

In bringing this Petition, this provides an opportunity for a discussion on how to properly come up with legislation that will help our counties to manage their waste in a way that helps create jobs for the youth. In addition, it will help to dispose the waste properly so that it is not a health hazard. As the population grows across the counties, this becomes a big problem. It is an issue not only restricted to Murang'a but also across the board. I look forward to hearing what the relevant Committee will bring to the floor.

The Speaker (Hon. Lusaka): Finally, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I rise to support my good friend, Sen. Kang'ata for bringing this timely Motion. I see it as a business opportunity for a lot of unemployed youth.

This morning, as I was coming from Mombasa, I saw a big dumpsite and all I could see is income. When I go to Nakuru there is a timber yard and also another dumpsite; all I could see is money. It is important that the Senate intervenes to support the petitioner in implementing this project so that we can do more consultation as the petitioner is seeking, to enable us come up with legislation that will guide this country and not just Murang'a County.

Mr. Speaker, Sir, I commend NEMA for having taken away all the plastics. It is time for us to instill the knowledge of recycling into the culture of this country.

With those few remarks, since I can see the warning light is already yellow, I fully support him on point A, B and C. It requires public participation so that it can give millions of unemployed youth an opportunity to make money, by converting that waste into manure which can be packaged and sold worldwide.

The Speaker (Hon. Lusaka): Order, Hon. Senators! Order! Hon. Senators; pursuant to Standing Order 226 (1) the Petition stands committed to the Standing Committee on Lands, Environment and Natural Resources. In terms of Standing Order 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 petitioner and laid on the table of the Senate.

Next Order!

PAPER LAID

REPORT OF THE COB ON COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR FY 2017/2018

The Speaker (Hon. Lusaka): The Chair Committee on Finance and Budget.

Sen. (Eng.) Mahamud: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today Tuesday, 6th March 2018;

The Report of the Controller of Budget on the County Government Budget implementation review for the first quarter financial year 2017/2018. Thank you.

(Sen. (Eng.) Mahamud laid the document on the Table)

The Speaker (Hon. Lusaka): Next Order!

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

The Senate Leader of Minority (Sen. Wetangula): Mr. Speaker, Sir, I beg to give notice of the following Motion: That pursuant to Standing Order No.34 (1) The Senate adjourns to discuss a definite matter of urgent national importance regarding insecurity in Mt. Elgon Constituency of Bungoma County.

The Speaker (Hon. Lusaka): Order! Sen. Wetangula, you are supposed to seek leave.

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER NO. 34**

INSECURITY IN MT. ELGON CONSTITUENCY,
BUNGOMA COUNTY

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, pursuant to Standing Order No. 34, I seek leave to move that the House adjourns to discuss a matter of definite urgent national importance regarding insecurity in Mt. Elgon Constituency of Bungoma County, where in the last one month, over 33 people have been brutally murdered, some children, women and families wiped out.

(Several Senators stood up in their places)

The Speaker (Hon. Lusaka): Hon. Members, you have the requisite number we will do that at 5:30 p.m.

STATEMENTS

ALLEGED OUTSTANDING LAND DISPUTE BETWEEN TAITA
SISAL ESTATE AND THE LOCAL COMMUNITY

The Speaker (Hon. Lusaka): Yes, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, pursuant to Standing Order No.46 (2) (b) I rise to seek a Statement from the Chairperson, Standing Committee on Land Environment and Natural Resources, regarding the long outstanding land dispute between Taita Sisal Estate and the local community within Taita Taveta County over the land parcel numbers; LR. 3890/5,1137, 86924 and 9487, totaling to an acreage of 30,284 acres.

In the Statement, the Chairperson should explain the steps taken by the Government to resolve the land dispute between Taita Sisal Estate and the local community indicating the current ownership status of the said parcel of land.

Mr. Speaker, Sir, in the Statement, the Chairperson should state when the long awaited access to land ownership documents and titles by residents of Mwatate in particular, Singida Majengo area, will be accomplished.

The Chairperson should also explain why the Cabinet Secretary for Lands, Housing and Urban Development gave two conflicting sets of recommendations concerning ownership of the said parcel of land in the Report which was issued in June 2017 and another on September 2017.

Finally in the Statement, the Chairperson should confirm to this House when the recommendation of the joint surveyor report on the land in question will be implemented.

The Speaker (Hon. Lusaka): The Chairperson, Committee on Lands, Environment and Natural resources.

Sen. Mwangi: Mr. Speaker, Sir I undertake to bring the Statement in two weeks. I spent the whole of yesterday afternoon in the Ministry of Lands and Physical Planning. While there, I talked to the Permanent Secretary and Prof. Muhammad Swazuri, the Chairman of the National Land Commission (NLC), regarding statements required in this

house. We agreed that in future, they will be proceed on time. So, I undertake to give the statement in two weeks' time.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Is that okay with you, Senator Olekina?

That is fair enough.

Sen. Mwaruma, what is your intervention on?

Sen. Mwaruma: Thank you, Mr. Speaker, Sir. I want to support and ride on the statement by the Senator for Narok, Sen. Olekina, that we should get a real statement about the status of the dispute of Taita Sisal Estate. There has been a long-standing difference between the owner or the investor and the people surrounding the sisal estate of Sigila/Majengo. So, I eagerly wait for that statement.

Similarly, Mr. Speaker, Sir, I would like, as the Chairperson of the Standing Committee on Lands Environment and Natural Resources seeks answers, to also seek for the status of the lease of Voi Sisal Estate, where there has also been a long-standing dispute with the people of Mkamenyi area of Voi. The lease was renewed un-procedurally on 25th March, 2011, and we were told that there was a Gazette notice that revoked that lease. The Voi growers LR Number is 28683---

The Speaker (Hon. Lusaka): Order, Sen. Mwaruma. You are asking for a completely different statement. You are derailing the question.

Sen. Mwaruma: Mr. Speaker Sir, I am riding on it.

The Speaker (Hon. Lusaka): But in your riding, you are going off; you are veering off the main point. So, you are getting into the bush with your rider.

(Laughter)

Sen. Mwaruma: Okay, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): You have made your point. The Chairperson had requested to be given two weeks and I wanted to find out from Sen. Olekina if that is okay. What you have raised will also be included in the response to the statement.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I just wanted to remind the Chairperson of the Standing Committee on Lands Environment and Natural Resources – I know he is busy – that there was a statement which had already been issued by the previous Minister for Lands and Physical Planning. He issued two reports in particular concerning this parcel of land. So, my request is whether he can take seven days, because this issue had already been dealt with; it is just that it is conflicting. Alternatively, we can get a preliminary statement in seven days and then the full report in two weeks. That will be fine with me.

The Speaker (Hon. Lusaka): Chairperson?

Sen. Mwangi: Mr. Speaker, Sir, I do not think there is much difference about time. These statements are taking a little bit longer. I explained that the whole of yesterday afternoon, I had time to sit with the Permanent Secretary in the Ministry of Lands and Physical Planning and the Chairman of the NLC and requested that we should be receiving the statements in good time. I do not think I can do more than that. Two weeks will be adequate because I am dealing with many statements.

The Speaker (Hon. Lusaka): Very well, it is okay, Chairperson; it is understood. I direct that you respond in two weeks.

Let us hear the Senator for Kwale County.

TITANIUM MINING IN KWALE COUNTY BY
VARIOUS MINING COMPANIES

Sen Boy: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 46(2)(b), I rise to seek a statement from the Chairperson of the Standing Committee on Lands, Environment and Natural Resources on titanium mining by Base Titanium Limited Company (Kenya), Base Resource Limited, Austria and other mining companies in Kwale County.

In the statement, the chair should explain:

(1)The Government policy on issues of prospective licenses for mining and whether all the procedures were followed in requesting for issuance of these licenses by Base Titanium Limited Company for mining of Titanium in Kwale County.

(2)Explain whether all stakeholders, including leaders and constituents of Lunga-Lunga Sub County and the larger Kwale County, were consulted when Base Titanium Limited Company (Kenya) and other companies commenced the process of acquiring prospective licenses of mining operations in Kwale County.

(3)Explain the measures the Government will put in place to ensure that residents whose land will be taken by the mining companies are fully compensated; and state whether and how that shall be done.

(4)Explain the measures the Government will put in place to protect citizens living near the mining sites from air and noise pollution, radioactive wastes, oil spillage and scarring of the landscape which impacts both on residents and the miners' lives.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Moses Wetangula, you have the floor.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Speaker, Sir. I wish to ride on this statement and request the Chairperson – when he or she brings the answer – to table in this House the following; the number of foreign-owned companies licensed to mine in Kenya and where they are mining; the quantum of mining per annum, the income thereof and how much it benefits both the local communities and the National Treasury.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Chairperson?

Sen. Mwangi: Mr. Speaker, Sir, this is a statement that requires details and, therefore, it needs to be given special handling. It will require us to invite the companies which are mining in Kwale County so that we can understand the whole saga. That notwithstanding, I undertake to give a response in two weeks. Fortunately, the hon. Member requesting for the Statement is also a Member of the Standing Committee on Lands Environment and Natural Resources. So, he will understand how we deal with this matter.

The Speaker (Hon. Lusaka): Is two weeks okay?

Very well; Let us hear from the Senator for Lamu County, Sen. Anuar Loitiptip.

If he is not present, let us then hear from the Senator for Nyeri County, Sen. Ephraim Maina.

DESTRUCTION OF FORESTS IN KENYA

Sen. (Eng.) Maina: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 46(2)(b), I rise to seek a statement from the Chairperson of the Standing Committee on Lands, Environment and Natural Resources on the careless destruction of forests in this country. In the Statement, the Chairperson should:

(1) Table a list of gazetted forest areas, indicating their respective coverage in hectares and, further, state those that are gazetted as water catchment areas.

(2) Explain why there has been an ongoing unabated destruction of forests, especially of indigenous trees that have taken over 100 years to mature in gazetted forests, specifically in the water catchment areas leading to the drying up of rivers.

(3) Explain the Government policy on agricultural activities, timber harvesting and charcoal burning within gazetted forest areas and indicate the respective penalties for violating the policy and state if the penalties are deterrent enough.

(4) Table a list of countries where charcoal from Kenya is exported to and the total annual revenue earned by the charcoal traders.

(5) Explain the immediate and long-term measures that the Government has put in place to stop careless destruction of forests that has greatly reduced Kenya's forest cover to less than 5 per cent of the total land area.

The Speaker (Hon. Lusaka): Let us have the Chair of the Standing Committee on Lands, Environment and Natural Resources.

Sen. Mwangi: Mr. Speaker, Sir, this is a major concern for the Government today. We will seek the statement from the Ministry of Environment and Forestry. I will also visit the Ministry because today, a chairman has to go to the ministries to seek for the response.

I will undertake to bring the statement to the House in two weeks, if the Senator seeking for the statement so agrees.

Sen. (Eng.) Maina: Mr. Speaker, Sir, I may not mind two weeks but I beseech the Chairman to ensure that the matter is addressed urgently. We need to wake up to what we are likely to face.

I was born around Mount Kenya. I grew up and crossed rivers there when I was young. The matter is a bit urgent. Therefore---

The Speaker (Hon. Lusaka): Order Sen. (Eng.) Maina!

Sen. (Eng.) Maina: Mr. Speaker, Sir, in the interest of the circumstances prevailing, could he try to get the statement sooner, so that action is taken?

The Speaker (Hon. Lusaka): Okay, two weeks. Let us now have Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, thank you for giving me an opportunity to ride on the statement by the distinguished Senator for Kirinyaga. I would like the Chairperson of the Standing Committee on Lands, Environment and Natural Resources, in his response, to let this House know how many forest officers are deployed to the Mau Forest which is being destroyed on a daily basis. I thank you.

The Speaker (Hon. Lusaka): That is noted and I hope the Senator has heard.

DEROGATORY SONG AGAINST
THE KAMBA COMMUNITY

Sen. Wambua: Mr. Speaker, Sir, I rise pursuant to Standing Order No.46(2)(b) to seek a statement from the Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding a song which is derogatory against the Kamba Community composed by some two Kenyan musicians in which they allege that now that the mango season is over, the Kambas will have to resort to eating dogs if they cease to sell charcoal.

In the statement, the Chairperson should:-

(a) Provide the true identities of the two musicians.

(b) Explain whether there is a link between the derogatory song and the alleged ongoing conflict between charcoal buyers from outside Kitui County and some residents of this country.

(c) State whether the relevant Government agencies have taken any immediate steps to address this matter and explain each step taken.

(d) Explain what the national Government is doing to avert the imminent inter-ethnic animosity between the affected communities which has started manifesting in road barricades along the Thika-Garissa Highway and Limuru area by some civilians.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, in giving the statement, could the Chairman also bring information from the Chair of the National Cohesion and Integration Commission (NCIC) Mr. Francis Ole Kaparo, who was very quick in summoning Governor Ngilu to his office to question her about banning logging and charcoal but has maintained a conspiracy of silence and he is making some faint noises about the song that is derogatory in nature and that is likely to inflame ethnic passions in the country? Equally important, if Kaparo summoned Charity Ngilu, the Governor of Kitui County, for banning logging, is he telling the country that the very positive statement made yesterday by the Deputy President Hon. William Ruto also runs counter?

Sen. Wamatangi: On a point of order, Mr. Speaker, Sir. Is it in order for the Senate Minority Leader to mislead the House and the country that the reason for summoning the Governor for Kitui County, Hon. Charity Ngilu, was because of banning logging? The reason why she was summoned was because of burning a truck belonging to a Member of County Assembly (MCA) of Kiambu.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. Is it in order for the Senate Minority Leader to misuse his opportunity to ask for clarification or supplementary question to defend a person facing investigation and introduce alternative facts? If Sen. Wetangula who is an accomplished advocate wanted to defend the governor of Kitui County, the right forum is to go and defend her before the NCIC and, eventually, the court.

We will be misusing the Floor of the House if we were to do a trial by looking at the grounds for which the governor is being investigated. That is to pursue in vain what is called "alternative facts" and changing facts to suit political interests of one side. Is this House not the place where we are looking for cohesion and not trying to defend individuals if they belong to our side?

The Speaker (Hon. Lusaka): Honourable Senators, as you ride on the statement, let us be within the question so that we do not lose track.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I never defended Gov. Charity Ngilu; I only asked a question about her being summoned for interrogation. Secondly, there is no Standing Order – and Standing Orders spring from the Constitution – that bars a Member from commenting on or asking about a matter under investigation. It is not covered under the *Sub Judice* rule.

Be that as it may, I was not defending Gov. Charity Ngilu. I said that she banned logging, burning and transportation of charcoal. Yesterday, the Deputy President - and I say that is a very positive move - banned logging, which also results into banning of charcoal and splitting of timber for construction. Will hon. ole Kaparo also summon the Deputy President in the same vein?

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. If the Senate Minority Leader speaks for Gov. Charity Ngilu, he should first declare his interest. He cannot on one hand pursue vigorously such a production of some musicians that we do not even know by name. I agree with Sen. Wambua that we must first get their identities. The Senate Minority Leader is trying to pursue them vigorously and using the same platform to defend another citizen of this Republic, who is being investigated with regard to an issue of burning of a vehicle. This idea of trying to speak from both sides of the mouth is very defeatist.

The Speaker (Hon. Lusaka): Sen. Wambua has asked a very important question. Let us not lose track of what has been asked, so that we can get an answer that will enhance cohesion in this country. So, these riders are actually derailing us.

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. It has become a routine now that every time I am on the Floor, my colleagues who are about two or three, for no reason whatsoever, feel very agitated. They stand up and purport to raise points of order that are actually calculated at derailing what I am saying. I need your protection on that.

More importantly, the question that I was pursuing is in public knowledge; that the Chairman of National Cohesion and Integration Commission (NCIC), hon. Francis ole Kaparo, summoned Gov. Charity Ngilu---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Sen. for Kajiado. Let Sen. Wetangula finish and then I will give you an opportunity.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I am on a point of order. For my colleagues who may be new in the House, when one is on a point of order you cannot rise on another point of order.

I lauded the Deputy President for banning logging. I have also said that if Gov. Charity Ngilu and is being pursued by law enforcement agencies, are they going to turn the same heat on the Deputy President, which I do not agree with?

The Speaker (Hon. Lusaka): Order! Hon. Members, when you rise on a point of order, go straight to the point of order and point out what is out of order.

Sen. Murkomen.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. Is it in order for the Senate Minority Leader, whom we expect since 1992 to have at least understood something about the Standing Orders, to assume the position of the Speaker and determine what becomes a valid point of order or not?

The Speaker (Hon. Lusaka): It is out of order.

Chairperson, Committee on National Cohesion, Equal Opportunity and Regional Integration, can you respond to the question that has been raised?

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir. I have received the request on behalf of the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration. We will give it all the necessary attention and respond within the next two weeks. Sen. Wambua is a Member of that Committee and we will give our best.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I actually thought that you would give me an opportunity to ask a follow up question. But on the issue raised by Sen. (Rev.) Waqo, two weeks is too long. First, I must declare that I have already issued a complaint to the Director of Public Prosecutions and NCIC. However, if we allow the music video to continue running and circulating in the manner that it is for the next two weeks, we will actually cause more animosity.

When the national Government was aggrieved by a function on 30th January, they switched off the media. Therefore, there should be a facility of shutting down or retrieving a material like that from the internet to stop these two young men – misguided bigots – from continuing to insult the Kamba community in the manner that they are doing.

Sen. (Rev.) Waqo: Mr. Speaker, Sir, we do understand this is a very touchy issue. I believe that we will give it due attention in the next two or three days. I promise that as soon we get the full information, we will bring it to the House. My humble request is that you give us a maximum of two weeks, but we will give it all the necessary attention.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. Bearing in mind what Sen. Mutula Kilonzo Jnr. has raised and considering the significance of the continuous broadcast of that song, is it not possible, from where you sit and the powers of the Speaker, for you to order the necessary agencies, in the interim as the Committee tries to understand who they are and what action is being taken by NCIC, to take remedial measures? That includes bringing down the music video from YouTube or whichever other place, because I do not know where it is, so that we can also know that the Speaker can bite, apart from not having eyes. You once said that you do not have ears or eyes, but you can bite.

The Speaker (Hon. Lusaka): Order! Order! That is blackmail.

(Laughter)

First, I have just gotten the allegations; I do not have the facts ready with me to make a determination on the matter. But, I am sure that the agencies that are responsible for taking action have heard what we have said. We want a response by Thursday, as the Chair has said.

Sen. Orengo.

Sen. Orenge: Mr. Speaker, Sir, this is a matter so grave that if left to a Chair of a Committee of this House, it will not be good enough. In fact, I was wondering, if ever there was a Government in place which was legitimate and assuming that this Government---

The Speaker (Hon. Lusaka): Order, Sen. Orenge!

Sen. Orenge: Mr. Speaker, Sir, I am using my words very carefully. Assuming that it is legitimate, this is a matter which the Senate Majority Leader himself would have taken instructions from the relevant Government Ministries and brought a Statement here. First of all, the Statement should state the Government's position in relation to its duty under the Constitution. This is because we tend to forget why the Executive exists. If you look at the Constitution you will know why it exists. Creating harmony and security in the country is a very important mandate of the Government which is in place. The Cabinet Secretary for Interior and Coordination of National makes so many statements whenever he thinks it is important to make those kinds of statements.

This is a matter on which the Cabinet Secretary for Interior and National Coordination, Mr. Fred Matiang'i, would do well to have issued a Statement and give assurance that this Government is not applying the law with a double edge. But the Senate Majority Leader, being a lawyer - although a junior lawyer - should have shown leadership and come here with a Statement, instead of waiting for the Chair of the Committee, who cannot even summon an Assistant Secretary in the relevant Ministry. By doing so, this House would know that this Government is taking this issue seriously. But as it stands now, there will be deaths and still this Government will be quiet. Could the Senate Majority Leader take it upon himself to bring a Statement?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, first, I want to acknowledge that I am the Senate Majority Leader. It is a fact that I am twice younger than Sen. Orenge. It is also a fact that in the legal profession; Sen. Orenge is at the apex; he is a Senior Counsel. However, he needs to be reminded that those who hold very high offices like himself, as a Senior Counsel, do not need to remind us, his juniors, that we are junior. We know it. We are only praying that one day, with age and time, we will reach there.

On the question of the seriousness of the Government, I want to acknowledge and congratulate the Senate Deputy Minority Leader, Sen. Orenge, who is my friend and my senior, for he has severally used the word "government." Contrary to the false stories out there, it is now clear to you that Sen. Orenge recognizes that there is a government in place.

Mr. Speaker, Sir, for that great recognition and commitment to rule of law, without your prompting, I undertake that I will take the necessary action to demonstrate that there is a Government. I will make an interim statement tomorrow and I hope that we will have succeeded to bring down that injurious song by then.

Meanwhile, the Chairperson can continue with the other duties of ensuring that the culprits are brought to book.

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

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

Sen. Orenge: Mr. Speaker, Sir, I want to go on record that what I was doing is in the manner of the parties. When you appear before a court and you have a junior, you must always repeat that, "I am here with my junior." As he said in his address that he is

my senior, but I chose my words very carefully. I said that “assuming that this Government is illegitimate.” Go back and look at those words carefully before---

The Speaker (Hon. Lusaka): Order, Sen. Orenge.

Sen. Orenge: But if that makes you happy for you to come with an answer tomorrow, so be it.

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

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

Sen. Sakaja: Mr. Speaker, Sir, in as much as we do appreciate the seniority of Sen. Orenge in all definitions of the term “seniority”, I do not know if you heard what he said. He said that the Chairperson of the Committee cannot summon an assistant secretary to get a response. Is it right for the Senator to belittle the ability of Sen. (Rev.) Waqo? Surely, is it fair? Is it that you did not hear or you ignored? He must apologise and withdraw. He cannot belittle the Chairperson of a Committee. That is disrespecting the authority of the Speaker and that of the House.

(Loud Consultation)

The Speaker (Hon. Lusaka): Order, Members!

Sen. Orenge: Mr. Speaker, Sir, again, speaking very advisedly, no Member in this House can issue summons in his hands. It is only the Speaker or Clerk who can issue summons. Let her try to issues summons tomorrow and see if it can be delivered by the Clerk of the Senate. It will never be delivered because she does not have that authority. From a legal point of view, she is not in a position to summon anybody to appear before this House. That is the truth of the matter.

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

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

Sen. Wamatangi: Thank you, Mr. Speaker, Sir. With tremendous respect to the Chair, this is a House of records. Everything that is said on the Floor of this House is recorded. Therefore, in the absence of that statement either being withdrawn or the Chair giving directions for clarification or substantiation, it becomes the House record. It is my concern that a lot of statements have been made from the other side, including the one made by the Senate Minority Leader when he was speaking about the previous issue. When these statements, which are misleading, are left that way, they become the record of the House. How are we going to correct them? Most of the claims made by the Senate Minority Leader are matters before court and in the public domain. That was followed by what has been said by Sen. Orenge. It is clear---

(Several Members stood in their places)

The Speaker (Hon. Lusaka): Order! Sen. Wamatangi is on a point of order. Allow him to make his point.

Sen. Wamatangi, address yourself to your point of order?

Sen. Wamatangi: Mr. Speaker, Sir, with tremendous respect to the Chair, I was seeking your guidance and indulgence regarding what happens when we have that kind of exchange and the offending Senator gets away with it and sits down? When that happens, that becomes the record of the House. This House must be a House that keeps records

according to the rules of this House. It is either he substantiates or withdraws. Sen. Wetangula and Sen. Orenge cannot get away with their allegations.

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

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

Sen. Pareno: Mr. Speaker, Sir, is it in order for the Hon. Members to revisit a matter that had been discussed and concluded? This is happening long time after those Members who raised those issues had already sat down.

Sen. (Eng.) Maina: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. (Eng.) Maina?

Sen. (Eng.) Maina: Mr. Speaker, Sir, I rise to put one thing clear. The song was sung by some two young men. Therefore, it should never be insinuated to mean that all Kikuyus are saying the same thing to the Kambas. That needs to come out clearly.

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members! What is your point of order Sen. (Eng.) Maina?

Sen. (Eng.) Maina: Mr. Speaker, Sir, some statements made in this House can bring animosity between communities. Therefore, I want to make it clear that the song sung by the two young men should never be construed to mean all Kikuyus are saying the same things to Kambas.

The Speaker (Hon. Lusaka): Hon. Members, first, it is out of order to refer to a matter that has already been discussed and the Member has sat down. We cannot go back to that matter. We raise a point of order on a matter that is on the Floor of the House at that point in time.

The Speaker (Hon. Lusaka): What is your point of order?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. First of all, I am sorry I called for a point of order when Sen. Wamatangi was on the on the Floor. What made me do that is that he did not call for a point of order; he just raised his hand as if he was in a classroom.

(Laughter)

I do not know in what manner he was given the Floor. But, be that as it may, is Sen. Wamatangi in order to allege that I referred to a matter that is in court and could he tell this House the case number, the court where the matter is, the issue before the court, the parties to the issue and the level at which the case has reached?

The Speaker (Hon. Lusaka): Hon. Members, I had already ruled that he was out of order. So, we cannot continue discussing the same matter. Let us make progress.

(Loud consultations)

Order, Members! The Senate Majority Leader has promised to give a statement tomorrow. The Chairperson will give a subsequent response in the next one week.

Next order!

The Chairperson of the Standing Committee on National Security, Defence and Foreign Relation to respond to a statement sought by Sen. Wetangula.

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

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

ARREST AND DEPORTATION OF MR. MIGUNA MIGUNA

Sen. Sakaja: Thank you, Mr. Speaker, Sir. The Statement is available, but it has not yet been signed by the Cabinet Secretary (CS). So, we are unwilling to give it in that state. We will wait for it to be signed by tomorrow or the day after.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Members! I am seeing so many interventions. The Senate Minority Leader, is this current statement yours?

The Senate Minority Leader (Sen. Wetangula): Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Okay. You have the Floor.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I sought for this statement more than two weeks ago. Mr. Miguna Miguna was bundled onto a plane and freighted out of this country on 6th February 2018. His passport which is the mark of his citizenship was mutilated and he is unable to come back to the country despite the fact that the court has said so.

A citizen's right to citizenship is the most fundamental right of all the fundamental rights apart from the right to life; that you belong to a country and a nation. How long would it take for the Majority side to bring a statement here to explain the circumstances under which Mr. Miguna Miguna was unlawfully arrested, his house vandalised---

The Deputy Speaker (Sen. (Prof.) Kindiki): The Senate Minority Leader, you are not asking for the statement now. You are just expressing displeasure that it is not here. So, let us be brief because you have spent a lot of time on the previous orders. Therefore, the Senate Minority Leader, hold it there. Please resume your seat.

Who is the Chairperson? Sen. Sakaja, why do we not have the Statement?

Sen. Sakaja: Mr. Deputy Speaker, Sir, as you were taking the seat, I just explained to the House that we are informed. First of all, it is not the Majority side that brings statements. Statements are brought by the Government and the fact that this statement itself has not been signed, it is why we are unwilling to bring it to the Floor of the House. This is because somebody must own it. If we do not get it signed by tomorrow, we will just summon the CS and I would like to insist to Sen. Orenge that every committee has the power to summon witnesses. We will summon the CS to the Committee in which the Senate Minority Leader is a member. As of now, the statement is ready but not signed.

Therefore, Mr. Deputy Speaker, Sir, I undertake to make sure that it is brought tomorrow or the day after in the absence of which we will summon the CS as a Committee. This will ensure that the matter is discussed---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Sakaja! It is your responsibility as the Chairman to bring the statement. How you get it or where you get

whoever is supposed to bring it is not the business of this House. The business of this House---

(Sen. Sakaja stood in his place)

Resume your seat Senator. The business of this House is to ensure that chairpersons of committees, as per the Standing Orders, issue or bring statements as and when required and as and when directed by the Chair from time to time.

So, Sen. Wetangula would want to know when we are having the statement. Therefore, we need a definite answer. Just say when we can expect it and then we will hear from Sen. Wetangula.

Sen. Sakaja: Mr. Deputy Speaker, Sir, as I have said, the statement is available but it has not been signed. We have given a commitment that we will have it---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Sakaja! When are we expecting the statement here in this House?

Sen. Sakaja: Mr. Deputy Speaker, Sir, as soon as it is signed. I cannot give a date.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Sakaja! This is your second term in Parliament; therefore, do not test the Chair beyond what you have already done.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I cannot give the date which I do not know.

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct that you issue the statement tomorrow.

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

(Applause)

The Deputy Speaker (Sen. (Prof.) Kindiki): Make sure you do not destroy the furniture.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! Is that on statements?

(Loud consultations)

We are not doing very well. Let us proceed to Statement (b). The Chairperson, Standing Committee on Lands, Environment and Natural Resources?

DELAYED COMPENSATION FOR PERSONS DISPLACED
BY THE CONSTRUCTION OF MULIMA DAM

Sen. Mwangi: Mr. Deputy Speaker, Sir, I have not received any statement from the relevant Ministry. I was there yesterday and talked to the Principal Secretary (PS) but the statement was not ready as at that time. So, I am seeking for one week extension so that I can get the statement and bring it to this House.

It is becoming a little bit difficult to get these statements because a chairperson has to go to the relevant Ministries and talk to the CS and the PS to get these statements. Something should be done so that CSs and PSs take it upon themselves to bring these statements to the secretariat instead of a chairperson having to walk to every office of a CS or a PS.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Mwangi! You are one of the more diplomatic Members of this House. If you have difficulties in getting a statement, you know the practice since you are a long standing parliamentarian. That is why we have the Senate Majority Leader. The work of the Senate Majority Leader is not to remind us from time to time that he is the Senate Majority Leader, but also to suffer the consequences of being the Senate Majority Leader.

But, even for you as a Chairman, you cannot come and complain before this House how it is a difficult task to be a chairman yet you have not complained about the privileges of being a chairman.

(Applause)

What is it, Senate Majority Leader?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I am just seeking clarification from the Chair because I cannot challenge the orders of the Chair. Was there any doubt that I am the Senate Majority Leader?

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

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I would like to seek the clarity of the matter. You have been in this situation. Is it right for a chairperson, like the Chairperson has talked, to be the one going to see a PS, CS and so on? It is indeed the responsibility of the CS. Once he gets communication from the Clerk's Office through a letter which acts as an order of some sort, it is his or her duty to act.

Even if it is not an order or summons, it is a duty on the part of the CS to act and if they are unable to act, the Committee can then summon them. This will enable us end this idea of Chairpersons and Vice-Chairpersons in this House having to follow a CS or people to places where they are working or operating from to get statements from them.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senate Majority Leader, there are no doubts, at least, not on the question on who is the Senate Majority Leader. May be, elsewhere. Having said that, I concur with you in some respect that there is responsibility on the part of Government officials but there is also responsibility on the part of chairpersons of committees. They are the only people who can produce those Statements in this House. The Standing Orders do not tell us how they go about it. How they procure that Statement is their secret.

However, in case of serious difficulties, this House has always been of help to such chairpersons of committees by directly calling upon those responsible to appear or produce whatever that is supposed to be produced. The Constitution is very clear on that.

I see three other interventions. What is it Sen. (Prof.) Onger?

Sen. (Prof.) Onger: Mr. Deputy Speaker, Sir, I rise to seek clarification. It would appear that the Chairpersons from the Government side are having some great difficulties

in getting the results or replies from respective Ministries. I get the feeling that they are almost being humiliated in going to those offices to seek information.

Is there a way that this House can bear upon the respective Ministries to respond expeditiously to the request of the Chairpersons of the respective Committees so that the information is available to this House to enable us transact business more expeditiously?

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Prof.) Onger, what is out of order?

Sen. (Prof.) Onger: Mr. Deputy Speaker, Sir, it is not a point of order. I just sought clarification from the Senate Majority Leader to find out a method on how the work of the Chairpersons of the respective Committees can be made easier.

With what I have heard today, it is as if the most attention they can get is that of the Permanent Secretary (PS) while the Cabinet Secretary (CS) is absent. Is there a way this House can facilitate the process of securing proper information from the respective Ministries?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Sen. (Prof.) Onger. The point is taken but that is a separate issue. When the matter arises, it will be dispensed with.

With regard to this Statement, Sen. Mutula Kilonzo Jnr. is not here. Nevertheless, because we are already seized of the Statement, I direct that the Statement be produced to this House latest Tuesday, next week.

(Statement deferred)

THE IMPLEMENTATION STATUS OF THE FISHERIES
MANAGEMENT AND DEVELOPMENT ACT

Sen. M. Kajwang is not here. Chairperson Standing Committee on Agriculture, Livestock and Fisheries, Sen. Njeru Ndwiga is the Statement ready?

Sen. Ndwiga: Mr. Deputy Speaker, Sir, the Statement is ready but I had discussed with Sen. M. Kajwang, my dear friend. I beg that we deliver the Statement next week.

(Statement deferred)

May I beg leave of the House to make another Statement which I have ready but is not on the Order Paper?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. Make use of the Order Paper.

Sen. Ndwiga: Mr. Deputy Speaker, Sir, the problem is----

The Deputy Speaker (Sen. (Prof.) Kindiki): Resume your seat, Sen. Ndwiga. So far so good!

Sen. Ndwiga: Mr. Deputy Speaker, Sir, I want to answer.

(Loud Consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators. Next is Statement (d) to be issued by the Chairperson of the Committee on Finance and Budget, Sen. (Eng.) Mahamud.

DELAY IN RELEASE OF FUNDS TO COUNTY
GOVERNMENTS FOR THE FY 2017/2018

Sen. (Eng.) Mahamud: Mr. Deputy Speaker, Sir, this question was asked on the Floor of the House on 15th February, 2018 and we promised to answer it in a week's time. We wrote a letter to the Ministry on 20th February, 2018 and they were to bring an answer by 27th February, 2018. By that date, I managed to get some skeleton answer which is not signed up to now. We were supposed to meet with the officers from the national Treasury this morning but we were not able to. However, we have re-scheduled to meet tomorrow. I have an answer which I cannot read because it is not signed and so it is not official. Basically, this is a serious matter which touches on the counties.

Mr. Deputy Speaker, Sir, I beg the indulgence of the House to allow me to answer this question on Thursday. I will surely answer by that time. Even if the answer is not signed, I will take it upon myself to answer it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator. You cannot do that.

Sen. Khaniri: Mr. Deputy Speaker, Sir, I rise to protest in the strongest terms possible. The core responsibility of this Senate is to protect the interests of county governments that we represent.

I want to urge the Chairperson to take a little bit more seriously matters raised in this House. I remember in the previous dispensation, Ministers used to give business of the House precedence. The use of words like the 'answer has not been signed' would never arise. You can ask Sen. (Prof.) Ongeru whom we were Ministers together. We were given clear instructions by the President that anything coming from Parliament must be given precedence. The Constitution also says so.

Mr. Deputy Speaker, Sir, the Chairperson is behaving as if the questions I raised require rocket science to answer. This is a matter regarding all our counties. I raised very pertinent issues that are affecting all of us in the counties. This is in regard to disbursement of funds to our counties.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Sen. Khaniri. Unfortunately, I have to interrupt you in the interest of time.

(Sen. Khaniri remained standing in his place)

Resume your seat. The Chairperson has told us that at the very latest, the Statement will be here on Thursday. I would urge you to restrict yourself to whether you can be patient up to Thursday at the most. In fact, he even suggested to give an answer as early as tomorrow and at the very latest on Thursday.

Sen. Khaniri: Mr. Deputy Speaker, Sir, I appreciate your ruling. It is not about me being patient; it is about the counties. Up to now, counties have not received any penny in terms of development funds for 2017/2018 Financial Year.

How do we expect the counties to operate without resources? All they are getting is money for Recurrent Expenditure. It is not about me being patient; it is about how long we can keep these counties without resources.

The Deputy Speaker (Sen. (Prof.) Kindiki): I hear you. Sen. (Eng.) Mahamud, you must endeavour----

(Sen. (Eng.) Mahamud stood up in his place)

Sen. (Eng.) Mahamud, please resume your seat. I am giving direction. Endeavour to have the Statement tomorrow, if for whatever reason the Statement is not ready tomorrow, it must, by all means, be issued on Thursday at 2.30 p.m. It is so ordered.

(Statement deferred)

COAL EXPLORATION AT MUI BASIN, KITUI COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Statement “e”. Where is the Chairperson of the Committee on Energy, Roads and Transportation?

Sen. (Eng.) Maina: Thank you, Mr. Deputy Speaker, Sir. We have been waiting for the Statement from the Ministry. I have taken the liberty of talking to the person who demanded for this Statement – and I appreciate that it should be given – and we have agreed that it should be issued next Wednesday.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sorry, Chairperson. When can we have the Statement? Is it ready?

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, I said I will give the Statement next Wednesday; and we have agreed with the person who sought it Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Next week on Wednesday?

Sen. (Eng.) Maina: Yes.

The Deputy Speaker (Sen. (Prof.) Kindiki): Okay. Have your seat.

What is it, Sen. Malala?

Sen. Malala: On a point of order, Mr. Deputy Speaker, Sir. I am surprised at the manner in which Chairpersons are handling matters that are raised---

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

Sen. Malala: I think that the Chairpersons are not performing their duties.

The Deputy Speaker (Sen. (Prof.) Kindiki): So, do you want to discuss Chairpersons in a substantive motion or---

Sen. Malala: Mr. Deputy Speaker, Sir, they are out of order.

The Deputy Speaker (Sen. (Prof.) Kindiki): In particular---

Sen. Malala: Mr. Deputy Speaker, Sir, the Chairpersons are out of order to keep on procrastinating on pertinent issues raised on the Floor of this House.

The Deputy Speaker (Sen. (Prof.) Kindiki): Under what Standing Order are you rising?

Sen. Malala: Mr. Deputy Speaker, Sir, it is common knowledge that---

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Order! Resume your seat. Order, Senators!

Hon. Senators, we have actually been on statements the entire afternoon and we are heading to 5.00 o'clock. We must find a way of being faithful to the time that has been entrusted to us. So, I will only allow two interventions very quickly; so make them brief.

Proceed, Sen. Wetangula, very briefly.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Deputy Speaker, Sir. I want to get direction from the Chair. You could hear every single Chairperson of the Committee telling this House that they have walked to the ministry, they have talked to the Cabinet Secretary (CS) and they have done this or that. Once a question is asked on this Floor, it becomes the property of this House and all other transactions thereto become administrative. After that, it is the Office of the Speaker and the Clerk to liaise with the relevant ministries and bring statements to the Chairpersons, who will then---

In fact, in the previous Committee on Finance, Commerce and Budget, the Chairperson used to bring answers to questions to the Committee for the Committee to own the answers and appreciate whether they are adequate or not. Is it in order for the Chairpersons to keep telling this House that they have walked to the Ministry and seen an unsigned statement? Is that the procedure and is that how it should be?

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Senate Minority Leader. I will dispose of that issue immediately.

First and foremost, the responsibility to produce statements to this House is not on the Speaker or the Clerk; it is on the Chairperson of the committee. As a matter of custom which we developed from last term, when the Chairperson experiences difficulties, they can revert to the aid, assistance and support of the Senate Majority Leader.

However, I agree with the Senate Minority Leader that there is some administrative support that the offices of the Speaker and the Clerk should give the Chairpersons. Having listened to what has transpired in the last few minutes, I have not heard a single Chairperson saying that they have not been given support either by the Clerk, the Speaker or the Senate Majority Leader. So, let these matters lie where they are.

But Chairpersons of Committees, get it directly from me. You cannot be enjoying the privileges of being called Chairpersons but when it comes to delivery, you are just lamenting, wailing and complaining. That is why you are Chairpersons; so, exercise your authority. If you encounter difficulties, the avenues are there, as I have already ruled; but the buck stops with you. As long as I am on this Chair, I will be very firm with Chairpersons. We cannot take the Business of this House as some kind of freelance place where you can come, procrastinate and wait---

Even the Government officials involved should get this very clearly, these are Constitutional and legal duties; they are not acts of charity or humanitarianism. So, that matter is closed but, please, Chairpersons, pull up your socks. That is why you are in office.

(Applause)

(Sen. Orengo stood up on a point of order)

Yes, it is Sen. Wambua's Statement, but I see a point of order from Sen. Orengo.

Sen. Orengo: First of all, Mr. Deputy Speaker, Sir, you heard a lot of applause coming from this side when you made a statement. That was on the basis that you were

giving directions without saying “I am going to consult.” This is because you are exercising powers which are evident from the Standing Orders.

Mr. Deputy Speaker, Sir, can you just allow me to read the Standing Order in relation to the Committee Chairpersons. I think the Statement you have just made is very important. Standing Order No.46(2)(b) says:

“A Senator may request for a statement from a Committee chairperson relating to matters under the mandate of the Committee and the Speaker may appoint a day for the Statement to be made or direct that that statement be made or direct that the statement be issued on the same day.”

So, there is nothing about a ministry, a CS or whoever it is in Government.

So, Mr. Deputy Speaker, Sir, if we can stick to your directions, then the House can work more efficiently. However, if we go in the direction where we look like an appendage of the Executive, then doing business in this House will be extremely difficult.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Orengo. In fact, that Standing Order does not even envisage the Senate Majority Leader but the Chairpersons of committees. That is where the buck stops. Chairpersons are very powerful people. So, you cannot come, wail and mourn. But we have adopted, as a custom for purposes of efficiency, if you are facing difficulties, then the Senate Majority Leader can always support you. However, the Standing Orders talk about the Chairpersons. That issue is closed.

Sen. Wambua, you have heard what the Chairperson on Energy, Roads and Transportation has said. Could you give him up to Wednesday next week?

Sen. Wambua: Mr. Deputy Speaker, Sir, I appreciate what the Chairperson has said. I laud you for giving that general direction on response to questions. However, on behalf of the people of Kitui County, I plead with the Chairperson to give a specific direction on this matter. This coming Monday, 12th March, 2018, it is said that a new contractor will be taken to the ground. This is a different contractor from the one who was introduced to the people of Kitui County. There are pending issues; for example, the benefit sharing agreement on exploration of coal has not been settled. Similarly, the issue of the establishment of a plant to process coal at source has not been dealt with.

Therefore, Mr. Deputy Speaker, Sir, I plead with the Chairperson that if we wait until Wednesday next week, it will be overtaken by events. Can the Chair direct that we get responses this week?

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson of the Committee on Energy, Roads and Transportation, you have heard the representation of Sen. Wambua. Given what is likely to take place on Monday, would you want to say something before I give directions?

Sen. (Eng.) Maina: Thank you, Mr. Deputy Speaker, Sir. I appreciate what Sen. Wambua has said. However, I want to be a realist. I am giving this undertaking and I will assure him. However, regarding the issue of the contractor being on site and when this work should start, I assure Sen. Wambua that whether the contractor moves some lorry there, I will ensure that nothing tangible will start happening before the Statement is issued. I will consult with the Cabinet Secretary and ensure that, that is the position.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Eng.) Maina, please, resume your sit.

(Sen. (Eng.) Maina spoke off record)

Order, Senator! You may resume your seat.

Having listened to both sides, I direct that the Chair should go back to the Ministry and inform them of the new development that Sen. Wambua has brought to the attention of the House, with a view to see whether that Statement can be ready by Thursday. Therefore, I direct that you communicate progress administratively, through the Speaker's office, tomorrow in the afternoon; whether we can have it on Thursday. If there are any difficulties, we will see how to make further directions. However, we need feedback tomorrow on the status of this Statement. You will do it administratively; you do not have to do it here on Plenary. It is so ordered.

Order, Senators! The next Statement is by the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration.

ALLEGED ABUSE OF HUMAN
RIGHTS OF PWDS

Sen. (Rev.) Waqo: Thank you, Mr. Deputy Speaker, Sir. I want to respond, but as I do so, it seems as if the hon. Members on the other side have somehow formed an opinion on the Chairpersons. I wish to make it clear that we are capable enough and cannot be intimidated.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Rev.) Waqo. Do you have the Statement ready?

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, the Statement is not ready. I have had a word with---

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! Let us be dignified.

When can we have it?

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, as I stood, I said that some hon. Members seem to be trying to intimidate us. We cannot---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Rev.) Waqo! When can we have this Statement?

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, we did the letter and they acknowledged receipt. They have not yet given us the response. We are waiting for the response from the Ministry concerned. The hon. Senator who brought the request is aware of that. I request on behalf of the Committee that we be given one more week and we will give adequate response.

Thank you, Mr. Deputy Speaker, Sir.

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

Sen. (Dr.) Musuruve, is one week amenable with you? Please, be brief.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir. I will be very brief. I just want to comment that when it comes to issues of disability, they should be taken with a lot of seriousness because the voice they have here is very minimal compared to the rest. Allow me to say that I sought this Statement in the last Session. In fact, I sought

about five statements on issues of disability. There was only one that was comprehensively issued by the Senate Majority Leader. However, the rest were not responded to. This Statement was for last session and there are also four more.

Mr. Deputy Speaker, Sir, you need to put it clearly in this House that issues of disability should be taken with a lot of seriousness, so that we address the core issues that are dragging Persons With Disability (PWDs) in this country. We want to move ahead with PWDs also even in terms of development and other issues.

Thank you.

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

Sen. (Rev.) Waqo, the Statement shall be issued Tuesday next week. It is so ordered.

Sen. (Rev.) Waqo: We will do that, Mr. Deputy Speaker, Sir.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Deputy Speaker, Sir. I have heard Sen. (Dr.) Musuruve saying that the representation of the PWDs---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Murkomen! Sen. (Dr.) Musuruve has finished her contribution.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, it has to go on record.

The Deputy Speaker (Sen. (Prof.) Kindiki): You cannot raise a point of order concerning a matter discussed by a Senator who has already finished her contribution. Senate Majority Leader, you are a senior Member of this House. You will be violating the Standing Orders. The reason you and Sen. Wetangula enjoy all this space here is so that you help us maintain order in this House.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, we also enjoy this opportunity so that we can also help the House move forward. I think it is good if it goes on record. Maybe, I need direction from you; that it must go on record that the representation of PWDs here is not confined to the two Senators who have been nominated. In fact, the 47 Senators elected to this House represent all shades of Kenyans including PWDs.

As we speak, one elected Senator and my former student, Sen. Cherargei, is disabled temporarily. Mr. Deputy Speaker, Sir, I want to make assurance to the public, through the Chair because you are one of the elected Senators, that the representation and defense of the issues of PWDs in this House is fully covered and we support Sen. (Dr.) Musuruve and others in the work they are doing.

The Deputy Speaker (Sen. (Prof.) Kindiki): Noted, the Senate Majority Leader. Are you saying, just like in sanity, that disability can be temporary? Is that your argument?

(Laughter)

That is not true legally.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, that is not what I said. I said---

The Deputy Speaker (Sen. (Prof.) Kindiki): Look at the PWDs Act on the definition of disability.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, one can be disabled, but you cannot define for how long. Even Sen. Cherargei---

The Deputy Speaker (Sen. (Prof.) Kindiki): Put differently, can the Senator for Nandi County claim disability benefits under the law?

The Senate Majority Leader (Sen. Murkomen): No, Mr. Deputy Speaker, Sir. But he is disabled.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): The point which we have noted is that we are all agents, champions and representatives of disability issues. But the legal definitions will not qualify the Senator for Nandi County and others for the time being.

(Loud consultations)

Order, Senators! Sen. Millicent Omanga, consult by sitting down and whispering to your colleagues and not by standing and chatting loudly.

The next Statement is by the Chairperson of the Committee on Tourism, Trade and Industrialization.

Sen. Kibiru, do you have the Statement?

Sen. Kibiru: Thank you, Mr. Deputy Speaker, Sir. I stand to defend the Chairpersons of all Committees because I am ready to respond.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Do you have the Statement?

Sen. Kibiru: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): How long is it?

Sen. (Kibiru): It is two pages long.

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

THE STATE OF TOURISM IN MALINDI,
KILIFI COUNTY

Sen. Kibiru: Mr. Deputy Speaker, Sir, I rise under Standing Order 46 (2) (b) of the Senate Standing Orders to respond to a request for a Statement from the Chairperson of the Standing Committee on Tourism, Trade and Industrialization regarding the state of tourism in Kenya, especially in Kilifi and Malindi counties.

Figures of Tourists Who Visited Kenya in the Year 2016/2017

One, specific the total arrivals were 1,342,899 for 2016 and 1,474,671 for 2017.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Sen. Gona is not in the House. Our custom here is to read the statement when the Senator who requested for it is in the House. Therefore, I direct that it be put on tomorrow's Order Paper.

Sen. Kibiru: Thank you, Mr. Deputy Speaker, Sir, but I---

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

(Statement deferred)

The next statement is from the Chairperson, Senate Committee on National Security, Defence and Foreign Relations about bandits on Suiyani area Samburu North Constituency. Who is the Chairperson? Sen. Sakaja, do you have the statement?

RAID BY ARMED BANDITS IN SUIYIAN AREA IN
SAMBURU NORTH CONSTITUENCY

Sen. Sakaja: Yes, Mr. Deputy Speaker, Sir. I have the statement, but the Senator for Samburu is not in the House.

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct that it be issued tomorrow.

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

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): The next statement is again from the Chairperson, Senate Committee on National Security, Defence and Foreign Relations regarding peaceful demonstrations and picketing. Is the statement ready?

USE OF EXCESSIVE FORCE/ POLICE BRUTALITY
DURING RAID AT UON

Sen. Sakaja: Mr. Deputy Speaker, Sir, the questioner is the Sen. Olekina. I am informed that he has discussed with the substantive Chairperson of the Senate Committee on National Security, Defense and Foreign Relations, Sen. Haji. He seems to want to shed some light.

Sen. Olekina: Mr. Deputy Speaker, Sir, I had consultations with the Chairperson of the Senate Committee on National Security, Defence and Foreign Relations, Sen. Haji. I have just been given the response and I will need time to interrogate it to know whether it is appropriate or not. We have agreed that he issues it tomorrow.

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

(Statement deferred)

The last statement is by the same Senate Committee on National Security, Defence and Foreign Relations.

SEVERE DROUGHT IN ISIOLO COUNTY

Sen. Sakaja: Mr. Deputy Speaker, Sir, we were informed that this matter was referred to a different Committee. That is the information we have from our Clerk.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Dullo, is that the position?

Sen. Dullo: Mr. Deputy Speaker, Sir, when this statement was raised on the Floor of the House last time, we realized the issues touched two committees. Going by practice, if a matter is crosscutting two Committees, they can come together and give an answer.

Secondly, the matter I raised in that statement is a national disaster; one that sorely falls under the Ministry of Interior and Coordination of National Government. If now it is referred to the Ministry of Devolution and Planning, it clearly means it is being thrown away.

It is important you give direction. Let the two Committees sit and give us an answer as quickly as possible because the situation is very bad in Isiolo County.

The Deputy Speaker (Sen. (Prof.) Kindiki): This is a request for a statement directed at Government. The purpose of copying it to the Ministry of Devolution and Planning is simply to cause the statement to come to this House. Unless there are issues that have not been brought to our attention, Sen. Dullo, I see no reason for two Committees to look for the statement together from the Government.

The issues are clear. If they are interdisciplinary, the Chairperson will ensure that the aspects that deal with maybe security, Ministry of Devolution and Planning will be forced to interact with the Ministry of Interior and Coordination of National Government. We will still have the statement whichever way because the source of the answer is not the Committees, but the Government.

I see no reason for us to deploy the resources of two Committees to look for a statement from Government. It is noted that there are national security aspects. Therefore, the Chairperson, Senate Committee on Devolved Government and Intergovernmental Relations would want to take them on board.

Would you want to say something, Sen. Sakaja?

Sen. Sakaja: Mr. Deputy Speaker, Sir, the matter is serious and needs a response. This is because there was direction given from the Office of the Speaker as well as that of the Clerk. That is the direction we are relying on in terms of who it was referred to. However, we will be very much willing to deal with the matter as the direction was given.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Sakaja. I see no reason to disturb those orders. Where is the Chairperson, Senate Committee on Devolved Government and Intergovernmental Relations? Proceed, Sen. Kinyua.

Sen. Kinyua: Thank you, Mr. Deputy Speaker, Sir. I have not been made aware about that but---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Did you say you have not been made aware?

Sen. Kinyua: Mr. Deputy Speaker, Sir, I am an honest Christian and---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Did you say you have not been made aware?

Sen. Kinyua: Mr. Deputy Speaker, Sir, I have said I am not aware. I have just heard about it now---

The Deputy Speaker (Sen. (Prof.) Kindiki): By whom? Please, resume your seat.

You are the Chairperson, Senate Committee on Devolved Government and Intergovernmental Relations. Therefore, your business on every single day that the Senate sits is to find out if there are any matters that this House has committed to your Committee.

In fact, by saying you have not been made aware, you are incriminating yourself. I would rather you tell the House when you can issue the statement.

Sen. Kinyua: Mr. Deputy Speaker, Sir, I will issue the statement in seven days.

Sen. Dullo: Mr. Deputy Speaker, Sir, when the Senator for Laikipia says seven days, it means it might go up to the end of Thursday, next week. I would request that the matter be fast-tracked to preferably early next week because the situation is very bad.

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct that the statement be issued on Wednesday, next week.

(Statement deferred)

Hon. Senators, that is the end of Statements

(The Deputy Speaker consulted the Clerks-at – the Table)

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

BILLS

Second Reading

THE COUNTY BOUNDARIES BILL (SENATE BILLS NO.6 OF 2017)

With regard to that Order, there was discussion between the sponsor of that Bill and the Speaker and they agreed to defer debate on it.

(Bill deferred)

Next Order.

THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO.1 OF 2018)

I do not see Senator Wamatangi here. I have no report on why he is not here to prosecute his agenda. Going forward, the House will deal harshly with sponsors of Motions and Bills who pressurise the Senate Business Committee to put their orders on the Order Paper and then they disappear without telling anybody where they have gone. We should find a way of punishing them. We should find a way of punishing such people because they are occupying the Order Paper for nothing.

(Bill deferred)

Next Order!

MOTION

ADOPTION OF REPORT OF THE 8TH ORDINARY
SESSION OF THE FP-ICGLR

THAT, this House adopts the Report of the 8th Ordinary Session of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held on 5th – 7th December, 2017, in the Central African Republic, laid on the Table of the House on Tuesday, 20th February 2018.

(Sen. Poghisio on 22.02.2018)

(Resumption of debate interrupted on 22.02.2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! Debate on this Motion adjourned on Thursday and Sen. Pareno had a balance of time. Did you forget what you were talking about? Are you ready to exhaust your balance?

Sen. Pareno: Mr. Deputy Speaker, Sir, I only raised a point of clarification on that day, as to whether the report had been circulated to Members for proper contribution and guidance was given to that effect.

The Deputy Speaker (Sen. (Prof.) Kindiki): The Floor is open. Is there no interest? Yes, Leader of minority.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, the International Conference on the Great Lakes Region (ICGLR) was founded as an international conference of countries that border the Democratic Republic of Congo. The only countries that were given an exception to be members and do not have a common boundary with Congo are Kenya and Nigeria. Sudan has a boundary with Congo.

Mr., Deputy Speaker, Sir, to begin with, I want to take issue with your office. When delegations are sent to such conferences, it is good practice that we send delegations representing both sides of the House. In this particular Conference held in Bangui, Central Africa Republic, and I have absolutely no difficulty with the distinguished Senators who attended including the distinguished Senator for West Pokot; Sen. Poghisio, and Sen. Milgo, both from Jubilee. Where is NASA in this?

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

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

Madam Temporary Speaker, this kind of perversion is creeping into our practice. Before I go into the substantive bit of the report; this weekend, I had to personally intervene by speaking to our Speaker, and I thank him for making the necessary corrections. A list of delegation of women going to New York was sent to the Cabinet Secretary for Public Service, Youth and Gender Affairs, Prof. Kobia, comprising Members of both sides of the House. This misguided Cabinet Secretary edited out

Members of this side and removed them completely and then listed down Members from the Jubilee side as constituting the delegation.

It is important that such misguided Cabinet Secretaries be told in very clear terms that they have got no business to try to divide this House. When we go out there, and my distinguished Sen. Poghio bears witness to this--- The other day, we were out of this country with Sen. Murkomen, the Speaker and a few others, we represented the Senate and the country and we spoke as such. So, anybody who wants to divide this House should be told in very clear terms to decide it elsewhere. We would want to see at any time a representation of this House and this country to be bipartisan in composition and in conduct when our Members get out there.

I record my thanks to the Speaker of this House for directing the Senate management to now sponsor two Senators from our side to go to New York to accompany that misguided Cabinet Secretary with her composition of delegation that is purely partisan. That is not how a country is run and this Senate should not fall into that trap at all. In future, if it is Sen. Poghio, give him Sen. Were or Sen. Pareno if it is to be gender balanced, Sen. (Dr.) Musurue or any other Senator from this side to accompany the delegation since, this is not about Jubilee or NASA; it is about the Senate as a component of the Parliament of the Republic of Kenya.

Madam Temporary Speaker, in this Report, the Conference discussed several things that are worth noting. The most critical one is the deteriorating situation in the Democratic Republic of Congo. Congo was the reason for setting up ICGLR and it continues to be the reason for ICGLR being in place. That country has known no peace; it is completely fractured, disjointed and currently having totally rudderless leadership. The Standing Orders do not allow us to discuss heads of States of friendly countries. However, it is important to note that the President of the Democratic Republic of Congo has refused to conduct elections, leave office and is busy battering and tear gassing his opponents from day to day. This makes it a very difficult situation for ICGLR.

This region has had challenges in Angola, and I thank God for the efforts of this Conference. It is important to put on record that when it was started, my brother, hon. Stephen Kalonzo Musyoka, was among the original signatories to the founding of ICGLR and followed by myself and later, my brother, Sen. (Prof.) Ongeru. We did fantastic work to bring peace and sanity in the region.

It is through ICGLR that Angola came to terms with self, embraced peace and for the first time since 1975, Angola had a peaceful transition from the presidency of Dos Santos to a new president. The Dos Santos from 1975 was able to conduct an election and gracefully not be a candidate and hand over power to a new crop of leadership. It is a great effort by ICGLR. We have had problems in Rwanda. ICGLR has been seized of the situation and now Rwanda is peaceful with the usual challenges that we know.

We have problems in Uganda with the warlord called Konyi marauding everywhere from Northern Uganda to Central Africa to Southern Sudan to Northern Sudan to Congo. In fact, there is a warrant of arrest for him from the International Court of Justice at The Hague. This is a burden that the ICGLR is carrying.

Madam Temporary Speaker, we have, as we speak, serious difficulties in Burundi. You saw for the first time – I have never seen this happen – the President of Burundi being boxed by footballers in a football field last week. That situation came out because the Head of State has lost the moral capacity to govern, because as you may be

aware, his term of office ended and he rudely refused to leave office. He is hanging on with the barrel of the gun, which is another headache for ICGLR.

The philosophy of ICGLR was to transition from political stability to economic prosperity. That, once we stabilise our countries, then we must start having programmes that can help disarmament, demobilisation and re-integration (DDR). Resettlement is not happening in the Democratic Republic of Congo (DRC) because there is a warlord in every province.

When it is not Nkunda, it is somebody else and now, even the Head of State is behaving like a warlord. He has lost control of three quarters of the country, he is now hanging like a pendulum in Kinshasa where the situation is dire yet the DRC is the largest country in Africa, it has got the largest natural resources that any country in the world can think of, for example, gold, diamonds, uranium and titanium.

Today, mining consortiums in the DRC are hiring mercenaries from Europe. You remember the notorious mercenaries like Bob Denard and others, a new crop of mercenaries have now been hired as armies to protect mining interests in the DRC. Meaning, the mining processes in the DRC is divorced from the state. So, there are no taxes being levied, the taxes are either paid to the warlords or corrupt state officials. The warlords then bring mercenaries to protect and levy unlawful taxes in the DRC with its now 72 million strong population.

It is important to mention that we in East Africa have a greater affinity with the people of the DRC. If you go to the DRC, Congo Forest divides the country into two. From the eastern side of the DRC in towns like Bunia, Kisangani, Butebo, and other towns, you cannot travel to Kinshasa by road and this is 60 years after their independence.

If you are in Bunia, Butebo, Virunga or Kisangani, you can only go to Kinshasa by air. In fact, most people fly to Nairobi then take Kenya Airways and fly back over their country to go to Kinshasa. This is a country that is 60 years old after independence and the richest in Africa. Right from the leadership of Moïse Kapenda Tshombe, Patrice Émery Lumumba, Kasa-Vubu, Joseph-Désiré Mobutu, Laurent-Désiré Kabila, Joseph Kabila Kabange and Étienne Tshisekedi wa Mulumba; they have all been ravaging the country.

This makes it very difficult for this organization to try to bring peace. ICGLR is working with the African Union (AU), the United Nations (UN) by reports to the Security Council and it has been monitoring elections, but what elections can you monitor in DRC? That is the big question.

So, I want to encourage that parliamentarians in the region from Kenya, Tanzania, Uganda, Congo, Congo Brazzaville, Angola, Central African Republic, South Sudan, Sudan and Cameroon be proactive in trying to help this country because there is an annual meeting every other year of parliamentarians from these countries. We want to see that the resolutions we make – I want to encourage my brother Sen. Poghismo - in September during the UN Annual General Assembly (UNGA 72) are presented and this Report also tabled there to assist the world in realizing the plight of DRC. It is a very sad event that a country so rich and endowed is now degenerating to just a producer of Lingala music for our night clubs and all manner of things that are totally unhelpful to the generation and growth of wealth and improvement of the people. It is sad!

Madam Temporary Speaker, I also want to touch on the management of our water resources and the humanitarian situation that has come out of the problems in DRC. I do not know if you have come across the information that the Inga Dam on Congo River has the capacity to generate over 100,000 megawatts of power that can power this continent with cheap green energy. The AU has from time to time been toying with the idea of putting a consortium together to exploit the natural resource that is the DRC and generate green energy that will serve as far as South Africa, Kenya and Nigeria.

In Africa, you will find many countries have a small economy, Kenya included. Even as we call ourselves the giant of this region, our consumption capacity of power is only 1750 megawatts. So if the Inga Dam was generating 100,000 megawatts, it is enough to save us from the expensive thermal energy and other forms of energy that are so costly.

Today, for example, if you used to pay Kshs2,000 for your house electricity bill, you will be handed a bill of Kshs10,000. The other day, I think purely because of my political affiliation and standing, I was handed a bill of Kshs690,000 for my house electricity bill. When I asked what was happening, they disconnected my power from the pole as if I am a persistent offender. This kind of vindictive behavior does not help to heal the country. I am sure there are many others who have been treated in the same manner. We want to see, if we want to industrialise that we have peace in this region and that is why ICGLR becomes relevant.

I want to encourage that we continue to have Heads of States meetings, not just to go meet, talk and part each other's back and leave. We want to see the regional Heads of State telling Joseph Kabila that he must leave office because his time is up. You cannot have a Constitution that says you will serve for two terms and after the two terms you realize you are too young and important, and you have not finished your business. Nobody can finish business; there are always successions to carry out the work. DRC being unstable means instability in the region. We have refugees from DRC in camps in Uganda, Rwanda, Burundi, Central African Republic, Angola, Tanzania and Kenya. How can a country be so split to a level where they cannot hold a census because they do not know where their people are?

With those remarks, I beg to support the Report.

The Temporary Speaker (Sen. Nyamunga): There seems to be no more interest. Sorry! There is interest. Let us have Sen. Halake Abshiro.

Sen. Halake: Thank you, Madam Temporary Speaker. I rise to support this Report and to congratulate the team that went for a good Report. Listening to Sen. Wetangula, I am very pleased that this Senate has global perspective because sometimes I get worried that maybe we have too many of our issues that we forget our regional leadership as a country.

The fact that this country has made a lot of progress in peace, governance, politics and other areas of our social economy, I am glad that the Senator has alluded to a lot of the leadership that we as a country can provide to the region and the geopolitical space that we occupy. That is very important.

With regards to the composition of teams, that is also a very important observation. This may have happened around the time when the House was not very well constituted. In terms of the women's conferences, we had an equal number of women from both sides of the House. I am the Chair of Women Senators and we made sure that

we had two women from both sides of the House. I am glad that that has been restated. We were surprised to find that that had changed but thanks to our Speaker because that has been rectified.

With regards to regional participation, I think Kenyan delegations do a very fantastic job in the conferences. Our delegations from the National Assembly and the Senate usually have tremendous experience. Just a few days ago, we attended a conference which I think the Kenyan delegation did a wonderful job.

This report has looked at all the aspects of regional and geopolitical aspects both in terms of economics, security, energy and livelihoods and the possibilities that Africa has and that is amazing. I just want to inform Sen. Wetangula that music is one of the most lucrative economic activities in this world. The richest people in America are musicians. So, let us not belittle Lingala Music because it is very important.

What we need to do is to ensure that whatever economic activity, a country should work on its weaknesses and build on its strengths. I think the richest people who live lifestyles of God knows what are the musicians of this world. Again, music can be exported and we must support it as well. I am sure he was talking from the perspective of other economic activities in Africa.

There is need to add value to especially the raw materials that are still going out in raw form 50 or 60 years after independence because that is not acceptable. Coffees, woods and diamonds from Africa are exported in raw form. By the time they are in New York, nobody can afford them. We must add value to our raw materials and we must create jobs. Also more importantly, the aspects of politics and democratic governance of our leadership in the region is still wanting. It is something that this country, even if we are not perfect, has made a lot of progress on, especially the issue of migration.

Africa produces the most migrants and we have seen some of the conditions in the destinations they go to. Some of them die in the high seas. This is something that perhaps we should highlight at other geopolitical forums.

For me, this is a good report and I laud it. However, we also need to look at how we cascade the reports to things that can be done. We attend conferences and sometimes we leave with very big ideas. However, sometimes we do not break the ideas down to what should be done in terms of the different social and economic activities to be carried to the next stage.

Without further ado, because I know time is not on our side, I support the report. I thank you for the opportunity.

The Temporary Speaker (Sen. Nyamunga): Very well. We were supposed to adjourn at 5.30 p.m. to discuss the Motion on insecurity in Mount Elgon. I realise that we still have two minutes. So, I will give the opportunity to Sen. Pareno Judith just briefly.

Sen. Pareno: Thank you Madam Temporary Speaker, I will try to be very brief. I thank Sen. Poghismo and Sen. (Dr.) Milgo for representing us in the international conference. Sen. Poghismo gave us some information about the discussion that came up about Kenya. He said that there was a big discussion about Kenya regarding the 2017 Elections. I note that this is a body that is supposed to discuss peace in our countries, conflict resolutions and the democratic space as well as free and fair elections.

I want to talk about elections. I was not surprised that Kenya was a big topic in the conference because we seem to have had a lot of things going wrong. Here we are as a country. Can we say that we had free and fair elections? The forum also discussed

elections observations. Can we say that the observations that were made of Kenya showed that Kenya conducted free and fair elections?

The Temporary Speaker (Sen. Nyamunga): Sen. Pareno, sorry to disrupt you. You will have another 13.22 minutes when we resume the debate.

Sen. Pareno: Thank you Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): I will now give the opportunity to the Senate Minority Leader to prosecute his Motion.

MOTION OF ADJOURNMENT UNDER STANDING ORDER NO.34

INSECURITY IN MOUNT ELGON CONSTITUENCY, BUNGOMA COUNTY

The Senate Minority Leader (Sen. Wetangula): Thank you very much Madam Temporary Speaker for giving me the opportunity to raise a matter that is urgent and of national importance and definite as required under Standing Order No.34(1). I represent the County of Bungoma in the western part of our country. It is a county that shares a common boundary with Trans Nzoia, Kakamega, Busia and the international boundary with Uganda.

Mount Elgon, being an integral part of Bungoma, a constituency and a sub-county with two districts administratively occupies the realm of Mount Elgon back to the tip of the mountain where we share a common boundary with Uganda. Seven or eight years ago, there were serious security challenges in Mount Elgon where a ragtag army called the Sabaot Land Defence Force (SDLF) emerged and committed serious atrocities against the people of Bungoma. They could visit your home and chop off the ears of your entire family and go with them. In other situations, they would visit a home and slice off your upper lip and go with it and leave you with a naked mouth. They would go to homes and kill the entire family.

At that time, the National Security Council chaired by President Kibaki ordered the army into Mount Elgon. In an operation of about three and a half months, those characters were flushed out. There was a young man called Matakwei who was leading the SDLF. He was eventually caught up and terminated. I wish he was arrested and subjected to due process so that he could tell the county who his masters and paymasters were. At that time, I must acknowledge, there was cooperation and collaboration from Uganda, where those who fled there were also subjected to reprisals.

Madam Temporary Speaker, we thought that that was over and there has been relative peace in Mt. Elgon. Even as we went to elections, because electoral cycles pose challenges, Mt. Elgon was reasonably peaceful. However, sometime in June last year, what looked like criminal activities started, where families were given warnings and attacked. People were killed and some robberies were committed. I remember an old man at Kapkateny Market who, in December last year after selling his maize crop, a group of young men went to his home, demanded to be given the money and thereafter exterminated his family.

In a similar case, some young men visited the family and wiped out a man, his wife and all his children. When you look at this, the new skirmishes that are causing so

much mayhem in Mt. Elgon are not connected to the Sabaot Land Defence Force (SLDF). This is because nobody has come up with any agenda to talk about land injustices or demanding land. These are just, in my view, criminals roaming from place to place. Unfortunately, information available is that there has been complicity with police officers in the region.

Madam Temporary Speaker, I say this because the head of one family had to go and report to the Cheptais Police Station that they were being threatened by some criminals, and he gave out their names. Information available is that the officer to whom the report was made then called the criminals and told them, "You have been reported and I am going to send the police to arrest you." Obviously, he was telling them to move away. They not only fled and avoided the arrest, but came back three days later and wiped out the whole family. They shot the whole family – the father, mother and children – seven members of one family were killed.

Madam Temporary Speaker, to date, we have reports of more than forty deaths which have been recorded in Mt. Elgon in the last four to five months. These include women and children who were killed indiscriminately. They are not targeting any person because they are economically able – other than the man who was raided because he had sold maize – they just come and wipe out a family. When you look at it, it is a pattern that is very clear that this is organized crime.

Madam Temporary Speaker, whenever they strike in Mt. Elgon, they run down to the lower parts of Bungoma County, hiding in Chwele and Kimilili; scampering to Trans Nzoia in Endebess; hiding in Lwakhakha, Sirisia and fleeing to Uganda. As we speak, the number of people killed, as I have said, is more than 40. The number of people displaced so far, who have fled and are in these scattered towns along the rim of the mountain are now over 30,000. This is a very huge number; they are in Trans Nzoia, Kimilili, Kamkuya, and Chwele all the way to Lwakhakha.

As they flee – you know people live on subsistence farming – they leave behind their livestock, which the criminals take away; they leave behind their farms and their only earthly possessions. They then go to markets to live destitute lives. Whenever such things happen, the biggest victims are women and children. Children are uprooted from schools and they cannot go to schools anymore. Women are uprooted from their humble surroundings and they go to live in areas where they cannot get sanitation, water and other basic needs. They then become victims of another spiral of crime, including rape and other activities that are so inhuman.

Madam Temporary Speaker, I read from the media that the Cabinet Secretary (CS) for Interior and National Coordination was in Mt. Elgon yesterday. I take great exception to this because I am the Senator for Bungoma County. I represent the people of Bungoma County, who voted for me and gave me more than 400,000 votes. Regardless of my political affiliation, if the CS is visiting my county on a matter where the people who voted for me and who I represent are being butchered by criminals, the least they can do is inform me and invite me to come along. Security has no parties. We can say that the Government of the day is not doing enough and we are justified to say that. But when you are visiting a county, whether it is Laikipia, or Trans Nzoia, West Pokot or whichever other county, it is courteous to inform the elected leaders of that area.

(The red timer light lit up)

Madam Temporary Speaker, may I beg to be given additional time?

The Temporary Speaker (Sen. Nyamunga): Yes, it is granted. You have five minutes, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Thank you, Madam Temporary Speaker.

It is courteous to inform the elected leaders so that they can go to the area with you. Chances are – and it is always the case – that they know much more than you, sitting in Nairobi and pretending that you know more than the locals. I want things to be done differently.

Secondly, Madam Temporary Speaker, I have noted in the media that a curfew has been declared in Mt. Elgon. The reports I am getting is that some of the people are now fleeing because they also know that whenever the military comes in, they also come with their own way of doing things. I have talked to some people who have fled to markets and they have said, “We fear that when the army comes in, they will engage in indiscriminate meting out of violence on the people.”

I hope this does not happen. More importantly, if you look at Articles 132(4) and 58 of the Constitution, a dusk to dawn curfew is a state of emergency. Under the Constitution, it is only the President, under Article 132(4), who can declare a state of emergency under terms and conditions as set out in Article 58. This is invoked only when there is war or a serious threat to peace and security, and so on, and so forth.

This kind of knee jerk reaction is an admission of surrender and failure. I do not think that we should allow ourselves, in this country and as a state, to impose a curfew because criminals are marauding and killing people in an area. This is an admission that our police are not able to handle the situation. It is an admission that the Administration Policemen (APs) cannot handle the situation. It is an admission that the much talked about *nyumba kumi* initiative is dead. It is an admission that the whole architecture of security in the area has broken down.

I have spoken to leaders in Mt. Elgon and they know who these criminal young men are and where they are. They even tell the police where they are but, instead, the police tell them to take cover. So, CS Matiang’i may start by examining the conduct of his own police officers. The ones who have stayed in Mt. Elgon for all this time, aiding and abetting crime, should by now not only be transferred from the Mt. Elgon region, but be held culpable for neglect and dereliction of duty. This is because they are paid by taxpayers to protect people.

Madam Temporary Speaker, even as I lauded the army going to Mt. Elgon and flushing out the SDLF, it is always not advisable to use the army in dealing with internal security challenges. This is because the army is for protecting the territorial integrity of the country and for fighting the likes of Al-Shabaab and others. We have been, as a government, boasting that we have met the United Nations Development Programme (UNDP) ratio of police to civilians. If this is really true, then why are a few young criminals terrorizing people in Mt. Elgon day and night? Why are we allowing a camp to be set up at Chepkurkur Primary School? Life in Kapkateny Ward and Chepyuk area is intolerable and this does not augur very well.

As the representative of the people of Bungoma County, I want to laud my Governor who took the quickest and available opportunity to go to Mt. Elgon and visit

the family that was mowed down with guns and machetes caused by these criminals, but that is not enough. What is enough, and we have said this over and over, is that they should deploy more General Service Unit (GSU) and Administrative Police (AP) officers to deal with the situation. They seem to do a better job than Regular Police whenever such situations arise.

I thank the Chair and you for giving me an opportunity to bring to the fore of the nation, the plight of the people of Mt. Elgon in Bungoma County and the need for the Government to dedicate more serious effort in bringing peace, tranquility and stability in that County.

Madam Temporary Speaker, I beg to move.

The Temporary Speaker (Sen. Nyamunga): Hon. Senator, who is the Seconder of the Motion?

The Senate Minority Leader (Sen. Wetangula): Madam Temporary Speaker, the Seconder of the Motion will be Sen. Poghismo of West Pokot County.

Sen. Poghismo: Thank you, Madam Temporary Speaker. I stand to second this is a Motion on Adjournment that is very urgent and of national importance.

One can only appeal to the people of Mt. Elgon, and Bungoma County as a whole, to stop destroying themselves by creating a situation where lawlessness prevails in the midst of poverty. Children cannot go to school and economic activity cannot happen, yet they consider themselves marginalized. I appeal for sanity to prevail. Those who think that they can live by causing this mayhem are not only causing problems to the families that they have destroyed, but also doing it to the very fabric of humanity.

Just like the Mover of the Motion, I do not support the use of the Kenya Defence Force in situations like this, because it is the work of the Police and it is possible for them to do it. It is a matter of the Government putting its mind to it. It is possible for them to stop this because ordinary people can only do this by night. They can target specific people, but the Government has the capacity to move in with the requisite number of the police and stop it.

There is no place for these people to go to because Mt. Elgon has a difficult terrain. It is an area that requires development, and that is why I keep on saying that it is unfortunate that the criminals are doing this to their own people. This is an area that requires a good communication system and roads to be constructed. Even the security forces who are sent to Mt. Elgon find it difficult to get there. This is an urgent matter and one of those things that we do not want to have in that part of the country. I must say that those people are hardworking. They should now be tilling their land and getting ready for the planting season. That will not happen unless the Government intervenes.

While I support this Motion on Adjournment, I need to appeal to the Government of the day to take this matter up like they did last time. The Government should finish this matter for the people of Mt. Elgon to go about their business. The people who are causing this problem should be brought to book. I want to agree with the Senator for Bungoma County in this particular situation that this is not the time to look at it as a Mt. Elgon issue. It is the time to look at it as something that is affecting the development of the whole county and the western region. This kind of hooliganism gets exported, and we do not want it to spread to other areas. That area is the granary that feeds the rest of Kenya.

Madam Temporary Speaker, with my sympathies and condolences to those affected, I second this Motion.

(Question proposed)

Sen. Malala: Madam Temporary Speaker, first, I want to express my sincere condolences to the families that lost their beloved ones in Mt. Elgon. The insecurity in Mt. Elgon can simply be blamed on the laxity and the incompetence of the police service.

In the recent past, we have seen the police service forgetting to perform its core mandate and concentrating on non-issues. I would like to remind the police service that its core mandate is to protect the citizenry of Kenya. Instead, the police service has decided to concentrate on issues like harassing *boda boda* operators, *chang'aa* brewers and *mama mboga*.

I want to remember with a lot of pain, that in the recent past, the police service has concentrated on issues that do not help improve the security of our people. The police service has again gone to an extent of ignoring the content of the Constitution of Kenya, which provides under the Bill of Rights, that we have the right to life.

Recently, we saw increasing cases of police brutality which have gone unattended to. I want to remind the nation that we lost baby Pendo and nobody has addressed her death. I also want to remind the nation that we lost an innocent student of Vihiga High School, who was innocently going to buy ice-cream, but was shot dead. The police have ignored investigations and nothing is going on. I want to remind this House that the police shot a seven year old boy who was on a balcony and nothing has been done. I also want to remind this House that last week, the police shot an innocent university student in Meru, who was peacefully demonstrating and nothing has been done.

The insecurity that we are seeing in Mount Elgon can be blamed squarely on the laxity of the police there. The buck stops with the boss. The Cabinet Secretary (CS) for Interior and Coordination of National Government, Dr. Matiangi, has been issuing theatrical statements. He is only acting. He is not performing anything. He is a dramatist. He issues statements that do not impact on the welfare of these citizens. I will be moving a Motion to discuss the competence of the CS, Dr. Matiangi.

Madam Temporary Speaker, just to conclude in my valedictory remarks, I will want proper legislation to be made to involve the county governments in ensuring that they protect their citizens. This is because by the time somebody in Vigilance House knows the problems of the people of Mount Elgon---

The Temporary Speaker (Sen. Nyamunga): Order. Senator! Your time is up.

Sen. Malala: Madam Temporary Speaker, I was just concluding.

The Temporary Speaker (Sen. Nyamunga): Your time is up. Please, let me notify the rest of the Members that there are a lot of interests on this matter. So, let us limit ourselves to five minutes each.

Proceed, Sen. Madzayo.

Sen. Madzayo: Asante sana, Bi Spika wa Muda. Kwanza, ninatoa pole zangu nyingi kwa watu wa Mount Elgon, hususan watu wote wa Bungoma ambao wanaomboleza sasa hivi. Wataendelea kuomboleza kwa sababu tunaelewa ya kwamba hizi ghasia bado zinaendelea.

Nampatia pole zangu ndugu na kiongozi wangu Seneta Wetangula. Macho yote yanamuangalia kama kiongozi katika Taifa la Kenya na kiongozi wa wachache katika Bunge la Seneti.

Ni Mwenyezi Mungu ambaye hutupa maisha katika ulimwengu huu. Lakini kulingana na Katiba ya nchi hii, ni jukumu la Serikali kuhakikishia kila Mkenya usalama wa maisha yake. Hivi sasa tunaona ya kwamba Serikali haitekelezi wajibu wake ipasavyo. Ni jambo la kusikitisha kuona kwamba Waziri na Katibu katika Wizara ya Maswala ya Ndani na Taratibu za Serikali ya Kitaifa, Bw. Matiangi, alikuwa akiongea sana akiwa katika Wizara ya Elimu, Sayansi na Teknolojia. Wakati huu tunaona ni kama mdomo wake umefungwa; hasemi chochote. Ni kama haoni hii shida ambayo inakumba watu wa Mount Elgon.

Hili si jambo la Mount Elgon pekee, bali nchi yetu hivi sasa imekumbwa na ghasia kila mahali. Kwa mfano, ukiangalia Kaunti ya Lamu, wanasema kuwa ni magaidi wa Al Shabaab ambao husababisha maafa. Kule Mount Elgon wanasema ni Saboat Land Defence Force (SLDP). Haya matukio yanafanya sisi kujiuliza maswali kadha: Je, Serikali hii iko na polisi na wanajeshi wa aina gani? Je, viongozi wake wanazembea kazini? Ni jukumu la Serikali kutetea maisha ya kila mwananchi anayeishi katika nchi hii. Kuna shida za kiusalama katika miji ya Lamu, Malindi, Kilifi na Kwale. Watu wengi wamepoteza maisha na mali yao kuharibiwa. Ni maombi yetu Serikali iamke na iweze kuchukua hatua mwafaka ya kuhakikisha maisha na mali ya raia wake inalindwa.

Bi. Spika wa Muda, tunaona ya kwamba vijana ambao tunapeleka kwa mafunzo ya polisi na pesa zetu za ushuru hawawezi kuaminiwa. Siku hizi ukienda kutoa ushahidi na useme kuwa uliona kitendo fulani kikitendeka, basi ujue pia chuma chako kimotoni. Hii ni kwa sababu askari huyo umeenda kumripoti kwake ndiye anaweza kuwaambia majambazi kuwa uliripoti kushuhudia tukio fulani. Kwa hivyo, wajue kwamba mtu fulani ameshaenda kuwaripoti.

Mwisho, ninasisitisha kuwa ni jukumu la Serikali kuona ya kwamba maisha ya kila Mkenya anayeishi humu nchini yamelindwa vilivyo.

Asante sana, Bi Spika wa Muda.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker. I rise to support this Motion and give my views on it. As I begin, I want to send my condolences to the affected families. This area has suffered insecurity for many years. We can understand the dilemma the hon. Senator is in as he represents his people and also seeing the suffering of the people on the ground.

I rise to give my views on this because I know what it means when there is a lot of insecurity in an area, especially when a family of seven is finished at once. It is something that all of us as Kenyans should be concerned with. When something like this happens, the women and the children suffer the most.

On the issue of the rape cases that take place and also the expectant mothers and the young girls who are exposed to a lot of danger and risks, as responsible leaders, we should urge the leadership at the counties to plead with the people to come together, reason and see where this problem is coming from. This will enable them to help the members of the county to have time so that they can even mourn the death of their loved ones.

Our appeal should go to the police force who should offer enough security to every citizen. When people are finished----, as you know in northern Kenya we have

suffered issues of insecurity. We know the suffering that people go through, anytime you come home and spend the night there, you ask yourself who is the next one to go. It is a pathetic issue that we should all raise our voices against, and plead with the people concerned to take the necessary action and stand with this county so that we can safeguard the people on the ground.

Thank you, Madam Temporary Speaker.

Sen. Shiyonga: Thank you, Madam Temporary Speaker. I stand to condole with the affected families in Mt. Elgon as well as their representative, Sen. Wetangula, who is so concerned. At such times, it hurts to hear such things happening, more so as it concerns the security of our people. Since Kenya gained Independence, we have been training police officers who graduate from the police training institutions. Therefore, we do not expect to hear or see the kind of insecurity that the people of Mt. Elgon are facing right now.

It is a high time that the Government wakes up. The relevant Ministry mandated with the security of the nation; the Ministry of Interior and Coordination of National Government, should wake up and protect the lives of Kenyans. As I stand here, my soul is disturbed. It hurts to lose one family member; what of the family that lost seven members? It is high time that the Ministry concerned looked into the matter and came up with a solution to protect the lives of the people of Kenya.

Madam Temporary Speaker, recently as I was watching the television, I saw the President presiding over high volatile equipment that is provided to the Ministry of Interior and Coordination of National Government. The equipment was paraded in Kasarani Stadium. Such equipment is supposed to help police officers to protect our people. The vehicles are supposed to move police officers very fast to areas where insecurity incidents occur. I wonder whether the equipment that was paraded is just a show off or it is there to just waste our taxpayer's money. We want to see the relevant Ministry working hard to protect the people of Mt. Elgon and the country at large.

Our police officers always wait for such incidents to happen before they are awakened. They like being ambushed. They are not prepared to protect the population of Kenya. It is therefore a high time that the Cabinet Secretary and the Principal Secretary together with all the manpower that they have protect the people of Mt. Kenya and Kenya as a whole.

Thank you.

Sen. Ndwiga: Madam Temporary Speaker, I rise to join the Senate Minority Leader and my colleagues in sending my condolences as well as that of the people of Embu County, to the families that were affected in Mt. Elgon.

Madam Temporary Speaker, this is a national issue; it is not something that we can gloss over casually. This is not the time to discuss the conduct of the police. In fact, it is time to call upon and impress on the Government that in this day and age, we should not be discussing the loss of life of any Kenyan in this House from anywhere in this Republic. We have invested heavily as a nation in the improvement of security forces. In this day and age, we ought to be discussing other issues.

As a Chairperson of the Committee on Agriculture, Livestock and Fisheries, we should be talking about producing food in Mt. Elgon which is a very fertile area and not insecurity.

Madam Temporary Speaker, it is not the first time for Mt. Elgon to be discussed in this House and the 'Lower House'. This is a perennial thing and we want to impress on Kenyans to let our armed forces do their job.

I remember last time there was a huge calamity in Mt. Elgon and the security forces went and camped there. However, human rights activists protested the killings of criminals who were killing residents. We are at war with criminals. It is not fair to condemn any individual Government officer including the Cabinet Secretary (CS). The Government has already declared a dusk to dawn curfew in Mt. Elgon. We want to impress on the Government that we are seized of the importance of security in that area. In fact, we are adding our voice to the voice of the Government. The Government is acting. We are very concerned with what is happening in Mt. Elgon.

At one time - my friend Sen. Wetangula would know- I almost lost my life in West Pokot. I have never seen arrows dropping from the sky like rain. I know what my colleague is talking about. This insecurity issue must be tackled once and for all. We do not want to discuss the issue of insecurity in Mt. Elgon again in this House. That is why we are joining our colleague to condemn the action of insecurity.

Madam Temporary Speaker, I hope that by next week or so, we shall hear news of calm in Mt. Elgon. The responsible Committee of this House should also seize this opportunity to push this issue further, now that it has been brought by a colleague to the House. It is not a Statement but the fact that we have a Motion of Adjournment and this House has deemed it fit to discuss it. The Committee responsible should also seize the moment and discuss the matter in the Committee, invite the persons involved and inform them that this House is very concerned about the situation in Mt. Elgon.

I thank you.

The Temporary Speaker (Sen. Nyamunga): Hon. Members, I want to remind the House to address the Chair appropriately. It is good you noticed it.

Sen. Faki: Asante, Bi Spika wa Muda. Kwanza, ningependa kuchukua fursa hii kutuma rambirambi zangu pamoja na zile za watu wa Mombasa kwa watu wa Mlima Elgon na Bungoma, kwa mkasa huu wa mauaji ya kiholela ya watu thelathini, wakiwemo watoto, kina mama na wasichana ambao hawakuwa na hatia yoyote.

Bi Spika wa Muda, ni jukumu la Serikali kulinda maisha na mali ya Wakenya au watu wowote walioko nchini Kenya. Hilo ni jukumu ambalo tungependa kulisisitiza kwa sababu tumeona kumekuwa na utepetevu kwa Serikali kuhusiana na usalama wa wananchi na mali yao. Juzi tumeona katika Kaunti ya Bungoma, kila usiku na kila uchao, watu wanauawa na polisi wanasema, "Tunachunguza." Watu thelathini wamekufa na wao bado wanachunguza; watachunguza mpaka lini? Hivi majuzi, tuliona hapa jinsi walivyotumia rasilimali zote za polisi kuhakikisha kwamba Miguna Miguna amefurushwa kutoka nchini Kenya, ilhali watu masikini walioko majumbani mwao hawawezi kuhakikishiwa usalama ili waishi na familia zao bila matatizo.

Bi Spika wa Muda, kuna suala la usalama katika kaunti – ijapokuwa serikali za kaunti hazina jukumu hili – lakini kuna suala la *County Community Police Committee*. Hiki ni kitengo kimoja kinachoweza kutumika kusaidia polisi kuhakikisha kwamba kuna usalama katika hizi kaunti. Hadi sasa, Inspekta Mkuu wa Polisi hajaanzisha hizi kamati za usalama wa jamii katika kaunti zote nchini Kenya. Vile vile, hajatoa utaratibu ama muongozo wa kufuatwa kuhusu kamati hizi zitaundwa vipi na zitafanya kazi vipi na polisi ili kuhakikisha kwamba usalama unadumishwa.

Kitengo kingine ambacho kimmelala katika ngazi za polisi ni kile cha ujasusi. Itakuwaje watu wanauawa kila usiku katika eneo moja bila ya polisi kujua hawa wanaoua ni kina nani na ni kwa nini wanaua? Imefikia hadi familia 30 zimepoteza wapendwa wao na bado tunaendelea kuhesabu, lakini makachero wa polisi bado hawajatoa mwelekeo kuhusu ni kina nani wanaoua na ni kwa nini wanaua. Tumeaona kwamba ijapokuwa Serikali na nchi imechukua muda mrefu kujaribu kuleta mabadiliko katika jeshi la polisi, tunaona kuwa jinsi mambo yanavyobadilika, ndivyo yanabakia vilevile yalivyokuwa.

Bi Spika wa Muda, suala la *Sabaot Land Defence Force* (SLDF) katika Mlima Elgon ni jambo lililopita wakati wa nyuma. Ni juzi tu katika mwaka wa 2007/2008 ambapo kikosi au maharamia wa SLDF walipokuwa wanahangaisha watu katika maeneo ya Mlima Elgon. Miaka sita au saba baadaye, tatizo lile lile limerudi. Hii inamaanisha kwamba Serikali haijakuwa macho na haijazingatia kwamba maisha ya binadamu ni muhimu katika nchi ya Kenya.

Kwa hivyo, naomba kwamba zile *Community Policing Committees* zinazotakikana kuanzishwa katika kaunti zote, zianzishwe kwa haraka. Hii ni kwa sababu wananchi ndio wanaojua usalama wao unatakikana usimamiwe vipi. Pili, ni kuisihi Serikali kwamba watu thelathini kufa bila maelezo ni jambo kubwa sana. Hii inamaanisha kwamba waziri husika, Bw. Matiangi na Kamishna Jenerali wa Polisi wangeenda nyumbani. Juzi tulimuona Waziri wa Afya akimsimamisha kazi Afisa Mkuu wa Hospitali ya Kitaifa ya Kenyatta kwa sababu mgonjwa allipasuliwa kichwa kimakosa. Hadi hii leo, watu 30 wamekufa kiholela; je, huyu Kamishna Jenerali wa Polisi na askari wake wachukuliwe hatua gani?

Asante, Bi Spika wa Muda.

(Applause)

Sen. Cherargei: Thank you, Madam Temporary Speaker. I agree that this issue is very serious. On behalf of myself and the great people of Nandi County, I join hands and condole with the families that have lost their loved ones through our Senate Minority Leader.

I agree that the issue of Mt. Elgon has become cancerous in terms of insecurity. It is very sad that after the Sabaot Land Defense Force (SLDF) militia was wiped out, we have issues of insecurity happening in Mt. Elgon, which is in Bungoma County.

There are many underlying factors that trigger insecurity in that region. I have noted with concern that, majorly, there are land issues that affect many families, and the Government should step in. Some few interventions have been done in that region to address the land issues. There are also issues to do with the security agencies. Allegedly, most of the police officers in that region have overstayed. Therefore, some of them collude with criminals who perpetuate these heinous crimes against the ordinary *mwananchi*.

Every citizen of this country has a right to security regardless of where they live. Their life is sacred and their property must be protected. Therefore, we urge the Cabinet Secretary of the Ministry of Interior and Coordination of National Government, Mr. Fred Matiang'i and the Inspector General of Police, Mr. Joseph Boinnet, to quickly intervene to avoid further loss of lives and property and displacements.

Madam Temporary Speaker, it is sad that this is happening at a time when children should be going to school. It is also a time when people should be preparing for the planting season. Instead, people are fleeing their homes. The Government must quickly arrest the situation. I hope that the leadership of the area, including the Senate Minority Leader and the Governor of Bungoma, will sit down with the security agencies and ensure that they resolve the issues affecting Mt. Elgon region, once and for all.

If we allow criminals to roam around, kill people and cause wanton destruction, we will be setting a bad precedent. Criminals in other parts of the country will operate with abandon. They will kill, maim and destroy property because of lack of protection from the law enforcement agencies. I hope the leadership from Bungoma County will take the lead. Apparently, the Cabinet Secretary of the Ministry of Interior and Coordination of National Government, Mr. Fred Matiang'i, has a good record. I hope he will transfer that good record from the Ministry of Education, Science and Technology to the Ministry of Interior and Coordination of National Government.

Finally, whatever decision or intervention that the Cabinet Secretary and the Government will take, they should do it in a more civilized and humane way, so that we do not see what happened when they were wiping out the SLDF militia in Mt. Elgon a few years back. The agencies that will be sent to restore calm, sanity and peace should not end up violating human rights in that region. I hope that the Ministries concerned will resolve the issues once and for all.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Nyamunga): Sen. (Prof.) Ekal, proceed.

Sen. (Prof.) Ekal: Thank you, Madam Temporary Speaker, for giving me the chance to contribute to this Motion. The people of Mt. Elgon are losing their lives needlessly. There was no reason given as to why they are being killed. Some people have just decided to kill others. Sen. Wetangula, my heart goes out to your people and to you too for the loss of lives for no reason at all.

While the situation in Mt. Elgon constituency is really bad and has prompted the Senate Minority Leader to speak out in the Senate, similar situations are happening all over the country. This is a common occurrence in many parts of the country.

The other day, I was shocked to hear the President saying the country is safe. As I speak here, the country is not safe. There is a lot of insecurity in the former North Eastern, Rift valley, Coast and Western provinces, especially Mt. Elgon. The Government needs to do something about it.

To me, as a Turkana, this is an everyday occurrence. It is just that Turkana people are never counted as human beings because so many of them lose life every day and nobody says anything. There were killings that took place in Lokichogio. Six school going children were killed. We, as the leaders of Turkana, made noise and even put it in the news, but nothing was done. The Cabinet Secretary (CS) for Internal Security and Coordination of National Government, Dr. Matiang'i, did not say a word.

Only three days ago, the people of South Sudan attacked Turkana and drove away many animals. The police were there when these killings were taking place, but nothing was done. Only a few days back, the Dong'iro of Ethiopia also attacked the Kibish area, drove away several animals and killed people, but nothing was said or done about. This is a common occurrence along our border with the Pokot and Baringo, but nothing is ever done.

With that, it tells you that there is a problem with security in this country. While there is a problem with security, we have police. Turkana is awash with police who are getting fat without doing any work. They just sit in their homes, go to the bars and have a good time.

We have the National Police Reservists (NPR) in this country. These are the people who work. They are sent to arrest people in dangerous zones and yet they are not paid. The national police officers are the ones who get paid. The national police do not take their work seriously.

I join Hon. Members in calling upon Dr. Matiang'i to relinquish his position. Let him resign because his leadership is failing this county level. If he is not doing his job well, why is he in the office? Why does he not resign and let somebody else take that place and make this country safe for all of us?

I am also calling upon the Inspector General of Police (IG) in the country to resign because he has failed this country. A lot of killings are taking place in the country and nothing is done about it. I am sorry about the people of Mt. Elgon and hope the situation will be resolved soon.

Thank you, Madam Temporary Speaker, for giving those few minutes.

I support.

The Temporary Speaker (Sen. Nyamunga): I think from the clock we have almost three minutes to adjournment. I will, therefore, call upon---

Sen. (Dr.) Mbito: Madam Temporary Speaker, there is no reply to this Motion.

The Temporary Speaker (Sen. Nyamunga): There is no reply. I will call upon Sen. (Dr.) Mbito, Trans Nzoia County.

Sen. (Dr.) Mbito: Thank you, Madam Temporary Speaker. I start by thanking the Senate Minority Leader for bringing this very important Motion on insecurity in Mt. Elgon. I represent the neighbouring county. I come from the community that is facing this insecurity. I thank the Cabinet Secretary (CS) for Internal Security and Coordination of National Government for coming in strongly and declaring a curfew and a security operation to weed out these criminal elements.

This issue in Mt. Elgon, in as much as we talk about it as criminal, has an underlying issue. This is because it is something that keeps on recurring. The issue behind it is land. Successive governments have taken the issue of land and the settlement of squatters very casually. The settlement started in the 1970s when the population was small. It was done very slowly as phase one and two, to the extent that right now the settlement is not complete. The population is five to six times what it was originally.

We have a situation where we have landless people and young men who have no source of livelihood. What else do they have to engage in, except, maybe, criminality? In as much as we are having this operation to weed out these criminal elements and restore peace in the area, we have to look at the long term solution to this problem. How do we avoid the recurrence of this issue? We have an issue whereby I think utility land is being grabbed by the provincial administration. The Land that was left for public utility is being hired out by the security officers and so on.

I am calling upon the Government to hasten the process and for the few who had been settled, issue them with title deeds to enable them use them as collateral. Devolution has not made the matter easier because the people there are ignored. The young men are not employed; they do not have any source of income. Market places have not been

developed, the roads are poor. We have a community that has no source of income. I call upon the Government to look at a long term solution for this insecurity problem.

The Temporary Speaker (Sen. Nyamunga): May I use my discretion to add two more minutes and give Sen. (Dr.) Langat an opportunity to speak to this Motion.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker. I also join my colleagues to congratulate the Senate Minority Leader for bringing this very timely and important Motion to this House. I condole with the Members of the Mt. Elgon community for this very shameful and regrettable situation that they are facing.

The position taken by the police in this country is still regrettable. They are always reactive to situations instead of putting in place what I would rather say proactive measures that can help to reduce or curb the problem beforehand. I observe that there is a lapse in the intelligence among the police. This is because the area has been volatile for a long time.

Those are the areas that should be staffed with many intelligence officers who can detect the security problems in advance and advise the Regular Police or the General Service Unit in time on what they are supposed to do. I tend to think that there is a problem when it comes to the various agencies of security.

We read from the media, the community is complaining that the police officers posted to the area are drunkards. It is a disciplinary area because police officers who have nothing to do or are indisciplined, corrupt and drunk are posted to such areas. As a way of punishing them, you send them to such a volatile area. The reports that the people from the locality were giving are very true that the police were helpless.

There was a woman who was crying that if the police had arrived even 30 minutes earlier, her husband could not have been killed. I think that the deployment of police officers to those areas is still a great challenge. The Cabinet Secretary for Interior and coordination of national government should take that into consideration.

ADJOURNMENT

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, it is now time to adjourn the House. Therefore, the Senate stands adjourned until tomorrow, Wednesday, 7th March, 2018, at 2.30 p.m.

The Senate rose at 6.35 p.m.