

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 25<sup>th</sup> May, 2021

*The House met at the Senate Chamber,  
Parliament Buildings, at 10.00 a.m.*

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

### PRAYER

### PAPER LAID

REPORT ON THE IMPASSE ON THE BUDGETARY  
ESTIMATES FOR KIRINYAGA COUNTY 2020/21

**Sen. M. Kajwang’:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Tuesday 25<sup>th</sup> May, 2021: -

Report on the Impasse on the Budgetary Estimates for the Financial Year 2020/2021 for Kirinyaga County between the County Executive and the County Assembly.

*(Sen. M. Kajwang’ laid the document on the Table)*

**The Speaker** (Hon. Lusaka): Sen. Kajwang’ you had something else to say.

**Sen. M. Kajwang’:** Mr. Speaker, Sir, there is also a Paper that we are expected to lay as the Committee on Devolution and Intergovernmental Relations. This is a Report of the Committee on the application by Nakuru County on conferment of city status.

As you are aware, this is one of the most unique responsibilities the Senate has. This is probably the only Motion that the Speaker carries to the President alone. Every other Motion or Bill, the Speaker goes to the presidency with the Speaker of the National Assembly. This is the only mandate that the Senate has to consider, and if it approves the request, the Speaker of the Senate goes directly to the President and the President grants the charter for the city.

This matter has been before the Senate for the last two years and it is important that we bring it to a close. How I wish you could direct that this Paper be laid, so that the Motion is moved and then we take a vote on it.

**The Speaker** (Hon. Lusaka): I do agree that it was supposed to be laid today, but there were some small issues that were raised. When we adjourn, we will do a bit of consultation. However, I will direct that it be laid immediately in the next sitting.

Thank you.

Next Order.

## STATEMENTS

## REVIEW OF REGULATORY FRAMEWORK FOR DRONES IN KENYA

**Sen. M. Kajwang’:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.47(1) to make a Statement on an issue of general topical concern, namely the review of regulatory framework for unmanned aircraft systems, also known as drones in Kenya.

Unmanned aircraft systems refer to aircrafts that are operated without humans on board. Commonly known as drones, they range from hand-held consumer devices, used for photography and leisure to sophisticated systems used in warfare and military operations. Despite their military and security legacy, drones have found innovative applications in sectors as diverse as health, agriculture, disaster management and environmental conservation, where they are being used to solve some of Africa’s most pressing problems.

Mr. Speaker, Sir, in Rwanda, for example, the government has sanctioned the use of drones to deliver medicine and fresh blood to remote hospitals. In Uganda, drones are supporting precision agriculture and contributing towards and agrarian revolution.

In Malawi, drones are being used to generate maps to monitor disasters and crises and to deliver aid and development material. In Kenya, drones have been deployed to fight the locusts menace through targeted spraying in hard-to-reach areas and mapping to determine crop losses.

The use of drones in wildlife conservation is well-documented across Africa and the commercial application of drones in global supply chains by companies like Amazon has taken route in the West. Clearly, the potential of drones to contribute towards the common good is immense.

Mr. Speaker, Sir, recently, the Government published regulations to guide the use of drones in Kenya. The Civil Aviation and Manned Aircraft Systems Regulations of 2020 were published on 30<sup>th</sup> March, 2020 and the Civil Aviation Regulatory fees and charges for a manned aircraft system regulations were published on 22<sup>nd</sup> January, 2021. These regulations aimed at ensuring safe and ethical uses of drones in the country and borrows heavily from international trends.

However, the regulations have also introduced bureaucracies, licences and levies similar to the infamous Red Flag Act that stifled innovations in the automobile industry in the 19<sup>th</sup> Century. The Government now requires all drones, irrespective of size and use, to be registered at a fee by the Kenya Civil Aviation Authority (KCAA). Only Kenyan citizens can own and operate a drone. Importing a drone whether for leisure or commerce requires a license at a fee from KCAA.

In addition, one must obtain clearance from the Ministry of Defence to import a drone irrespective of use. Further, to operate a drone in Kenya, you must obtain a remote pilot licence that is issued by KCAA at a fee following training at an institution that is licensed by KCAA, also at a fee. There are many other provisions that only serve the purpose of discouraging Kenyans from using drones to address some of the pressing challenges in development.

As a country, we must lower red flags and cut red tapes to encourage innovation and the Fourth Industrial Revolution. As you may recall, the Red Flag Acts of the UK and the US, required early automobiles to be preceded on public roads by a man on foot

waving a red flag and blowing a horn. The automobiles could not exceed a speed of four miles per hour in the country and two miles per hour in the city. Such regulatory framework is unthinkable today, yet the Government wants to introduce analogous restrictions on drone technologies three centuries later.

We must make a clear distinction between the use of drones for leisure and recreation and the use of drones for commerce, security and military operations. This is what advanced countries have done, for example, in South Africa, recreational drones weighing less than 25 kilograms do not require licences. Imagine buying your grandson a small drone toy and being required to go to KCAA or the Ministry of Defence for a license.

Furthermore, if foreigners can own vehicles in Kenya, why can they not own drones provided they comply with relevant laws? The requirement to obtain a remote pilot licence is impractical and illogical. Right now, in Kenya, an army of young entrepreneurs are providing videography and photography services at weddings and events. Requiring a pilot licence from them will simply drive them into crime and into the 'hustlers' nation.

Mr. Speaker, Sir, Parliament has an obligation to represent the people in a manner that protects their interests, while promoting their abilities and aspirations. The impugned regulations should have been processed by the Government before taking effect. If Parliament approves them, then we are guilty of dereliction of duty. Regulatory action should not be driven by the greed for levies and taxes. Regulators should be enablers of innovation.

We have a few examples to learn from, most notably, the financial revolution brought by M-pesa and other mobile money payment platforms that were encouraged by a pragmatic financial sector regulator. I dare say, encouraged by a pragmatic telecommunications sector regulator, and I see the former Chair of The Telecommunication Sector Regulatory Authority sitting here, that it was that innovation and open mindedness that allowed M-Pesa to fly.

I, therefore, call upon this House, particularly the Committee on Roads and Transportation, chaired by the able Senator for Kiambu, in conjunction with the Committee on Information and Communication Technology, to engage the relevant Ministries and stakeholders to address some of the obnoxious provisions of these regulations, and report back to the House on the action taken. Let us be the Senate that lowered the red flags and cut the red tape to promote innovation.

I thank you Mr. Speaker.

**The Speaker** (Hon Lusaka): Thank you. I do not see any interests. I do not see the Senator for Vihiga again. Okay, let us go to Statements under Standing Order No. 48 (1).

Yes, Sen. Orengo.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I rise to comment on the Statement because this is a very important Statement concerning the issue of drones. As you are aware, even in the retail world, there are a lot of mega-shops and industries that depend on drones to make deliveries. In fact, in normal practical activity in the commercial world, the drones are going to play a very important role.

In places like California, you can get a drone to deliver a meal to your doorstep. Without a doubt, drones are going to play a very important role, not just the way they are

doing in the more industrialized, developed countries and technologically savvy countries. If we, as the Kenyan nation, are going to keep up with the best, the issues that are raised in this Statement by Sen. M. Kajwang are worthy of consideration.

Sometimes we lag and pull our legs for long. As you read activities in the region, in the field of technology, Rwanda is doing what is unimaginable compared to the countries in the neighbourhood, including our larger economy as Kenya. Kenya should wake up because I can tell you that there was a time when I was fearful that for many reasons, Ethiopia was going to surpass us because of the size of her economy, her population and the advances it was making in certain areas like technology, aviation and energy. However, because of the political instability in Ethiopia, I can see Kenya still retaining her position as a market leader.

We cannot maintain that position unless we become the leader in the areas of technology. The more you restrain the use of technology, the more we are going to be pulled back. I remember when the mobile phones came, to get, buy or possess one, you literally had to go to the Minister of in-charge of Information Technology.

I had to do that; go through the Minister who was then in charge in order to be given permission to own a mobile phone. As Sen. M. Kajwang has rightly pointed out, the use of drones should not be frowned upon. Even the size that was applied around the small helicopter; the rover on mars, conceptually, the activities it was undertaking were almost that of a drone, except that it could not fly back to the earth.

Mr. Speaker, Sir, this is the time and the sooner we move, the better. I had hoped that instead of asking for a Statement, Sen. M. Kajwang', probably would initiate an activity to end up in that kind of legislation that we need to put in place. Otherwise, if we leave it to the bureaucracy, it is going to take a long time. There are also vested interests that would not allow this kind of activity to be undertaken.

I support this request for a Statement and hope that we will have it as soon as possible.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Musuruve by virtual.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to comment on this Statement by Sen. M. Kajwang.' Indeed, he has brought up a very important issue that needs to be addressed. Drones have many uses. For example, in times of disaster, they are able to help in locating where the victims are and help in preventing another disaster. In the agricultural sector, it is possible for drones to be used to assess crops, the damages and also help in spraying insecticides.

There is need for a regulatory framework to be put in place to ensure that even these drones, in as much as they are useful, they are actually manned. This Statement should not be taken lightly. It should even be scaled up to a Bill that will become law.

I support this Statement. Thank you for the opportunity.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Langat,

**Sen. (Dr.) Langat:** Thank you, Mr Speaker, Sir, for giving me this opportunity to support this Statement by Sen. M. Kajwang'. We cannot run away from technology; new technology is with us. The most important thing for every society to do is to embrace new technology and find ways to control the consumption of the same, especially checking on the negatives.

Drones are very important technology and have been used in various ways to enhance development. Drones can be used to capture live events. Drones can also be used in agriculture, as Sen. (Dr.) Musuruve said, to enhance farming. It is a very important technology that cannot be ignored.

Mr. Speaker, Sir, drones can also be used to survey places, especially dangerous places that are difficult to work in because of the dangers that can be encountered. Such areas can be surveyed thoroughly with the help of the drones.

Mr. Speaker, Sir, drones have also been used in other countries to deliver small items in areas that those items could not be delivered physically or using other means. Drones have proven to be very important means of delivery. They can also be used through enforcements. This is especially by the police when they are fighting terrorism. These particular drones can be used in such particular areas.

It has also proven of late that drones are very important when it comes to keeping an eye on the wildlife to fight intruders in the wildlife areas. What is important with the use of this particular technology is that there should be an introduction of effective legislation to control the use of drones.

Mr. Speaker, Sir, recently, one of them strayed to the compound of the Deputy President leading to a lot of suspicion. Unless this particular technology is controlled legislatively, drones can easily be abused by some people. They can also be used illegally to survey on military installations, which can easily expose secrets of the military strategic installations. They can be used by criminals to spy on some areas that are safeguarded for the protection of the citizens.

Mr. Speaker, Sir, my advocacy on this particular area as I support this particular Statement by Sen. M. Kajwang', is to create effective legislation so that it can be controlled and its positive importance may be maximized.

I support this new technology and I say we cannot run away from technology. The only thing we can do as legislators is always to legislate on control measures that can assist these particular technologies to be consumed positively.

Thank you.

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

**Sen. (Dr.) Musuruve:** Thank you for the opportunity, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Do you have a Statement?

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, yes, I have three statements. Are you allowing me to read the three of them at the same time?

**The Speaker** (Hon. Lusaka): Order! Order, Sen. Kimani Wamatangi. What is your problem?

**Sen. Wamatangi:** Mr. Speaker, Sir, she is on another matter and we had already pressed our buttons because we wanted to contribute.

*(Sen. (Dr.) Langat spoke off record)*

**The Speaker** (Hon. Lusaka): Order! Order, Sen. Langat. I want to hear what Sen. Wamatangi is saying.

**Sen. Wamatangi:** Mr. Speaker, Sir, we had pressed our buttons because we wanted to contribute to the Statement by Sen. M. Kajwang. The Senate Majority Leader had actually pressed before me.

**The Speaker** (Hon. Lusaka): It was not reflecting. Okay, the Senate Majority Leader.

Sen. (Dr.) Musuruve you will hold on. Sorry I did not see that.

**The Senate Majority Leader** (Sen. Poghismo): Mr. Speaker, Sir, I want to thank Sen. M. Kajwang' for this Statement. This is not a debate on the technology. It is not a debate or statement on whether it is important or not. What it is simply saying is: let us look at the regulations. If there are regulations, at what stage they are and the regulations be looked at again, so that it takes care of the various categories of the drones.

Mr. Speaker, Sir, I have been privileged to serve in the communications docket, but also as the Chairman of the Kenya Civil Aviation Authority. I do understand what the drones can do. I agree with him that some of the drones are not even worth the levies for their licences. Some of the drones are simply cameras; they are flying cameras. They do nothing else. They are good for the young generation to take good pictures and things like that. Those should be categorized separately. I think that is what Sen. Kajwang' is trying to bring out. Let us find a way of identifying which drones are dangerous, what can be abused and then those that are simply used by families should not require licences, like a pilot's license.

Mr. Speaker, Sir, the best thing is to say at what point can we retrieve or look again at the regulations and see how they can be improved. That also means that the Committee on Delegated Legislation be involved in this. That is all, so that we do not come here and start discussing the merits and demerits of drones. That is not what it is about. It is about those regulations and what we can do to make sure they are user friendly, but also take into account that drones have become common; that the more we continue to protect ourselves from them in terms of not letting them in, other countries are getting them in very freely and using them. I agree that we should look at it. I do not even know how it escaped our attention or how we managed to let it pass that way without looking critically like that Statement has said.

Thank you very much, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Wamatangi

**Sen. Wamatangi:** Mr. Speaker, Sir, I also rise to take cognizance of the usefulness and sensitivity of this Statement that has been brought by Sen. M. Kajwang'. As the Senate Majority Leader has said, it is one set of regulations that escaped the attention of Members of the Senate, especially the necessary Committees---

*(There was a technical hitch)*

The Committee on Roads and Transportation, which I am currently chairing, should have looked at these regulations. Regulations are not made in vain. They must intend to achieve a certain end and means that is useful for the day-to-day running of our social and economic affairs. What do we want to attain so much by over-regulating the use of drones?

For example, if it is the question of photography, we have google bulbs. A person can zoom into your compound from his or her home, see a car in your parking lot and photograph it. If it is about flying and intrusion into boundaries, in any toy shop abroad, there are helicopters that are flown like drones.

One can sum up this regulation on oversensitivity and the trends that we have had on terrorism. It is a question of concern and privacy. However, killing a fly with a hammer will not do something better than what has been done.

I agree with the proposals and commit that the Committee of Roads and Transportation will undertake to look at those regulations and their usefulness. We will engage the Cabinet Secretary (SC) and stakeholders to find out why a cameraman filming a wedding occasion somewhere in Kiambu requires to have a licence from Kenya Civil Aviation Authority (KCAA) three times over. This is a piloting course because a person has to go to the headquarters of KCAA or a training school to learn how to pilot a drone. I do not know whether they are issuing certificates for piloting and whether they are of any commercial value.

Mr. Speaker, Sir, by and large, I agree with Sen. Kajwang' that we must open up our environment and ensure that we do not restrict growth especially in technology. This is what the world is doing. This is how countries have made leaps and bounds of progress in various areas. Therefore, I find that not useful.

We shall support to ensure that we get the right answer and seek to have those regulations revised, so that they are within parameters that are useful to the everyday running of society.

I support and commit that we will have a look at that in the Committee and take the right measures.

**The Speaker** (Hon. Lusaka): Thank you. I defer the Statements by, Sen. Khaniri and Sen. Anuar who are not here.

#### THE THIRD WAVE OF COVID-19 PANDEMIC AND VACCINE CONCERNS

#### INCREASING RATE OF UNEMPLOYMENT CAUSED BY COVID-19 PANDEMIC

#### MARITIME BORDER DISPUTE BETWEEN KENYA AND SOMALIA

*(Statements deferred)*

#### CHALLENGES FACED BY TEENAGE MOTHERS AND THEIR CHILDREN

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for this opportunity.

I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Education regarding challenges faced by teenage mothers and their children.

In the Statement, the Committee should –

(1) Establish the number of cases of teenage pregnancies in schools in the 47 counties over the last two years.

(2) Elaborate on the mechanisms put in place to ensure that perpetrators of teenage pregnancies, who may include teachers and caregivers, face the full force of law.

(3) Provide a matrix of the intervention strategies put in place by the Ministry to flatten the curve of teenage pregnancies in schools.

Thank you, Mr. Speaker, Sir. I have two other Statements. If you allow, I will read them.

**The Speaker** (Hon. Lusaka): Proceed.

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, can you hear me?

**The Speaker** (Hon. Lusaka): Yes, I hear you.

ALLEGED INCIDENT OF A PATIENT MISSING A KIDNEY AT  
MBAGATHI HOSPITAL AFTER A SURGICAL OPERATION

I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Health concerning the mystery of a patient missing kidney at Mbagathi Hospital allegedly after a surgical operation.

In the Statement, the Committee should-

(1) Explain the symptoms and diagnosis surrounding Ivine Kinagu's illness when she visited Mbagathi Hospital in 2019.

(2) Elaborate the medical plans the medics had for the patient based on the above.

(3) Investigate the mystery surrounding Ivine Kinagu's missing kidney.

(4) Explain measures taken by the hospital to compensate the injustice meted on the patient.

(5) Elucidate steps taken to ensure that the medics who flouted their Hippocratic Oath are held responsible.

Mr. Speaker, Sir, if you allow, I will read the last Statement.

ALLEGED STORMING BY BOYS FROM ANESTAR BOYS HIGH SCHOOL  
INTO A NEIGHBOURING GIRLS SCHOOL

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 48(1), to seek a Statement from the Standing Committee on Education concerning reports on 12<sup>th</sup> April, 2021 regarding 70 boys of Anestar Boys in Nakuru, who stormed a neighbouring girl's school.

In the Statement the Committee should explain-

(1) The damage or havoc caused when the 70 boys of Anestar Boys Secondary School stormed a neighbouring girl's high school.

(2) Measures that were taken by the administration of the two schools to avert the situation.

(3) Measures taken to give pysco-social support to the girls in the girl's school.

(4) Mechanisms put in place to ensure that such incidents do not recur.

(5) Action taken---

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

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

**Sen. Murkomen:** I am raising a point of order with regard to the Senator who is addressing the Chamber because we cannot see her. I am saying this because the Standing Orders on online participation are clear. That is, when a Member is contributing or voting, their image must be seen.

Mr. Speaker, Sir, I can see the screen is written 'Sen. (Dr.) Musuruve'. So, in future, strictly enforce visibility.



*(Sen. (Dr.) Musuruve's video appeared on the screen)*

I can now see the Senator who is very well dressed. This should be the practice. Otherwise, we keep forgetting that Kenyans are following and they would like to know the Senator who is contributing.

**The Speaker** (Hon. Lusaka): That is an important point of order. I know that technology is a bit of a challenge. She might have forgotten to put on the video.

I ask the Committee on Information, Communication and Technology to train Members on how to use this new technology. We can now see her after she has contributed.

Thank you, Sen. (Dr.) Musuruve.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Omanga.

**Sen. Omanga:** I have two Statements, but only one is on the Order Paper.

Mr. Speaker, Sir, can you hear me?

**The Speaker** (Hon. Lusaka): Yes. We can hear you. Proceed with the one that is on the Order Paper.

#### CUSHIONING KENYANS FROM NEGATIVE IMPACT OF PARTIAL LOCKDOWN DUE TO COVID-19

**Sen. Omanga:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 48(1), to seek a Statement from the Standing Committee on Finance and Budget.

**The Speaker** (Hon. Lusaka): What are you wearing on your head?

Proceed.

**Sen. Omanga:** In the Statement, the Committee should-

(1) State plans put in place by the Government to cushion Kenyans from different sectors who have been rendered jobless due to partial lockdown.

(2) Report on laid down plans to ensure banks restructure loan repayment period to millions of Kenyans affected by the partial lockdown.

(3) Outline safety net measures put in place by the Government to ensure that negative socioeconomic impact of Covid-19 does not further dampen the economy of Kenya in 2021.

Thank you, Mr. Speaker, Sir.

#### ALLEGED SHOOTING OF MR. MORRIS KIMATHI KILUNGA

**Sen. Iman:** Mr. Speaker, Sir, I rise pursuant to Standing Order No. 48(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations, regarding the death of Mr. Morris Kimathi Kilunga who was allegedly fatally shot by Mr. Michael Munyalo, Officer Commanding Station (OCS), Garissa Police Station.

In the Statement, the Committee should-

(1) State the circumstances leading to the death of Mr. Morris Kimathi Kilunga, who was allegedly shot and killed by the OCS, Garissa Police Station.

(2) Spell out the immediate disciplinary measures taken against the police officers responsible for the fatal shooting.

(3) Report to the Senate the actions taken to arrest cases of extra-judicial killings by the police in Garissa and the country at large.

(4) Provide a report on how previous cases of police brutality within the last two years have been addressed and whether the responsible officers have been brought to account.

**Sen. Murkomen:** On a point of order, Mr. Speaker, Sir. As the Committee considers that issue, there is a general feeling in the country that there is rise in extrajudicial killings, maybe because of psycho-social support issues within the armed forces, especially the police.

We have witnessed rising cases of police officers killing themselves and also civilians. Most importantly, is the rise of cases of individuals from one part of the country being killed and dumped in other parts of the country, for example, the case where four gentlemen were abducted from Kitengela and found dead in Murang'a.

Mr. Speaker, Sir, again, another businessman was abducted, tortured and found dead in Kirinyaga County. This is not a very good trend. I know we might be silent, but the media is aiding and abetting these acts by trying to offer an explanation. The explanation is disguised as news. If you look at it, it is sponsored explanation trying to show the four people who were abducted in Kitengela and killed were conmen, murderers, thugs or robbers. In this latest incident, the gentleman whose body was found in Kirinyaga County is said to have been involved in crimes such as money laundering.

This is dangerous because media houses need to be more critical. Citizens and Members of Parliament (MPs) also need to be more critical when we hear and witness cases of extrajudicial killings. We are being socialized to the direction of normalizing extrajudicial killings as long as an explanation that looks like such killing was in the best interest of the country or public good.

Any process that is not judicial is dangerous, not just for the people who have been killed, but ourselves too. As time goes, they will abduct an MP and say he was sponsoring terrorism, robbery or involved in money laundering.

Mr. Speaker, Sir, I am sure it is the Committee on National Security, Defense and Foreign Relations that will investigate this matter. They must be more serious when interrogating these issues. When Sen. Cherargei was the Chairperson of this Committee, he brought here a report concerning extrajudicial killings. This issue is still there. I remember contributing to it.

Over two years ago, my Personal Assistant who worked in my office was abducted and murdered. His body was found dropped in Kapenguria forest. The same thing happened in Sen. Poghiso's county, where three Pokot businessmen were murdered and dropped in Kaptagat Forest in Keiyo South. If we continue like this, it will be dangerous.

I request media houses to stop socializing the public to normalize extrajudicial killings. If someone is a criminal, there are judicial processes of ensuring they are brought to book for accountability. However serious, we should stop normalizing extrajudicial killings for as long as an explanation is given that the victim was a robbery, terrorism or other crimes suspect. A country that wants to build itself to be a country of

the rule of law, we must normalize the process of arrest of suspects and take them to court to be charged.

*(Sen. Cheruiyot raised his hand)*

**The Speaker** (Hon. Lusaka): Sen. Cheruiyot, are your cards not working?

**Sen. Cheruiyot:** Yes, Mr. Speaker, Sir.

**The Speaker (Hon. Lusaka):** I have to “catch your eye”

Proceed.

**Sen. Cheruiyot:** Mr. Speaker, Sir, this is not a bad idea after all. It teaches young men like Sen. Cherargei the practices of Parliament, where you catch the eye of the Speaker to get his attention. Otherwise, they are just used to pressing buttons and they could imagine this is life as it has always been.

*(Laughter)*

This is a very important Statement. Let me make a comment regarding the Committee of this House that overlooks the Media Council of Kenya (MCK). The MCK is a creation of this House. Their duty is to specifically oversight the practice of media as the Fourth Estate in Kenya. Media plays a very important role in shaping opinion and norms of a particular society.

What is happening in our country is so unfortunate. When evil things happen, the quickest way that perpetrators use to normalize their schemes is run propaganda and malice towards victims of their evil acts. For two or three days, you will read about those whose rights have been violated and they would run a story for less than a week. The current Directorate of Criminal Investigation (CID) headed by Mr. George Kinoti is very keen on this practice where you are prosecuted through the media. In very unfortunate circumstances, as has been said by the Senators who spoke before me, your lifeless body is found somewhere.

Customarily, we are Africans and in the African culture, it is uncouth to speak ill of the dead. It has become normal practice where somebody is murdered and in the next two or three days, you will read stories about them and how they lived lavish lives and how they were criminals. So what?

Mr. Speaker, Sir, I thought it is the duty of the media and MCK to ensure they give us balanced stories and not do the bidding for those who wish to push our society towards this thinking. Our children will grow up thinking it is a norm for you to be killed and then an explanation given that so-and-so was killed because he had a lot of money and used to send it.

Take an example of the story that is in *The Star* today. It says the young Somali-American businessman used to send money to Somalia. So, what is the crime? Has it become illegal to send money to Somalia? I thought Somalia has an Embassy here and we have one in Mogadishu. They are a friendly nation.

I plead with the Committee on Information Communication Technology (ICT) to invite MCK to this House and consider some of these points that are being raised by colleagues on the practice and how low our media has sunk. This is not only on the point of extra-judicial killings, but even in our political space and many other things that they appear to be bidding for other people. The perpetrators of evil in society have found a

new haven in our news outlets. That should not be normalized and accepted as a way of life.

I challenge our colleagues who sit in the Committee on ICT to invite them. Let them come and remember that the same way they criticize us and expect the Executive, Legislature and the Judiciary to perform and live true to their calling; we also expect our media to live true to their call of duty.

**The Speaker** (Hon. Lusaka): Thank you. I think the Committee has heard. This matter is of great national concern. Please, do a thorough job and keep the House posted.

Next Statement by Sen. Farhiya.

#### INCREASED CASES OF DOMESTIC VIOLENCE

**Sen. Iman:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.48 to seek a Statement from the Committee on National Security, Defence and Foreign Relations, regarding increase in cases of domestic violence.

In the Statement, the Committee should:

(1) Explain measures put in place by relevant authorities to address rising cases of Gender Based Violence (GBV), especially against women and girls arising from the socio-economic impact of Coronavirus (COVID-19).

(2) Provide statistics of reported cases of GBV from January, 2020 to date and the measures taken against the perpetrators of the violence.

(3) Explain whether there are any public awareness campaigns to address GBV and the efficiency of the same, in addressing this social problem.

Further, inform the House on the findings of the advisory report by the National Crime Research Centre (NCRC) to security agencies, especially GBV and the mitigative measures proposed to address violence against women and girls and finally, table the report in the Senate.

**The Speaker** (Hon. Lusaka): Okay. I do not see any interest.

Next Statement by Sen. Cheruiyot.

**Sen. Cheruiyot:** Mr. Speaker, Sir, I have three Statements. Allow me to read all of them in quick procession.

*(Sen. Cherargei applauded)*

**The Speaker** (Hon. Lusaka): Sen. Cherargei, what is exciting you?

*(Sen. Cherargei spoke off record)*

**Sen. Cheruiyot:** Mr. Speaker, Sir, it is good to be happy.

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

#### CONSTRUCTION OF KORU-SOIN DAM

**Sen. Cheruiyot:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1), to seek a Statement from the Committee on Land, Environment and Natural Resources on the Construction of Koru-Soin Dam domiciled in Kericho and Kisumu counties.

In Statement, the Committee should:

(1) Provide an update from the Ministry of Water, Sanitation and Irrigation on the Status of construction of Koru-Soin Dam domiciled in Kericho and Kisumu counties, considering that it was budgeted for during the Financial Year 2019/2020.

(2) Explain the reasons behind the termination of the last three procurement processes regarding the construction of the dam.

(3) Outline the measures, if any, the Ministry is putting in place to ensure that the project commences immediately and that the construction of the Dam is completed in order to benefit and serve the people of Kericho and Kisumu counties.

(4) State the measures the Ministry has put in place to ensure compensation of households that were displaced to pave way for the construction of the Dam.

Mr. Speaker, Sir, that is the first one. The second one---

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

**The Speaker** (Hon. Lusaka): Yes, Sen. Cherargei.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir. I commend my neighbour, Sen. Cheruiyot, for bringing this Statement. The Koru-Soin Dam is strategic for Nandi, Kericho and Kisumu counties.

We are looking at the compensation of 2,000 households. They have not been compensated by the National Land Commission (NLC). I saw the National Assembly Committee on Public Investment Committee (PIC) invite the Principal Secretary (PS) for Water and Sanitation and Irrigation over this matter.

There are two Chinese companies; China Jiangxi and China Gezhouba, both of which had the capacity to construct the Dam. The interesting thing with the National Water Harvesting and Storage Authority (NWHSA) is that the highest bidder of 19.2 billion---

*(There was a technical hitch)*

**The Speaker** (Hon. Lusaka): Please, use the Dispatch Box.

*(Sen. Cherargei walked to the Dispatch Box)*

**Sen. Cherargei:** Mr. Speaker, Sir, I think somebody is sabotaging it. This is because it involves a lot of money.

As I was saying, Kenyans stand to lose around Kshs700 million. This is because between China Jiangxi and China Gezhouba, China Jiangxi was the highest bidder with Kshs19.2 billion. China Gezhouba's bid was Kshs9.2 billion. That matter was taken for re-evaluation by the Public Procurement Regulatory Authority (PPRA).

I thought you must give value for money when awarding tenders. Had we awarded the company whose bid was Kshs9.2 billion, we would have saved Kenya Kshs700 million. Kenyans are likely to lose over Kshs700 million because of ignorance, negligence or lack of due diligence by the Ministry of Water, Sanitation and Irrigation. I heard the PS say we were in a hurry to implement that project, but at the end of the day, we should look at the value that the taxpayer will get.

Mr. Speaker, Sir, the 2,000 households that were displaced are yet to be compensated by NLC. I agree with Sen. Cheruiyot that this matter needs to be relooked at. In my opinion, since this matter has gone through full circle from evaluation to PPRA, I think the best is to cancel the tender all together and ensure we run it in an open and

transparent manner. We do not want Kenyans to lose over Kshs700 million that would have done wonders.

Koru-Soin Dam is an important project that will see River Nyando waters harvested and curb the perennial floods that we are currently seeing. In my opinion, there is more than meets the eye. I hope DCI, Ethics and Anti-Corruption Commission (EACC) and the Director of Public Prosecutions (DPP) will not prosecute this in the media. They should do their thorough job so that Kenyans do not lose Kshs700 million.

In best procurement practices, if a company bids the lowest and has the capacity to do the job, it should be awarded the tender.

Mr. Speaker, Sir, my worry is that this will be another scandal where Kenyans are likely to lose Kshs700 million. I hope that the Committee on Land, Environment and Natural Resources will be given an opportunity so that the procurement process can be transparent. In future, I will bring further statements to bring specifics into this matter.

I support and hope that the Committee will give us the feedback as soon as practically possible because Sen. Cheruiyot, Sen. Outa and I have a very strategic interest in this matter. We hope for the best in the country and for the people, who are supposed to benefit from that water.

I thank you, Mr. Speaker, Sir.

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

**Sen. M. Kajwang’**: Mr. Speaker, Sir, I thank Sen. Cheruiyot for bringing up this matter. At this point in time, the areas of Nyando are flooded. Further afield in Karachuonyo, Homa Bay County, we have serious flooding. The solution has always been very artificial. Whenever there are floods, we go there with blankets, mattresses and sacks of maize and beans. In fact, the Ministry of Devolution has perfected the art of hiring helicopters to go to the flood zones to provide some tokens with the media in tow.

The ultimate solution is the construction of this dam. The idea of this dam was conceived in the 1950s. To date, we have not been able to execute this project. Even as the Committee looks into this matter, the Head of State is expected to visit Kisumu and the Nyanza and Western regions over this weekend in advance of the Madaraka Day celebrations. This is one of those issues we want to have a candid discussion on with the Head of State.

The Government of Kenya is excellent when it comes to design, ideation and creating a vision. However, it is horrible when it comes to project execution, and particularly, procurement. Many of these grand projects were conceived many years ago. Everything is okay on paper, but when it comes to implementation, nothing happens.

We want to tell the President that the people that he has delegated executive authority to are letting him down. As far as the President is concerned, the tender was awarded and he believes that work is happening. However, there are some middle level bureaucrats who want to take advantage of the situation. Sometimes it is propelled by ideas of kickbacks, yet our people are suffering.

Mr. Speaker, Sir, every year, Members of Parliament (MPs) are told that we are doing nothing. Every year, every season, and even today, my people in Homa Bay are camping in primary schools, even with the Coronavirus Disease (COVID-19) pandemic, because of flooding, yet, the Government has the resources and right ideas to control this matter.

As Sen. Cheruiyot pursues the solution, this is not just a matter for Kericho, but the entire Western region. If you look at the cases of land compensation for this project, more landowners were compensated on the Kisumu side than the Kericho side. I do not want us to say that this is owned by a certain community or county. This is something of great importance to the people of Kenya. If we fix this problem, we shall also boost food security.

The areas of Nyando, Soin and Koru have got some of the richest soils in this Republic. If we can just control the floods through the dam, we will not be talking about food donations and helicopters bringing yellow maize and beans whenever the floods hit.

Mr. Speaker, Sir, I support. I will personally follow up this matter, alongside Sen. Cheruiyot, Sen. Outa, Sen. Cherargei, and all the other concerned Senators. When we have a conversation with the President this weekend, we shall bring to his attention that some people are letting him down in procurement and project execution.

**The Speaker** (Hon. Lusaka): Thank you, Sen. M. Kajwang'.

Sen. Cheruiyot, your next Statement.

#### EXPORTATION OF SAMPLES TO LABORATORIES OUTSIDE KENYA

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. My second Statement is also very important. It concerns the lives of Kenyans.

I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Health on the exportation of medical samples to laboratories outside the Republic of Kenya.

In the Statement, the Committee should explain-

(1) The Ministry of Health's specimen referral policy with regards to patients' specimens referred out of the county for medical testing.

(2) Outline the number of accredited laboratories approved to send these samples outside the country, and the number of cases and samples referred per year

(3) State the criteria used in the selection of laboratories that are accredited to send these samples abroad.

#### MERGER OF GOVERNMENT AGENCIES TO FORM KENYA TRANSPORT AND LOGISTICS NETWORK

**Sen. Cheruiyot:** Finally, I have a request for a Statement from the Committee on Roads and Transportation

I rise pursuant to Standing Order 48 (1) to seek a Statement from the Standing Committee on Finance and Budget on the merger of Government agencies to form the Kenya Transport and Logistics Network (KTLN).

In the Statement, the Committee should-

(1) Provide the legal framework used by the National Treasury in merging the operations of the Kenya Ports Authority (KPA), Kenya Railways Corporation (KRC), Industrial and Commercial Development Corporation (ICDC) and the Kenya Pipeline Corporation (KPC)

(2) Provide evidence indicating whether public participation and stakeholder engagement was carried out prior to the implementation of this merger as provided for in Articles 118 and 232 of the Constitution

(3) Elucidate the current roles of the KPA, KRC, ICDC and KPC in the said merger, specifically with regards to the value for money and opportunity cost, employment opportunities, research and public infrastructure

(4) Elaborate how the pre-merger assets and liabilities of these parastatals were dealt with prior to the establishment of a joint coordination structure under KTLN as provided for in Article 201 of the Constitution

(5) Enumerate the law firms that were contracted as legal transaction advisors, including how these firms were procured

Thank you, Mr. Speaker, Sir.

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

**Sen. M. Kajwang’:** Mr. Speaker, Sir, even though Sen. Cheruiyot requested the Statement from the Committee on Roads and Transportation, it is in the public domain that the KTLN is currently domiciled under the National Treasury. Parliament has also processed a budget that has allocated resources to the National Treasury for the parastatals and bodies that Sen. Cheruiyot has mentioned.

Would it be in order for this matter to be considered jointly by the Committee on Finance and Budget and the Committee on Roads and Transportation, because it entails a transfer of functions from one Ministry to another? Therefore, if we have the two Committees look into the matter, we might have much deeper introspection and investigation on the matters at hand.

**The Speaker** (Hon. Lusaka): I agree with Sen. M. Kajwang’ that the two Committees provide the answers.

Sen. (Dr.) Musuruve.

*(Sen. (Dr.) Musuruve joined via Zoom without the video)*

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me an opportunity. I would like to comment on the Statement by Sen. Cheruiyot.

**The Speaker** (Hon. Lusaka): We want to see you. Where are you?

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, can you see me?

**The Speaker** (Hon. Lusaka): No. We cannot see you now.

You have switched off again.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity.

**The Speaker** (Hon. Lusaka): Order! Put on your video.

*(Sen. (Dr.) Musuruve’s video was switched on)*

**Sen. (Dr.) Musuruve:** Can you see me?

**The Speaker** (Hon. Lusaka): Yes.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to comment on Sen. Cheruiyot’s Statement concerning exportation of medical samples of patients abroad. This issue concerns Kenyans because if medical



samples are being exported, it means something is not happening right. Is it that the laboratories are failing us or we do not have the expertise?

There is need for capacity building in the area of medical laboratories, just in case the medics are not competent. According to the Universal Health Care (UHC), a lot of money ought to be devolved to health. If there is any deficiency in the area of medical laboratories, there is need for the Committee to investigate and ensure that more money is taken there for UHC. This will ensure that the personnel are treated and given capacity building in this area. It does not sound right for samples to be taken abroad.

Thank you for the opportunity, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Thank you.

**Sen. Cherargei:** Mr. Speaker, Sir, thank you very much. I want to support the Statement by Sen. Cheruiyot on the issue of export of samples. It is very sad that in this era, we have to take some samples to abroad for further analysis. I had a friend who had meningitis in Kenyatta National Hospital (KNH) and his samples had to be taken to South Africa for medical analysis. In the process of getting analysis from as far as South Africa, or any other country where further medical analysis is being done, it is heart wrenching for the families. They are told medication cannot start because they are waiting for sample results.

Mr. Speaker, Sir, those are the reforms that we would like to see in the Ministry of Health. With the advent of technology and use of laboratories, some people might become mischievous and use some of the Deoxyribonucleic Acid (DNA) samples in an unfortunate way.

Secondly, we have hospitals in this country that have been accused before of harvesting body organs to sale them in other countries. Some of these body organs are used for fetish reasons or any other ungodly ways. In the process taking these samples abroad, they might steal some of the body organs.

There was a story that was being run by the media sometimes back where some hospitals in this country, especially private facilities, disguised themselves that they were taking those samples for further medical analysis, but they dealing with human trafficking or selling some body organs.

Going into the future, I hope the Standing Committee on Health will take this issue seriously because we allocate a lot of money to the Ministry of Health and counties. Why can they not procure machines where blood samples or any other form of sample can be taken, be analysed within the sub-county, county hospital or national hospital and be able to get results as soon as possible?

In my opinion, the Managed Equipment Services (MES) where there was purchase of equipment and machines to the county hospitals and referral hospitals, we should have gotten more advanced machines that can do some of these samples analysis within Kenya so that Kenyans do not suffer waiting for results for one month or three weeks. In cases of meningitis, we should not be taking our samples to South Africa.

Mr. Speaker, Sir, going into the future, it is not safe for us and for the country because we do not know what other scientists or other hospitals outside this Republic are using. We expend a lot of money, especially people going to India and other countries to seek further medication. That is why when you get most cancer patients needing body transplants; be it kidney or any other transplant, they normally go to India.

You saw when there was the explosion of the Indian COVID-19 variant in India, many Kenyans suffered because those transplants could not have been done in Kenya. One of the reasons they prefer going abroad is that there have been cases of misdiagnosis and professional negligence in this country. We hope there will be proper machines so that we do not need to fly all the way to India or any other country for our samples to be taken so that we receive medication from there.

Mr. Speaker, Sir, we hope the Standing Committee on Health will not only look unto the reasons why or why the Ministry of Health allows those samples to be taken away, but they should ask the Ministry of Health the measures and strategies they have put in place. I hope they will, not only invite the officials of the Ministry of Health, but they should also invite the 47 County Executive Committee Member (CECM) of health so that they share with us the plans they have to ensure that in future if I walk to Mosoriot Sub-County Hospital or Pokot, I can get those samples and do analysis.

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

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

**The Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, the reason why Statements are concise and precise is so that they go to Committees. When Members take longer than necessary to make general comments that do not enrich these statements, it is not fair. They should add value to the Statement so that they can go to the Committee. If we start prosecuting them here, there might be no reason to send them to Committees. So, I think they should be curtailed.

**Sen. Murkomen:** Mr. Speaker, Sir, Sen. Poghio is rarely here. When he is here, he is in such a hurry. Where is he rushing to?

This is a very important Chamber. In fact, I thought Sen. Poghio was rising to add a very important question to this.

Do you see the danger that is in this hurried merger of Kenya Pipeline Corporation (KPC) and the Kenya Ports Authority (KPA)? Kenyans have been raising very serious questions about the viability of the Kenya Railways Corporation (KRC) to repay its loans borrowed from China. I am glad that this question was brought by Sen. Cheruiyot and the Committee will investigate it conclusively.

Mr. Speaker, Sir, in an interview in December 2018, the President promised the people of Kenya that he was going to make public the loan agreement between the Republic of Kenya, KRC and the Chinese company, China Road and Bridge Company (CRBC) that is doing the railway. From December 2018 up to now, despite direct Presidential promise, those documents have not been made public. Nobody has done a follow up to find out why they were not made public.

The people of Kenya want to know if we are in a position to repay our loans. Is KRC, how it is structured and how the loan was structured, capable of carrying out this responsibility?

Mr. Speaker, Sir, I suspect the reason why KPA and KPC have been brought in is because someone knows that these are profit making companies; they are doing well on their own. So, merging them together is to give them the strength to repay the loan for the KRC. That is dangerous because in the event that KRC is unable to repay the loans to the China Roads and Bridge Company and the Government of China, these corporations will be taken away the same way it has happened in countries like Sri Lanka, among others.

This is not a simple question about why corporations were merged or who the lawyers were and what was the legal framework, it is deeper than that. We want to know what was the motive or objective of bringing in corporations that are doing well.

There was a taskforce that was formed by the President to investigate parastatals and it returned a verdict that there many corporations that are not viable, should be wound up, merged together and form one corporation to ensure that we do not waste public resources in various corporations that are doing the same things. However, you go for the more profitable corporations and merge them with a parastatal that is struggling to repay its debt.

I am sure that if this Committee will do a thorough job, they will make this House proud and the people of Kenya proud.

Mr. Speaker, Sir, I want to insist that when you give this responsibility to the relevant Committee, they must meet the timelines. That Committee must also notify the House because of the immense public interest on this matter so that as many of us as possible can participate as friends of the Committee.

Mr. Speaker, Sir, thank you.

**The Senate Majority Leader** (Sen. Poghiso): That is precisely my point. The whole thing needs to go to the Committee for it to be processed. If any Senators want to enrich the Statement, just enrich it. Go add something to it before it goes to the Committee.

Mr. Speaker, Sir, I want to support the Statement about medical samples going abroad. I hope that through this Statement, we understand better how it works; how samples are exported and the conditions that are being asked here.

The Committee on Health will have to help us to understand this. There must be a reason why these Statements are interested in the laboratories which have been selected. There must be a reason why they are interested in knowing the procedures and the policies of exporting samples. It is very important that these itemized things are the ones which are going to be looked at and a thorough job be done.

I think all the Statements that come here are of national interest. We are all very keen to follow because we are educated more and we get to know more about what is happening in the various sectors of our Government.

Mr. Speaker, Sir, I just want to support that this is very important and so are the other Statements, including the one that I heard Sen. (Dr.) Musuruve asking about on leasing organs. Those kind of things are very good for us to know, so that policies can be made to further help in containing some of these disappearances.

Thank you very much.

**The Speaker** (Hon. Lusaka): Thank you, Senate Majority Leader. We now go to Statements under Standing Order No. 51 (1) (b). Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries.

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE,  
LIVESTOCK AND FISHERIES

*(Statement deferred)*

**The Speaker** (Hon. Lusaka): The Chairperson of the Standing Committee on Devolution, and Intergovernmental Relations, are you ready?

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION AND  
INTERGOVERNMENTAL RELATIONS

*(Statement deferred)*

The Standing Committee on Education. Kindly, proceed.

ACTIVITIES OF THE COMMITTEE ON EDUCATION

**Sen. (Dr.) Milgo:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.51(1)(b) to make a Statement on the activities of the Standing Committee on Education for the period commencing 9<sup>th</sup> February to 18<sup>th</sup> March, 2021.

Mr. Speaker, Sir, during the period under review, the Committee held a total of 14 sittings, considered four Statements, two Petitions and one inquiry. The consideration of the two Petitions and the inquiry is ongoing. The Committee also held one engagement with education stakeholders during the Fourth Session review and the Fifth Session work planning retreat held earlier in the year.

Mr. Speaker, Sir, in the period under review, four Statements were referred to the Committee, pursuant to Standing Order No. 48 (1), while the Committee carried forward two Statements from the previous Session. The Committee sought reports and responses from the Executive and other State agencies, received and considered four reports at various Committee meetings while reports to two Statements are still pending.

Mr. Speaker, Sir, while considering these responses, the Committee found some of the responses to be inadequate and inconclusive and a couple of them elicited supplementary questions. In this regard, the Committee has engaged the Ministry of Education to provide conclusive responses to these Statements.

Mr. Speaker, Sir, the Committee has also resolved to be triangulating the reports received from the Ministry of Education and other Executive agencies in order to provide sufficient and satisfactory responses to both the Senators who seek Statements and the House in general.

The Statements requested from the Committee during the period under review continue to highlight on the challenges posed by the effects of COVID-19 pandemic to continued learning and the effects of prolonged school closures. It appears more efforts need to be put on different strategies being applied by the Government to facilitate re-integration of learners back into learning institutions in addition to helping learners, teachers and parents during these unprecedented times.

Mr. Speaker, Sir, the Committee will continue to engage with the Ministry of Education, other like-minded decisionmakers and education leaders in order to come up with the best way forward and informed decisions that prioritize the interests of learners, parents and teachers and reverse any devastating impacts of the prolonged school closures that was necessitated by COVID-19 pandemic.

Mr. Speaker, Sir, as you are aware, the measures taken to contain COVID-19 made it difficult to operate 'normally'. This means the tools of oversight that are central

to our functions were greatly hampered. Nonetheless, during the period under review, the Committee completed an inquiry into the Early Childhood Development Education (ECDE) landscape in the country virtually and plans to host an ECDE workshop to validate and share the findings of this inquiry.

Mr. Speaker, Sir, going forward, the Committee intends to hold a similar inquiry into the Technical and Vocational Educational Training (TVET) landscape in the country and report to the Senate on the implementation status of the TVET related policy and legal framework in the country.

**The Speaker** (Hon. Lusaka): Thank you. Sen. Cherargei, kindly, proceed.

**Sen. Cherargei:** Mr. Speaker, Sir, as a comment, I want to thank the Chairperson of the Committee on Education for the Report of the activities of the Committee. I am happy the Committee has been very active and most of the Statements that we had raised before were addressed adequately. The Committee has been very involving. I want to thank the Chairperson and the Secretariat.

Mr. Speaker, Sir, the two things that the Chairperson of the Committee on Education did not capture is on the payment of Board of Management (BOM) teachers. In my county, especially a place called Chesumei Sub County, most of the BOM teachers were not paid. We had raised this matter with the Committee on Education. I hope the Chairperson will follow up on that matter. I remember the last time we had an engagement on payment of BOM teachers not only in Nandi, but other counties, the Cabinet Secretary (CS) of the Ministry of Education, Prof. George Magoha was supposed to appear before the Committee.

Mr. Speaker, Sir, most of these BOM teachers are young people and fresh graduates trying to make ends meet. It is important that these people who hustle their way must be given their hard earned dues.

Mr. Speaker, Sir, the other issue is on TVET recruitment. There should be a standardized process on how TVET recruitment trainer should be done in this country. There was a follow up that was supposed to be done by the Committee on Education on how we can standardize and ensure that the trainers that we have in TVET have an opportunity of having a standardized recruitment process similar to that of the Teachers Service Commission (TSC). I am happy that at some point when we met with the Committee through the Chairperson and the Members, we agreed that they were supposed to fine tune on one or two issues on TVET.

Two things before I sit - The first one is on the form one selection process. We had been told it was supposed to take place this week. The Ministry of Health is also projecting that we are going to have fourth wave of COVID-19 in July. The first term of this academic year is supposed to begin on 26<sup>th</sup> July, 2021 yet the Ministry of Health is predicting that we are going to have a fourth wave.

These are some of the issues that the Ministry of Health and Ministry of Education might discuss. We cannot risk our young children, especially those who are in the pre-school and in primary school. You give them mask. However, in the evening, they have exchanged with other children.

According to some analysis or my little knowledge of what is happening with the COVID-19 infection, it does not affect children. There is minimal effect as opposed to teachers. Most teachers are dying because of COVID-19 complications because some of them are suffering from diabetes or other underlying medical conditions.

Mr. Speaker, Sir, I would have expected the Committee on Education to singularly focus on the first term and the measures the Ministry of Education and Ministry of Health are putting in place. We agree some of the schools in the country do not have running water or sanitizers. What partnership are they having between the county governments and national Government to ensure that our children sanitize and wash their hands?

I am happy today I heard in the news that one of the leading banks in this country has donated masks and sanitizers to low-income areas like Mukuru kwa Njenga, Kayaba, Kibra, among other areas. As we open the first term in July, the Ministry of Education and Ministry of Health must assure parents that the Fourth Wave that they are predicting will happen in July will not interfere with the programme.

Mr. Speaker, Sir, going into the future, there should be mass vaccination. That is the only solution. We have seen reports by the World Health Organization (WHO). According to them and other scientists, when you have the full dose of Pfizer or AstraZeneca and get infected by Coronavirus Disease (COVID-19), the side effects might not be as dire as without the full dose.

We must agree as a country through the Ministry of Health and Ministry of Education and as the Government that we should provide mass vaccination for our people. This is so that the economy and schools can reopen. I hope the Committee on Education led by our able Chair Sen. (Dr.) Milgo, will sit with the Ministry of Education and come up with practical measures. This is to ensure that going into the future, vaccines will be available.

Mr. Speaker, Sir, I even challenge the Pharmacies and Poisons Board (PPB) that they should allow - individuals, private practitioners or Government – to import as many vaccines as possible that have been approved by the WHO. This is so that Senators like us who can pay for vaccines can be allowed to take the vaccine that has been approved. The free vaccine can be given to ordinary Kenyans like the *mama mbogas*, *mikokoteni* people and what have you.

I have seen my neighbor, Sen. Nyamunga of Kisumu County - we are being told there is an Indian variant in Kisumu County and we are worried because we are neighbors. The national Government and the Ministry of Education is yet to assure residents of Kisumu and neighboring counties like Nandi, Kericho, Kakamega and Vihiga on the possibility of explosion of the variant.

Mr. Speaker, Sir, we are yet to be given a way forward. What is the Ministry of Education surveillance doing? The last time we heard it was in Kibos and no one has updated us. The first Madaraka Day celebration in Kisumu County is fast approaching. I know many people will attend. As a county, we are also worried. This is so that this Indian variant does not make us restless.

As I conclude---

**The Speaker** (Hon. Lusaka): You seem to be talking about very many things. Why do you not focus? You are talking about education and health. Can you remain focused on what you want to say because you are wading into so many things, Sen. Cherargei?

**Sen. Cherargei:** Mr. Speaker, Sir, I was wondering. If you look at the Ministry of Health and Ministry of Education, there is an explosion of the Indian variant, for

example, in Kisumu County. It will affect the education sector in that region and that was my worry even as we discuss.

I appeal to the Committee on Education that there should be a way that, in case we have that explosion, they should address it so that it does not affect learning.

However, I was just expressing as the area Senator that we are also worried because of the Indian variant that we are having. The Chair has assured us that he is working---

**The Speaker** (Hon. Lusaka): The Chair has a point of order.

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

*The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

**Sen. (Dr.) Milgo:** Madam Deputy Speaker, in fact, Sen. Cherargei is talking about a raft of issues that our Committee has already answered. We spoke to issues to do with the Board of Management (BoM) and teachers very well. We invited Sen. Cherargei but he did not turn up in our Committee.

Secondly, we have already provided a raft of measures as a Committee to the Ministry of Education to be taken in the various schools. That is why it was smooth during the term that ended. Even right now, our kids are studying. We are into almost one month since schools opened and there are no issues. We are equal to the task and the Cabinet Secretary (CS) is equally equal to the task. Otherwise, as the Speaker has said, you are speaking to health, transport and education at the same time and then we get confused.

**Sen. Cherargei:** Madam Deputy Speaker, the Chair did not get me very well. I have said that the Ministry of Health has projected that there is going to be a fourth wave. I was asking what the Committee on Education is doing with the Ministry of Health.

What we are discussing borders on health and education. Therefore, I was requesting the Committee, even as we break for the First Term on 26<sup>th</sup> July and selection process of form ones begin, what is the Committee doing so that it is smooth running?

According to information that we just received in the morning - some of us are keen on what is happening - some schools are yet to have water. Has the Committee, for example, walked to Olympic Primary School in Kibra and looked at whether there are points for washing hands? Have they walked to Longisa in Kericho County or Homa Bay County to check the status of preparedness in the First Term?

Madam Deputy Speaker, I was encouraging the Chair that in as much as we are going into the future, they should tell us the preparedness that they have put in place. I was just finishing by saying that as we have been told, there is a possibility of the Indian variant in Kisumu County. If there will be an explosion, Vihiga, Kericho and my county will be affected.

What assurance is the Committee on Education and the Committee on Health giving us because it is a health issue which affects education? The Chair cannot tell us that if there is an explosion of the Indian variant, for example, in Kisumu County, God forbid, it will not affect education. It is a crosscutting issue. I want to invite the Chair to look at the issue as crosscutting so that we can address it.

Madam Deputy Speaker, finally, I am happy that the Committee last week met with the Ministry of Education on the pending payment of suppliers.

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order from Sen. M. Kajwang’.

**Sen. M. Kajwang’**: Madam Deputy Speaker, the Senator for Nandi County has more than ten times, spoken about the Indian variant of COVID-19 in Kisumu County.

Is he in order to speak about things that are not factual because the PCR test that is done to detect COVID-19 does not detect Indian, Brazilian, South African or South American variants?

Why is the Senator for Nandi County spreading fear and causing despondency, knowing fully well that the President of the Republic of Kenya is headed to Kisumu for a full weekend of launching projects, initiating development, reviving the economy and assuring jobs for the youth?

Why would he want to scare people from going to Kisumu County to accompany the President?

Is he in order to talk about the Indian variant when he does not have any scientific evidence to that effect?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, I am not seeing you. I think there is a problem. That is okay. Sen. Sakaja, please, come.

**Sen. Sakaja**: Madam Deputy Speaker, while I appreciate the sentiments of my friend, Sen. M. Kajwang’, is it in order for Sen. Cherargei to be accused of misleading the House?

Remember I chaired this Committee on COVID-19 Situation in Kenya and one of the things we told the Ministry is to be very careful in its communication. If anything, the idea of there being a COVID-19 variant in any part of this country came from a briefing by that Committee on COVID-19 Situation in Kenya by Dr. Amoth or one of those officials. Then a few days later, it turned out that it was not proven.

As a House, we need to task the Ministry of Health. I wish I was still in that Committee. Our Committee on Health should task them to come clear because they are the ones spreading fear. There is nowhere Sen. Cherargei would have gotten information on the Indian or Jamaican variant.

Madam Deputy Speaker, we need proper information. We realize that we are having a serious function on 1<sup>st</sup> June which is a national function. The President is going there. *Baba* was there yesterday and we saw how well he was received by Kenyans who love him, but it cannot be the Ministry itself spreading fear.

Spare Sen. Cherargei because he is not informed.

I hope someone can bring a Statement to that effect. If not, I will bring one tomorrow or the next time we sit, for the Ministry of Health to be very clear about the statement they issued a few weeks ago, saying they had tested one or two people with that variant.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Sakaja. You have given us the solution. Let a different Statement be brought touching on the Ministry of Health.

Sen. Cherargei is shifting from Committee on Education to the Committee on Health. That is what is not coming out well.

Sen. Cherargei, have your last minute, please.



**Sen. Cherargei:** Thank you, Madam Deputy Speaker. I ask Sen. M. Kajwang' not to be worried. The President and the Deputy President will be in Kisumu launching national Government projects. You need to be rest assured. Your neighbors such as Nandi County will also be present to celebrate Madaraka Day.

I commend the Committee on Education. At least last week, they were able to discuss with the Ministry of Education on the pending bills that we have. I am happy that the payment to the suppliers is ongoing. Most of them are people who hustle their way by supplying firewood, beans, maize and soap.

Madam Deputy Speaker, you also come from a county where these suppliers had not been paid because of Covid-19. They supply milk and small items within the school set-up.

I am happy that in as much as we were told that there are pending bills before the Ministry of Education, the Committee agreed with the Ministry on how those payments could be made.

I commend the Chair of the Committee on Education for that precise, concise information.

On the issue of variants, as you have ruled, we hope that the Committee on Health should at least ask the Cabinet Secretary for Health to give proper clarification that there is no new strain of variant within the country, so that all the fears can be allayed once and for all.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senators. I think we have given that Statement plenty of time. We now move to the next Statement by the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional integration.

Yes, Sen. Shiyonga.

ACTIVITIES OF THE COMMITTEE ON NATIONAL COHESION,  
EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

**Sen. Shiyonga:** Thank you, Madam Deputy Speaker. I rise pursuant to Standing Order No. 51(1) (b) to make a Statement on the activities of the Committee on National Cohesion, Equal Opportunity and Regional Integration for the period commencing 9<sup>th</sup> February, 2021 to 19<sup>th</sup> March, 2021.

During the period under review, the Committee held a total of 11 sittings. It considered one Statement sought by Sen.(Dr.) Musuruve on the national Government and county governments on the measures to support Persons living with Disabilities (PWDs) during the COVID-19 pandemic.

The Ministry of Labour and Social Welfare gave its response and further response is being awaited from the Council of Governors' Technical Committee on Health and Technical Committee on Human Resource, Labour and Social Welfare. Thereafter, the Committee will conclude consideration of the Statement.

Currently, there is no Bill or Petition pending before the Committee. During the period under review, the Committee met with representatives from the Ministry of Interior and Coordination of National Government; the Chairperson of the National Cohesion and Integration Commission (NCIC), the National Council of Churches of

Kenya (NCKK) and the Media Council of Kenya (MCK). Among the issues discussed was deliberation on the ongoing intercommunal violence in various counties and heightened political tension witnessed during the by-elections.

The Committee also recommended collaborative strategies to prevent inter-ethnic and political conflicts, particularly during campaign period and measures to reduce political tension accelerated through platforms of churches and the media.

Due to the COVID-19 pandemic, the Committee was unable to undertake visits to adversely affected counties. However, the Committee will resume its inquiry and undertake the programmed visits after reduction in the COVID-19 pandemic.

During the period mentioned, the Committee was part of the delegation from the Senate that participated in the Elections Observation Mission in Kampala, Uganda, from 13<sup>th</sup> to 24<sup>th</sup> January, 2021.

The Committee also undertook an inspection visit of the Kenya Maritime Authority and the Kenya Ports Authority (KPA) to consider their compliance with the constitutional provisions on ethnic representation in their staffing. The Committee is scheduled to meet the Chief Executive Officer (CEO) of KPA on the same matter, and thereafter, table the report on the findings.

Madam Deputy Speaker, the Committee intends to carry out the following key activities during the next quarter-

- (a) undertake county visits on the regions affected by conflicts, including Marsabit, Mandera, Isiolo, Wajir, among others, to address issues of cohesion and county public service diversity;
- (b) engage with the various stakeholders relevant to the Committee's mandate;
- (c) capacity building of the Committee to better understand how to implement its mandate;
- (d) county visits to Busia, Malaba and Isebania on issues of one-border post; and,
- (e) undertake a follow-up visit to the East Africa Community organs and institutions in Tanzania, Uganda and Rwanda.

I thank you, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let us have Sen.(Dr.) Musuruve on the online platform.

**Sen. (Dr.) Musuruve:** I wish to comment on the activities of Committee on National Cohesion, Equal Opportunity and Regional integration as stated by the Chair.

I commend the Committee for pursuing issues of disability with speed and passion. Through her leadership, we were able to bring county executives in the 47 counties to tell us exactly what they are doing about PWDs in the counties and how they are cushioning them during this COVID19 pandemic time. We were able to get a response from 42 counties.

That was quite commendable, although there are about five counties that did not give us what they are doing about PWDs. I am happy because the Chairperson of the Committee has decided that they are going to pursue that issue on disability so that we ensure there is equal opportunity for all of them.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Shiyonga, did you want to have an intervention?

**Sen. Shiyonga:** I was giving the activities of the Committee for the period under review.

Madam Deputy Speaker, we were supposed to have issued this statement in March but due to unavoidable circumstances, we were only able to issue it today. We have undertaken a lot of activities since this report was prepared that I will issue a Statement on in due course.

**The Deputy Speaker** (Sen. (Prof.) Kamar): That is a good clarification. I hope that Sen. (Dr.) Musuruve has gotten that.

Please, proceed, Sen. Sakaja.

**Sen. Sakaja:** Madam Deputy Speaker, allow me to briefly comment on the work of this Committee that is ably chaired by Sen. Shiyonga, whom I am very proud of. I am pleased with how she has taken up the role of a Committee Chairperson ably. She is the first female Senator to chair a Committee in this House. I am proud of what she has been able to do as a Committee Chairperson; not because she is female but because she has the ability. Sen Shiyonga is a Member of the Committee on Labour and Social Welfare which I chair and from where she says that she learnt a lot about the chairing of a committee.

The Committee on National Cohesion, Equal Opportunity and Regional Integration is extremely important. Sen. (Dr.) Zani was a Member of this Joint Committee in the last Parliament which I chaired in the National Assembly from 2013 to 2017. It is not by accident that this Committee got its name. We cannot have cohesion in this country if we do not equalize opportunities for all no matter the tribe, age, gender or disability status. I wish that this Committee remains a Joint Committee of the Senate and National Assembly. There are many interventions that need to be made which will naturally come from the National Assembly and vice versa.

I hope that the Committee on National Cohesion and Equal Opportunity of the National Assembly that is chaired by hon. Maina Kamanda and the Committee on National Cohesion, Equal Opportunity and Regional Integration of the Senate which is chaired by Sen. Shiyonga are of the same mind on these issues. I urge Sen. Shiyonga to remember one important aspect that talks about equalization of opportunities.

In 2015, when we amended the Public Procurement and Asset Disposal Act, 2015, we put in a very specific provision in that Act about the preferences and reservations for women, youth and persons with disabilities. The 30 per cent procurement opportunities for the special interest groups is expressly provided for in that Act. That is the only Act that is so specific. The Act says that every six months, the Committee of Parliament that is charged with the equalization of opportunities shall bring a report to the House detailing how counties, the National Government and other agencies have been implementing the 30 per cent directive for youth, women and persons with disabilities.

The Public Procurement Regulatory Authority (PPRA) is supposed to be providing the Joint Committee with a list of how counties and other Government agencies are giving opportunities to the youth, women and persons with disabilities as well as a report detailing the organizations that are not implementing the 30 per cent allocation of tenders to the special interest groups. In the last Parliament, we pushed to make sure that the 30 per cent is part of the performance contracting. If we do not do that, our legislation will be in vain yet we fought hard to get the 30 per cent allocation of tenders to special interest group. Can you imagine that if in a budget of Kshs1 trillion, 30

per cent went to the special interest groups, we would not be talking about the social ills that we are experiencing in this country.

Many governors in the counties are giving their cronies tenders. Many cabinet secretaries and principal secretaries are giving their children businesses through the many businesses that they have registered using fake names. However, even after doing all that, the 30 per cent quota that is supposed to benefit the special interests group is not reaching them. I urge Sen. Shiyonga that in the next quota, she should summon the PPRA, show them the provision of the law and ask them for the reports because the law is not a suggestion.

Finally, I hope that the Sen. Shiyonga led Committee will do more county visits. Sen. (Dr.) Zani will tell you that the Joint Committee on National Cohesion, Equal Opportunity and Regional Integration of the last Parliament visited 34 counties. We signed peace deals between warring communities that have not fought since those peace deals were entered into. Since that Committee now has an abler chair in Sen. Shiyonga, who has the advantage of hindsight wisdom and support from those of us who want to walk with her, let us go to our counties and ensure that as we look for cohesion, we equalize opportunities.

Madam Deputy Speaker, I thank you giving me this opportunity. Congratulations, Sen. Shiyonga. We are proud of your work.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Sakaja. That marks the end of the Statements.

Next Order.

## BILL

### *First Reading*

THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)

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

**The Deputy Speaker** (Sen. (Prof.) Kamar): Next Order.

## MOTION

THANKS FOR THE ADDRESS TO PARLIAMENT BY  
THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the Address to Parliament, by Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania, delivered on Wednesday, 5<sup>th</sup> May, 2021.

*(Sen. Poghio 11.05.2021)*

*(Resumption of debate interrupted on 18.05.2021 – Afternoon Sitting)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, you can now make request to contribute to the debate from your desk since the system is up and running. The Senator who contributed to this Motion last had concluded. I will now allow Sen. M. Kajwang' to make his contribution to this Motion.

Proceed, Sen. M. Kajwang.

**Sen. M. Kajwang'**: Madam Deputy Speaker, I rise to contribute to this Motion regarding the historic speech and Address by the Tanzanian Head of State, the first female head of State in the history of the Republic of Tanzania.

Tanzanians are lucky because they have a leader whose mien and personality---

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order from Sen. Sakaja.

**Sen. Sakaja**: On a point of order, Madam Deputy Speaker. I hate to interrupt Sen. M. Kajwang' but I am sure that he followed the proceedings on the debate on this Address last week and the week before. A trend was set that everyone who contributed to this Motion in honour of the President of Tanzania, Her Excellency Samia Suluhu Hassan, did so in Kiswahili. I personally made my contribution in Kiswahili for 20 minutes. I know that it is risky and hazardous for somebody from Homa Bay County to speak in Kiswahili for more than five minutes but I urge Sen. Kajwang' to try. I know that he went to a very good school called Lenana School where I also went and we were taught Kiswahili. I urge Sen. M. Kajwang' to try and make his contribution in Kiswahili to see whether he can make his 20 minutes' contribution in Kiswahili.

I wish I made my point of order in Kiswahili to encourage him. I am sure Sen. Kajwang' can make his contribution in Kiswahili. I urge him to try.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, I was about to ask you why you are not giving your point of order in Kiswahili since that would have helped Sen. M. Kajwang' to understand where to go.

Her Excellency Samia Suluhu Hassan, the President of Tanzania said that she will watch the proceeding of the Senate so you have the discretion on how to communicate to her.

**Sen. M. Kajwang'**: Madam Deputy Speaker, it is unfortunate that I had started making my contribution in English and the Standing Order of the Senate do not allow me to revert to Kiswahili. For the information of Sen. Sakaja, I was once a teacher of Kiswahili. Some of the students that I taught are now teachers of Kiswahili. I do not have a problem speaking in Kiswahili as much as my variant of Kiswahili is the sheng variant having lived in Nairobi for quite some time. One of the principles of regional integration is specialization and focus. Let us take advantage of our competitive advantages. If Kenya can do well in English, let us do well in English. If Tanzania can do well in Kiswahili, let them do well in Kiswahili.

In hailing the historic Address of the Tanzanian Head of State, we may forget where she came from. The late Dr. John Pombe Magufuli, the fourth President of Tanzania who passed on and allowed Mama Samia Suluhu Hassan to take over as the fifth President of Tanzania made a very good decision in picking his Vice President. Many times, when making a decision on running mates; deputy president or deputy governors, most people normally look for the least harmful, least controversial, least effective and least ambitious people to deputise.

The late Dr. John Pombe Magufuli having made the decision to have Mama Samia Suluhu Hassan to deputise him, was not looking for someone safe and tame.

Now that she has taken over office, we can see that indeed she had the potential and she has the charisma, intellect and vision to ensure that Tanzania becomes a prosperous nation.

Madam Deputy Speaker, if you look at the fundamentals of Tanzania from an economic perspective, if you look at its Gross Domestic Product (GDP) currently and its stock of minerals and wealth, if you look at its natural heritage and the manner in which it has been preserved over the years, it tells you that, indeed, Tanzania has been a sleeping giant but the sleeping giant has now woken up.

If the sleeping giant wakes up as Tanzania has awoken, we need to be sure that it is not going to run over the other people in its vicinity. We need to be sure that it is not going to run over Kenya, Burundi, and the Democratic Republic of Congo (DRC). With Mama Suluhu's leadership, we are assured and get the confidence about Tanzania's intent of being a responsible member of the League of Nations within East Africa and in Africa generally. Just last week, Tanzania agreed to the One Network Area (ONA) Agreement which to many people who do business between Kenya and Tanzania is going to be a great sigh of relief.

One of the most iniquitous things in this region is the mobile phone and the capabilities that it enables for trade, commerce, conversation and communication. Before the ONA Agreement, it was very expensive to make telephone calls in and out of Tanzania. Whereas other countries in East Africa had already agreed to be part of the ONA, it was only last week or during the previous one month that Tanzania made that decision. Admittedly, it is reported that the decision was made when the late John Pombe Magufuli was president but the execution and delivery of that decision was made when Samia Suluhu had taken over the reign power.

Madam Deputy Speaker, we have seen the President of the United Republic of Tanzania being very keen and assertive when it comes to issues of infrastructure. We have seen the agreements that the United Republic of Tanzania has signed with the Republic of Kenya on road network and generally on infrastructure. We have also seen the launch of the new port in Lamu.

There are those who think that Kenya is trying to compete with Tanzania in a negative manner. Competition is allowed even within countries that form part of a Commonwealth. Even within the European Union, you will find nations competing as a result of their comparative advantages. So, the Port of Lamu should not be seen as taking anything away from Tanzania. Indeed, if we have greater traffic along the Eastern Coast of Africa, then that will be of benefit to all the nations that lie along that coast such as Kenya, Tanzania, and other countries that are fed by those ports.

We have seen the kind of resolve and initiative the President of the United Republic of Tanzania has advanced when it comes to issues of natural oil and gas and the agreements that she has signed with the Republic of Uganda. We are sure that we are going to have a very progressive foreign policy coming out of Tanzania that will also power and spur the East African Community (EAC).

For those who have promoted the Building Bridges Initiative (BBI), one of the things they have not spoken about is the fact that Kenya wants to make regional integration a constitutional obligation, rather than just an issue of treaties and meetings of

Heads of States and foreign affairs Ministers. That shows the kind of seriousness Kenya attaches to regional integration.

As a Senator from a county that borders two other countries, because Homa Bay borders Uganda and to an extent we border Tanzania, that is why sometimes we have all these conflicts where our fishermen get arrested by the police and soldiers from Uganda or sometimes by maritime officers from Tanzania. If regional integration becomes a constitutional obligation, we are assured that the shared resource, that is Lake Victoria, will be utilised in a far much more productive manner that will see to it that the fishermen in Kenya, Uganda and Tanzania derive value from that God-given gift.

As it is now, we have been fighting over small portions of that lake. That lake is big enough to feed all of us. In fact, Lake Victoria is big enough to meet the dietary, protein and fish requirements for the entire East African region and we will not have to import fish from China and other countries.

I hope that even Tanzania, on the other hand, will have certain constitutional imperatives. I know they will be struggling to amend their Constitution which is a stage that Kenya is also going through. If Kenya makes regional integration a constitutional imperative, then there will be no president who will come to office in Kenya and deny funding for the EAC organs such as the East African Legislative Assembly (EALA) as it is right now.

Those who have gone to Arusha of late will tell you that if you go to the EALA, at some point in time, you will find that employees are not paid their salaries for periods going to three or four months, including our representatives to that august House. It is because of lack of seriousness and a framework in member countries that do not prioritise the EAC and the spirit of regional integration.

We live in the age of Brexit and I do not think that we have gotten to the phase where we want to exit from the EAC because the benefits that accrue from being members of the Community are far greater than the benefits that would accrue if we decided to go our separate ways.

I have had the opportunity to do some projects in Tanzania. In the past, it has been very difficult to get access to the Tanzanian corporate market. Even if you went there as a project manager just going to implement some information systems for a period of one or two months, the requirements around work permits, citizenship and immigration are obstacles. Sometimes, that stops Tanzania from taking advantage of some of the innovations that come from the region.

I hope President Suluhu will work very aggressively to bring down those barriers to movement of labour and capital. We are sure from her Address that was delivered in Parliament and also from the assurances that the Kenyan Head of State gave that Tanzanians will not be subjected to rigorous work permit requirements and that the same will be reciprocated on the Tanzania side, so that we form one huge market for our youth and persons who are employed.

There are people who denigrate Tanzanians sometimes that they studied Physics in Kiswahili or studied Chemistry using Kiswahili Language. When you go to Russia, they study everything in Russian. They do their trigonometry in Russian. So, there is nothing wrong if Africans build a body of knowledge and advance their language to a level where you can explain the Principles of Aristotle and the Philosophy of Socrates using your local language. It speaks to the heart and it is more memorable than subjecting

people to foreign languages like English, Latin and other languages that are used in other countries that think they are more advanced.

I want to encourage Tanzanians to maintain that national heritage and also maintain their favour of Kiswahili as a language of communication, doing business, education and socialization. In Kenya, we probably crossed the Rubicon because ours is hopelessly tribal.

I want to paraphrase what someone out there said. They said that Kenya is a unique place where after every four or five years, you find politicians who are very urbanite and ride around with the latest Mercedes Benzes, S-Class, dine in the finest restaurants and have a very international view but when it approaches election time, they suddenly remember and go back to their tribes, so that they can be adorned in ostrich feathers and colobus monkey coats, given all sorts of concoctions, spend nights upon nights on end in solitude and go into withdrawal of conjugal responsibilities so that they can be seen to belong to a tribe; so that they use that to ascend to national leadership. Why should we try to ascend to national leadership through the narrow prism of ethnicity and tribalism?

Ladies and gentlemen, why should we distinguish Senators here? After three or four years, all of a sudden I realize that I am Abasuba, so I too go back to Suba land so that I can be declared a Suba elder. It is then that I can sit on the table of leaders of the Republic of Kenya. We are getting it wrong.

Madam Deputy Speaker, if there is anything we can learn from the people of Tanzania, it is the detribalization of their politics and institutions. Unfortunately, in Kenya, we are doing the reverse. We are entrenching ethnicity in our politics and institutions to the extent that whenever we are making decisions about the Supreme Court and other apex bodies like that, the question is which tribe is already there. This is so that we can bring in someone from another tribe to balance the numbers.

We have a lot to learn from Tanzania. Let us not be cockish as a country, thinking that because we seem to have a bigger Gross Domestic Product (GDP), a stronger formal sector and currency, there is nothing that we can learn from our neighbours. We can learn humility from the political class of Tanzania. I wish our politicians would adopt the humility of the Tanzania Head of State, her down to earth nature, her motherliness, her tenderness and the sensitivity with which she addresses issues. I wish our politicians would adopt that.

I also wish we would allow people, irrespective of gender, to ascend to positions of leadership. I do not know whether it is because President Suluhi came to Kenya that now if you go to the Judiciary, it is headed by persons who were created by God to be of the female gender.

I previously heard some debates where Members of the Senate and the National Assembly were saying that they were very excited that a woman is now President of United Republic of Tanzania. They womanized the debate.

Madam Deputy Speaker, when I was in university and Prof. Margret Kamar was the Principal of Chepkoilel Campus, she was not Principal of Chepkoilel Campus because of her gender, but because of her ability. She was not there because of her sex, she was there because she went to school, was well qualified, and she beat other men and women to ascend to that position.



I believe that when a woman is in a position of leadership and responsibility, we should not womanize it. We should not reduce it to the gender. We should focus on the qualities and the preparation that the woman has had in life. Of course, it is much more difficult for women to ascend to these positions of leadership. I think that is why sometimes we pause and celebrate that the woman has made it.

Madam Deputy Speaker, Sir, just as Plato said, I believe that given equal opportunities, a man and a woman are capable of achieving the same things. Plato's ideas have formed the basis of modern education. What experience is showing us is that women, because of their tenderness and sensitivity, could have greater emotional intelligence than men. Given equal opportunities, you will have a situation where women beat men in a fair competition.

Madam Deputy Speaker, let this be an inspiration to all those ladies who aspire to run for positions like governorship, the presidency or senatorial position. Let them not wait to be bequeathed those positions because of gender. Let them prepare themselves.

If President Suluhu did not prepare herself, if she did not invest in herself and the right morals and mental fortitude, she would not have found herself as the Vice President of the United Republic of Tanzania. This is my encouragement to womenfolk. Let us not womanize the debate. Let us humanize it, and let us find a way of ensuring that women are provided with equal opportunities.

Madam Deputy Speaker, finally, Tanzania is a country that is wonderful in all respects. If you look at the people born in Tanzania, particularly those of the female species, they tend to be rather attractive to the eye. They also tend to touch the hearts of men in a way that Kenyan girls have failed to do.

*(Laughter)*

Together with Sen. Kwamboka, we have already started the process of integration. Every year we go for the East African Legislative Assembly games. We were recently hosted in the capital City of Tanzania. Let us continue that spirit of integration.

Out of the Samia Suluhus, the Uhuru Kenyattas and the Raila Odingsa, we can come up with an alloy or a model East Africa that has got the Kenyan grit, the Tanzanian humility, and the Ugandan character, which is a character that is open and lovely to behold.

Madam Deputy Speaker, I just want to commend this Address and present compliments to the Tanzanian Head of State and encourage the people of Tanzania that we live together as brothers and sisters as the Head of State has encouraged.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

Hon. Senators, this is the last day for debate, and I am reserving five minutes for the Majority Leader to respond as we have agreed with him.

I had not noticed that we had more interest and that is why I was generous to Sen. M. Kajwang'.

I will ask Sen. (Prof.) Ongeru to kindly use five minutes and the balance of three minutes will go to the Chairperson of Kenya Women Senators Association (KEWOSA), Sen. Shiyonga.

**Sen. (Prof.) Onger:** Thank you, Madam Deputy Speaker, for giving me the opportunity to again weigh in on the Address of Madam President Samia Suluhu who visited Kenya.

As a former Minister for Foreign Affairs this was extremely refreshing because I know how difficult it was sometimes to deal with certain mundane and intricate issues that arose between the two nations. However, we thank God that the Heads of States at that level were able to communicate and resolve most of the issues that took place in our situations.

This visit has clearly been able to open up the political space between Tanzania and Kenya. This visit has been able to open up an economic space that was a bit narrow and tight in terms of policy and pronouncements. It has now been opened up and there is a wide range of activities that will create and promote the wealth and the health of Kenyans and Tanzanians and in the overall, overarching East African Community bracket because the population is well beyond 150 million.

Therefore, we have a ready market within ourselves and if we expand to Ethiopia and South Sudan, then we have a much bigger market that we need not to struggle trying to sell manufactured goods. Manufacturing is the engine that will drive every nation and it is the engine that will create employment opportunities.

Like now when we have a total of 1.7 million Kenyans who lost their jobs, this is a very welcome visit. It opens up a new mandate for both Kenya and Tanzania to ginger up the manufacturing sector on both sides, and therefore, the young boys and girls, young men and women who lost their jobs can be able to regain their jobs back and increase more job opportunities.

Finally, the cultural aspect of it, I was very amused about the wildebeest and their nature on the flow from one side to the other side. For me, that was the capstone of a very important---They move from Tanzania to come and get their pregnancy status established in Kenya before they go back to Tanzania.

I think that is very symbolic because it creates a relationship between us and them; that is the cultural nature through animals, but much more meaningfully through the interaction between our own populations between Kenya and Tanzania.

After all, the interface between Tanzania and Kenya, if you are talking of Zanakis and the other tribes, they are more akin to Kisiis. Therefore, we see a common thread and a common genealogy. If we are talking about the Maasais, they have a common element and easy element. If we are talking about the Luos, they have that common interaction. Therefore, this is a natural phenomenon and natural situation that we bond together the two populations of Kenya.

With those few remarks, I support this Address and thank her for coming to Kenya to cement this relationship; political, social and economic relationship.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you Senator.

Yes, Sen. Shiyonga.

**Sen. Shiyonga:** Thank you, Madam Deputy Speaker, for giving me this opportunity to contribute to this important Motion that has been tabled before this House today.

I want to start by congratulating Her Excellency, President Samia Suluhu Hassan, for being elected the President of the Republic of Tanzania and the first woman in East

Africa to hold that position. I congratulate her and all the women in East Africa and Africa as a whole.

Madam Deputy Speaker, from President Suluhu's Speech, most of her attributes were not only to a woman, but to all the genders that are represented here. She talked about the animals we share; where they come in Kenya, become impregnated and give birth in Tanzania. That alluded to the fact that she values animals and at the same time, she values what happens in animal environment.

We can only be separated by boundaries that were colonially demarcated, but we cannot be separated by blood and hence we are relatives regardless of the boundaries.

Many will argue that the position was handed over to her on a silver platter after the death of her predecessor. However, what happened was God's plan; that, it was time for her to rule or to take over the country as a President. From her Speech, it is true that she can do it.

Madam Deputy Speaker, many are saying that women are favoured. From Her Excellency Samia Suluhu's Speech, it is time for women to rule. From where you are seated, you are the Deputy Speaker of the Senate and we learn a lot from you. We can say that you are doing well just like the Speaker of the Senate, Hon. Lusaka. There is no difference in executing the mandate.

God created us all and, therefore, it is an honour when we are given an opportunity, we should execute it without fear of contradiction. I know that when she will be executing her mandate, she will deal with the economic barriers that have been there, especially the challenges that have been witnessed on the boundary between Kenya and Tanzania. When she visited Kenya, she said that together we shall advance the two countries.

It was drawn to my attention that she recognized Kenya and Tanzania share a lot especially our collaboration and cooperation. It is necessary for us to adhere to it when it comes to legislative matters. She said that she takes advantage and keen attention of what happens in Kenya, especially in the Senate.

I want to encourage all women---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Your time is up.

**Sen. Shiyonga:** Can you give me one minute?

**The Deputy Speaker** (Sen. (Prof.) Kamar): No. the Senate Majority Leader will not have time to respond.

**Sen. Shiyonga:** It is okay. Next time.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sorry about that, Senator.

Senate Majority Leader, I want to call upon you, and you are free to donate your time, of course.

**The Senate Majority Leader** (Sen. Poghio): Madam Deputy Speaker, my time is very short, but I will donate two minutes to Sen. (Dr.) Milgo.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Milgo, proceed.

**Sen. (Dr.) Milgo:** Madam Deputy Speaker, thank you for this chance to congratulate President Samia Suluhu for a meticulous Speech. President Suluhu stamped her authority to signify that there is a new President in town.

In her Speech, she pointed out where these two countries have come from. She came here to establish a new relationship between the two countries. She identified where the two countries came from, starting from 1967 during the Colonial era, where people

from similar communities, cultures and same names were separated by imaginary boundaries in the interest of colonial masters.

Madam Deputy Speaker, the President is serious to the extent that she called upon parliamentarians to come up with a legislative framework and policy to ensure the new relationship between Kenya and Tanzania is mended more specifically in terms of investments and trade. I am doing a Bill on investment promotion. I found that without good policies, trade and investment would be a challenge.

In this case, legislators are supposed to come up with and strengthen Judiciary processes. This is so that there will be seamless ways of solving disputes and complaints in the course of trading.

She went ahead to ask for legislation to ensure there is seamless data in one-stop shop.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. Senate Majority Leader, you have three minutes to wind up.

**The Senate Majority Leader** (Sen. Poghisio): Bi Naibu Spika naomba ruhusa kujibu Hoja. Hii ni Hotuba ambayo ilitolewa na Mhe. Suluhu Hassan. Katika Hotuba hiyo, alifafanua sera zake na kusema mengi kuhusu safari yake hapa Kenya. Namshukuru Rais wetu, Rais Uhuru Kenyatta, kwa kumualika na kupatia fursa na ruhusa ya kupata kiongozi mgeni kuja kuhutubia.

Kikao cha pamoja ambacho alihutubia katika Bunge kilifana sana. Ningependa kuwashukuru Wabunge wenzangu, Maseneta, ambao wamejaribu kujadili kwa Kiswahili. Wengi hawajafanya hivyo lakini naomba kwamba tukipata nafasi ama fursa nyingine, tungehimiza kwamba Maseneta wote wachangie kwa lugha ya Kiswahili.

Bi. Naibu Spika pia ningeomba kwamba ile harakati yetu ya kutafsiri Kanuni zetu za Bunge katika lugha ya Kiswahili imalizwe kwa haraka, ili pia tuchukue siku moja katika wiki kujadili kwa lugha ya Kiswahili.

Bi. Naibu Spika, kwa hayo machache, nawashukuru Maseneta wote na kuomba kujibu.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Hon. Senators, as we wind up this debate, may I also join in congratulating Her Excellency the President of Tanzania for her election and being the first woman President in the East African Community (EAC).

May I also take the opportunity to congratulate our first female Chief Justice Martha Koome.

Hon. Senators, the debate on the Address of the President is not a matter affecting counties. Therefore, I will now put the question.

*(Question put and agreed to)*

**ADJOURNMENT**

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it is now 12.31 p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until this afternoon, Tuesday, 25<sup>th</sup> May, 2021, at 2.30 p.m.

The Senate rose at 12.31 p.m.