

Sen. Olekina: Thank you, Mr. Speaker Sir. On behalf of the people of Narok, the Maasai and the Ilchamus of Baringo, I want to welcome you to the Senate. I plead with you, my dear brothers and sisters, that it is a high time that we all lived in peace.

I visited the area in Mukutani and I realized that all the Ilchamus who originally lived peacefully with you are now living in the Internally Displaced Persons (IDP) camps. So, I would like to urge and beseech you that in your deliberations ---

Sen. Olekina: Thank you, Mr. Speaker, Sir. I want to take this opportunity to welcome the delegation. In my tradition of the Maasai Community, you cannot be speaking to somebody if you are not looking at them. We welcome our guests here and it is good to give them the eye contact. I will address them through you.

(Laughter)

My concern is that this country is highly divided because we all retreat into our own tribal cocoons. Since we now have a devolved government system, it is a high time we try and embrace our neighbours.

Therefore, I would like to urge our brothers and sisters who are visiting to sit down and try and come up with a good peaceful resolution on how the Ilchamus can coexist with the Pokots. It is very sad when you visit an Internally Displaced Persons (IDP) camp and when you are there, two or three babies are born. Yes, it is a blessing but we are creating poor people. It is not that the country is not able to sustain them but because we like retreating into our own tribal cocoons. So, I would like to encourage our visiting MCAs from West Pokot to reach out to their neighbours in Baringo County and Turkana County to try and find ways that they can be able to coexist.

Mr. Speaker Sir, I also noted that the level of education in West Pokot, Baringo, Elgeyo Marakwet and Turkana counties is actually very low. So, I would like to encourage the visiting MCAs of West Pokot County Assembly to try and ensure that they invest heavily in early childhood education so that we can uplift the standard of living of our people. I once again welcome you to the Senate.

Thank you.

USE OF EXCESSIVE FORCE/POLICE BRUTALITY DURING RAID AT UON

Sen. Olekina: Thank you, Mr. Speaker, Sir. This Statement had been requested earlier on, but because the Session ended, you directed that it be forwarded to the Standing Committee.

I rise, pursuant to Standing Order No. 46(2)(b), to seek a statement once again from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relation regarding the use of excessive force and police brutality during the peaceful demonstrations and picketing in the country; and in particular, during the raid at the University of Nairobi on Thursday, 28th September, 2017.

In the statement, the Chairperson should:-

(a) Explain why the police raided the lecture halls and halls of residence of the University of Nairobi during the demonstrations by members of the public in the Central Business District of Nairobi on Thursday, 28th September, 2017.

(b) State who authorised the police to enter the university premises on the eventful day.

(c) State the number of police officers who entered the premises.

(d) State the number of students who died or were injured during the said raid.

(e) Confirm whether the Bill of Rights in the Constitution and in particular, the freedom from torture, cruel, inhuman and degrading treatment was violated by the police officers who undertook the raid at the university.

(f) Explain the action that will be taken, if any, against the police officers who will be found to have committed these heinous crimes.

(g) Table the results of the investigation the Government undertook to carry out on similar incidences in Kisumu and Mathare in Nairobi during the protests following the general elections of 2017 where lives and properties were lost.

(h) Explain the circumstances that led to the subsequent indefinite closure of the University of Nairobi on Tuesday, 3rd October, 2017.

Mr. Speaker, Sir, before I sit, I just want to reiterate on the request for that Statement because when we request statements in this House, it is because we want to find solutions to problems. If we let that matter go, we will never have a solution to police brutality in this country.

Thank you, Mr. Speaker, Sir.

Sen. Olekina: Mr. Speaker, Sir, seven days is okay.

Sen. Olekina: On a point of order, Madam Temporary Speaker. I am a little bit concerned that when the distinguished Senator rose, he did not point---

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Olekina, if you are responding to his point of order---

Sen. Olekina: Madam Temporary Speaker, I am actually pointing out the fact that he should have told us the point of order he was raising.

The Temporary Speaker (Sen. (Prof.) Kamar): Are you giving information?

Sen. Olekina: Yes, Madam Temporary Speaker. It is a point of information.

The Temporary Speaker (Sen. (Prof.) Kamar): If you want to give information you strictly give information, but you are not the one to rule whether he is out of order or not. I am here for that job.

Sen. Olekina: Thank you, Madam Temporary Speaker. I will be guided by you.

Standing Order No. 87 (1) says:

“Any Senator may raise a point of order at any time during the speech of another Senator stating that the Senator raises a point of order and the Senator shall be required to indicate the Standing Order upon which the point of order is based.”

So, I just wanted the---

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, please take your seats. Sen. Kang’ata, take your seat. Sen. Wetangula was not discussing the CS; he made reference. You can make reference as long as there is no discussion. He is aware that if he has to make a discussion, then he needs to raise it substantively.

For Sen. Olekina, I have the same Standing Orders so we are safe in the House. I would have alerted him, but he was okay to raise the point of order except he diverted from his point of order. That is why I was saying Sen. Wetangula actually made a reference; he did not discuss.

Sen. Olekina: Thank you, Madam Temporary Speaker, for the opportunity to comment on this important Bill, which I support. I have looked at the Bill and from the outset, it looks very good. The intended purpose to help small-scale farmers find a good place to store their produce looks very good. It will also help us to maintain the quality of the produce.

However, I am concerned about certain elements of the Bill. Every Bill that we bring to this House ought to benefit counties in a way. I have looked at the majority of the Bills which are being introduced, and in my view, although they are sponsored by the national Government, they seem to take away things that we ought to be devolving. Warehouse receipt systems all over the world are designed to better the farmers.

Last year I had an opportunity to travel to Brazil and was particularly impressed with the kind of warehousing receipt system that they have. They have incorporated cooperatives where farmers of a particular region come together and set up a warehousing system. They have a fantastic receipt system. I have taken time to look at comparative legislations and seen that in Brazil they have a two-pronged approach to warehousing receipting. As a farmer you take your produce and are given a receipt for all your goods. However, they also engage farmers in coming together as a cooperative, so that they can market their produce.

Madam Temporary Speaker, I would have been very happy if this Bill would have taken the interest of counties into consideration. In my view, creating a central registry which is managed by a council that sits somewhere here in Nairobi County will not take the interest of the farmers in Narok County into heart. I would have loved to see certain things brought and changed in this Bill. I would have loved to see the County Executive Committee (CEC) member for agriculture playing a big role in the proposed council.

When I look at the membership of the council, one thing that really bothers me is that there will be one member who will be appointed by the Council of Governors (CoG). The rest of the composition includes the Principal Secretary (PS) in charge of Agriculture, Livestock and Fisheries, PS for Finance and then, the Cabinet Secretary (CS) appoints the Chief Executive Officer (CEO).

In my view, for this Bill to be effective and be able to help farmers on the ground, the role of the CEO in a warehousing receipting system is not really that relevant, yet we have CECs in charge of agriculture. I think the drafters of this Bill should really consider changing to make sure that the CECs in charge of agriculture in all the 47 counties play the executive role or appoint people to be their executive members, to observe the day-to-day running of the warehousing.

In my view, when we develop these registries, having 47 registries would help a farmer in Narok County much better than having a central system, where the CEO in charge of that registry sits here in Nairobi. If we had the CEC on the ground, it would be easy for him to advise the council on the needs of the local farmers.

The only thing I like about the Bill is the legal framework. It is imperative because that will not only give confidence to the farmers, but also to the lenders; that these warehouses are protected. We must also consider various different things. If as a farmer I grow wheat in Narok County and take it to the warehouse and get my receipt, what happens tomorrow in the event of a *force majeure*? What happens tomorrow in the event that all the produce is destroyed? I think the drafters of this Bill ought to consider emphasizing on the issue of insuring the commodities. Just making sure that you can

store your commodities there and sell them at a later stage, does not guarantee that these commodities will survive.

I have looked at two different elements in this Bill, which I would like to refer to. One that I will focus heavily on is the point as to why we are here as Senators. We are here to protect the interests of counties. I want to see a Bill that will not be controlled from a central point. Anything that comes out should help the local people. In my view, the composition of this council must consider the local farmers. There are so many people who have been put here.

However, if you put people, for instance, who have to decide whether or not to give you the license and they are in Makueni County, yet you are applying for a license in Narok County and they decide that you cannot get, they are not taking your interest at heart. I would like to see a few changes in terms of the composition of these council members. I will repeat that I do not see the need to have a CEO who is given three years. We already have people on the ground.

Let me also emphasize the issue of the security and also the ability for these farmers to use their produce ---

(Loud consultations)

Madam Temporary Speaker, I get confused when I hear Members talking because then I want to hear what they are saying. So, I request the Senators to just---

Sen. Olekina: Madam Temporary Speaker, there is no doubt that the overall agricultural sector will benefit immensely with this warehousing. However, what will help farmers of Narok County is when they can be assisted to find better markets for the produce stored in those warehouses. This will help them have confidence in their agricultural activities.

When they store their produce in those warehouses and are issued with receipts, they can use the same to access credit facilities. They can talk confidently about the value of their produce in warehouses. In the event those produce are damaged by floods which we get every year in Narok County, for example, the insurance company will compensate them. That aspect is lacking in this Bill.

I believe some amendments will be introduced at the Committee stage. For example, I would be proposing Clause 8 of the Bill be deleted and replaced with the County Executive Committee Member (CECM) in charge of agriculture or be given an opportunity to nominate somebody to represent him.

The other issue I have with this Bill is that we, as a country, are moving away from the system of parastatals. I do not see the reason as to why we should be creating another big parastatal which will borrow money and also charge for its services. In my view, Clause 11(d) should be removed from this Bill. Our institutions should be self-sustaining. Allowing a parastatal to borrow money will create a lot of problems for it. The revenues and fees they collect from the services they render, once it is devolved into the 47 counties, can really help them have a good warehousing system.

I am also concerned with the registration, licensing and inspection of warehouses. I support the idea of standardization of these warehouses in 47 counties. However, the licensing should be given to the CECMs in charge of agriculture. Warehouses should be based on the needs of a particular county. There is no point of us having a big

warehousing system in Narok County to store mangoes because we do not produce mangoes. That element ought to be removed.

I do not want to take a lot of time because I will be proposing some amendments at the Committee stage. However, I would like to emphasise on the need for these warehousing systems to have a legal framework which will take care of the locals' needs. Yesterday, the Senate Minority Leader talked about the issue of fish farming. In some areas, people will opt to do fish farming because it will be supported. You may invest a lot of money in a very hot and cold areas and end up losing your resources. The needs of that particular area ought to be taken into consideration before you start any project.

To conclude, I want to emphasize on a two-pronged approach. We can look at other legislations from other countries, for example, Brazil which has a similar system. Emphasize on cooperatives coming together to own these warehouses and move away from this element of control. The national Government ought to allow devolution to take root and encourage private-public partnerships. We want to see local people owning some of these warehouses. With a lot of stringent bureaucracy, it becomes very difficult. Maybe, you will find that most of these warehouses will not be owned by the local people and they will not benefit from them.

I support this Bill with some amendments so that these warehouses will incorporate participation of local community. I do not have a problem with the Ministry of Agriculture, Livestock and Fisheries oversighting it, but the day to day running of these warehousing should be left to the county governments. It is sad that when you look at this composition, like I said earlier on, there is only one person appointed by the Council of Governors (CoG). We have 47 counties in this country. We ought to have 47 representatives because what is produced in Isiolo County is not what we produce in Narok County. Every one's interests will be taken into consideration.

Madam Temporary Speaker, with those few remarks, I support this Bill.