

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 19th November, 2019

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

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. On 12th June, it is in the headlines of various newspapers that Strathmore University had defeated Harvard Law School in a competition that was held in Geneva, Switzerland. That was one of the most important days of my life. I was very proud to note that a university in Kenya could compete with Ivy League Universities. I have also visited Strathmore University severally to participate in different Senate and Strathmore joint meetings.

I am quite pleased that today, the students who belong to the Debating Club are here. I encourage you to come here because, as young legislators or even as legislators in this country, we do not always know everything. It is about time you spent some time with us and share your knowledge with us. That way, whatever we do, it is to better the future and to ensure that this country does not go to the dogs.

Recently we made some very controversial decisions in this House, which have put the future of this country at risk. Yes, some of us might be able to afford to pay the debt. However, if we do not take advice from you, your children might continue having many challenges in terms of meeting their daily needs. This is because most of the money in this country will go into paying debts.

I welcome them. I also welcome the MCAs from Trans Nzoia County. I am extending an invitation for them to come tomorrow – if they are going to spend the night here in Nairobi – to participate in the proceedings of the CPAIC. I believe that we will be hosting the Governor of Trans Nzoia County tomorrow to go through the fiduciary responsibility.

Sen. Ochillo-Ayacko: Thank you, Mr. Temporary Speaker, Sir. I join my colleagues in welcoming students from Strathmore University, and also MCAs of Trans Nzoia to this House. I associate myself with Strathmore University, because my daughter is a student there. I believe that she is one of the debaters, but I do not know whether she is here. The feedback I get back at home is that Strathmore is a very good debating

school. They are currently the world champions in debate. I am sure that they have come to the right place to continue deepening their knowledge in debate.

Mr. Temporary Speaker, Sir, the direction that the world is taking is resolution of issues on the basis of persuasion, civility and debate. I, therefore, encourage our children to continue entrenching the culture of debate, dialogue and persuasion, because that is how the society can move forward.

To the MCAs of Trans Nzoia, you represent a county that hosts great expectation for us, Kenyans. It is a county that feeds Kenyans. It is a good county. I hope that you will take the privilege bestowed upon you by the people of Trans Nzoia to ensure your County Executive delivers for yourselves and for Kenyans.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to join you and colleagues in welcoming the students from Strathmore. As some of my colleagues have said, I have also had an opportunity to pass through the Strathmore Business School, where I undertook a course on executive leadership. I encourage the visiting students to pursue debate as a way of exchanging ideas, appreciating and tolerating different perspectives in life.

As for the visiting delegation from Trans Nzoia County, I encourage and challenge them that they have a responsibility under the law and the Constitution to undertake primary oversight on the use of funds allocated to the county government.

Lately, we have witnessed unholy alliances between county assemblies and the executives. It should be remembered by the visiting delegation and by all MCAs that the county governments in this country constitute both the Executive and Legislative Arms. As much as the Legislature would want to assist the Executive to undertake the projects, they have a primary role to undertake oversight and ensure proper use of public resources.

I welcome them.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Finally, Sen. Sakaja.

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I am glad that I came when you are still on this Order. Otherwise, the students from Strathmore would think that their Senator is a truant, and does not come to the House. I assure them that their Senator is always in the House and he is doing his best to represent them in Nairobi City County and in the House.

Mr. Temporary Speaker, Sir, many years ago, I was in a similar debating society. I am glad---

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

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Malalah?

Sen. Malalah: Mr. Temporary Speaker, Sir, I would like to remind my good Senator for Nairobi that Strathmore University is a national institution, and not an institution for Nairobi City County. We have students all the way from Namulungu in Kakamega County. He does not own Strathmore University by virtue of the fact that he is the Senator for Nairobi City County.

(Laughter)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Temporary Speaker, Sir, not only is Strathmore University in the heart of Nairobi, but in Nairobi West--- There are 47 counties, but one ‘super’ Senator. Therefore, even the students from Kakamega are mine.

Mr. Temporary Speaker, Sir, the point I was making is that they must see what they do, not as a destination, but as the beginning of a journey. This country is ripe to be reset in many aspects. It is this generation of young people like them – and some of us, who are in the House; and even some who might be older, but have good and young ideas – that will change a country. Every generation must be able to define its moment and its course. I am sure that we will walk towards that path of redeeming our country with these young people. The world is an oyster. Let no one ever tell you that there is something that you cannot do. I wish you all the best as you go on with your studies.

Finally, Mr. Temporary Speaker, Sir, I also want to welcome the MCAs from Trans Nzoia, which is also my other county. The substantive Senator is Sen. (Dr.) Mbiti, but that is my home county in addition to Kakamega. I am glad that they are here. These are Members that I know very well. They have excelled in many respects.

Mr. Temporary Speaker, Sir, I want to echo what the Members here have said. That in many counties, we are seeing almost an unholy alliance that is being formed between governors and MCAs. Consequently, oversight is not being done. I am confident that these Members will not let that happen, and that they will take care of our County of Trans Nzoia. *Karibuni* Nairobi City County. I am sure it feels good to be welcomed in Nairobi by your own, when you are in Nairobi and when you are back at home.

STATEMENTS

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Hon. Senators, let us commence with Statements pursuant to Standing Order No.48(1).

The Senator for Taita-Taveta County is not present. So, we will proceed to Statements pursuant to Standing Order No.51(1)(b).

Sen. Khaniri: On a point of order Mr. Temporary Speaker, Sir. I have a Statement under Standing Order No.48(1).

I know it is not in the Order Paper, but it has been approved. I have the green light from the Speaker to proceed.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Okay, proceed Senator.

INABILITY TO MANAGE AND MITIGATE NATURAL DISASTERS IN THE COUNTRY

Sen. Khaniri: Mr. Temporary Speaker, Sir, thank you for your indulgence.

Pursuant to the provisions of Standing Order No.48(1), I rise to seek a Statement from the Chairperson of the Standing Committee on Lands, Environment and Natural Resources concerning the inability to manage and mitigate natural disasters in the country.

Mr. Temporary Speaker, Sir, in the Statement, the Chairperson should explain-

(1) Why Kenyans across the country are still experiencing adverse negative effects of floods and drought caused by normal and predictable weather conditions.

(2) Explain the measures taken by the national Government to encourage counties to set aside funds to be used for implementation and mitigation of effects of climate disasters as stipulated in the National Climate Change Action Plan (NCCAP) 2018/2019.

(3) Explain the measures put in place by the national Government to promote harvesting, storage and distribution of rainwater for domestic use across the country during dry seasons.

Thank you, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Ali: Thank you Mr. Temporary Speaker, Sir. I wish to thank the Senator for Vihiga County for bringing this Statement.

This country is in a mess. When there is drought in Northern Kenya, people die as a result of lack of water. There is also hunger and all manner of things. When it rains like now, there are floods, hunger, inaccessibility and all manner of problems which results in people suffering. They get hungry because they cannot access food.

This has been happening on and off for the last 50 years. Every time when there are these problems, we complain here in both Houses of the Senate and the National Assembly, year in, year out, yet nothing happens. The national Government does not have any disaster mitigation action. Actually there are no policies or plans. The National Drought Management Authority (NDMA) has been there for the last 20 years. We do not know what it does.

Mr. Temporary Speaker, Sir, I would like this Committee to look into this issue seriously. There is also the Special Programmes Docket in the Office of the President. I do not know what they do. A lot of money is misused being put into these issues and nothing happens to those people who suffer in those rural areas.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Statement by my good friend, Sen Khaniri.

This House was created to defend the interests of counties and their governments. I do not think it is the role of the national Government to encourage county governments to come up with mechanisms on how they can harvest water. It is our duty and we need to take it up seriously.

We need to engage the county assemblies. I am quite happy that some of the MCAs from Trans Nzoia are here today. If you experience drought and floods in your county, the first thing you should do is to ensure that you have a disaster management policy in place. In your budget, the first thing to do is to settle pending bills which you should pay out. The second charge in your account should be the issue of disaster. This is a problem. I do not think us complaining, lamenting or even asking my good friend, Sen. Mwangi to investigate this matter will resolve the problem. It is about time that we came up with proper legislation and engage county assemblies so that we can take our people's interest at heart.

The national Government will not give us a solution. They have not given us a solution for all those years. I remember during the *nusu mkate* era, there was a Disaster Management Coordination Board (DMCB) which was trying to coordinate from different Ministries. It is about time that we think of a permanent solution.

I thank you, Mr. Temporary Speaker, Sir.

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Hon. Senators. Consult in low tones.

Sen. (Dr.) Ali: On a point of order, Mr. Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Unfortunately, my good friend Sen. Olekina has sat down. However, is he in order to mislead the public and the House that the national Government has no role when most of the money, over 90 per cent of the budget of Kenya, is with the national Government and the counties only get a mere 11 per cent?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Hon. Senators.

Sen. M. Kajwang': On a point order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. M. Kajwang'?

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, is the Senator for Narok in order to disclaim the role of the national Government when it comes to disaster management yet in the Fourth Schedule of the Constitution, the 24th function of the national Government is disaster management, including some of the disasters that are happening in the Mau? Is he in order to mislead this House?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, we will proceed.

Sen. Olekina, you need to respond. Are you in order?

Sen. Olekina: Mr. Temporary Speaker, Sir, I am quite in order. Article 189 of this Constitution talks about cooperation between the national and county governments. If the national Government has decided to give a blind eye on things that are happening in our county governments, should we follow suit? I think it also behoves us---

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

Sen. Olekina: Can I just finish?

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

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senator, do you wish to be informed?

Sen. Olekina: Absolutely.

Sen. Sakaja: Mr. Temporary Speaker, Sir, it is normal for colleagues to allow information and not to be hesitant. I do not know what the hesitation was.

Quickly, I would like to inform Sen. Olekina as well as the House. Sen. M. Kajwang' has pointed out the Fourth Schedule about the roles of the national Government and clearly, there is disaster management. Part 2(12) talks about fire fighting and disaster management as a county function. This is what we call a concurrent function that both arms of government have to deal with. Therefore, it is not right to just blame one side.

Mr. Temporary Speaker, Sir, because of that, this House passed a Bill sponsored by Sen. Mutula Kilonzo Jr. and myself. We co-sponsored this Bill on disaster management and cooperation between national agencies and the counties. The question we must ask ourselves as a House is why that Bill has been stuck in the National Assembly for more than nine months - actually possibly more than a year.

They have decided to designate it as a money Bill and they have gone to the budget office and the National Treasury to find out. That is the real problem because there are resources in the national Government and county governments that should deal

with flooding; one day it is flooding, tomorrow it is drought. The framework is there. That is where the focus should be.

I would like to urge Sen. Khaniri or if I can do it through this intervention, that that is part of the question that the Committee on Lands, Environment and Natural Resources needs to ask; not just on policy because there is also another Bill coming from the national Government to deal with concurrence of the disaster management function.

What happens is everybody knows this work has to be done by somebody, but somebody will not do it because they think somebody else is doing it. Money is being stolen through purported disaster management.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, let us proceed.

Sen. Olekina, you are well informed and your time is over. You have already concluded.

Sen. Olekina: It is only fair for me to conclude.

The Temporary Speaker (Sen. (Dr.) Lelegwe): One minute.

Sen. Olekina: Thank you, Sen. Sakaja. This is precisely the point I was trying to put across. We cannot be shifting blame. We can learn from the mess in the health sector. May be that is not a very good example. However, the national Government took over that role which is supposed to be implemented by the county governments.

I thank Sen. Sakaja for informing this House. It is about time that we followed through so that we see an end to this problem. If that legislation can be implemented fully, then we cannot be passing the blame. I know Sen. Mwangi is very good, diligent and he can give a solution. However, it behooves us to come up with those solutions in this House.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, we have to make progress. Since I have seen high interest in this Statement, I will request every Senator who would wish to contribute to limit their respective contribution to only two minutes.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I wish to support this Statement and say that we have left our natural resources in a disorganized manner for far too long. Communities have cried out over and over again. We know what the issues are and what happens every year. At one time and one season we have a lot of water and the next time we do not have it. The next thing is that we have communities that need to have certain money or assets. Although they have been very rich in supplying certain natural resources, they end up not being able to do that.

There are so many Bills that are stuck on this. Recently, we have seen many Kenyans asking about the oil sale that was done and what sought of revenue went back to the communities. In this House we have worked so hard overtime to ensure that this sector is organized. We have the Disaster Management Bill that Sen. Sakaja has mentioned and the Natural Resources Bill. Unfortunately, all these have ended up as being money Bills at the National Assembly.

Through this Statement, we need to put these issues across. This is because communities are suffering and looking unto us to be able to make these decisions. We would, therefore, like in this Statement to have clarity about the way forward, what we will do with these Bills, policies that need to be put into place, what will go back to communities and what communities do when there is drought and too much rain in their communities.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Faki: On point of order, Mr. Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Attention, Sen. Malalah and Sen. Faki. You are constantly on interventions. What is it, Sen. Faki?

MAANDALIZI YA UCHAGUZI WA SHIRIKISHO LA
KANDANDA NCHINI

Sen. Faki: Mr. Temporary Speaker, Sir, it was not constantly on intervention. I wanted to draw your attention to a Statement that I requested last week. I requested for a Statement on the Football Kenya Federation (FKF) elections, which are scheduled to take place this weekend. I wanted to find out whether the Statement was assigned to any Committee and what the Committee is doing with it. This is because the elections are scheduled to start this weekend. If they proceed, then whatever I requested for in the Statement will be overtaken by events.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Noted, Sen. Faki.

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

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Sakaja?

Sen. Sakaja: Mr. Temporary Speaker, Sir, that Statement came to our Committee and we have deliberated on the matter. We understand the urgency; the elections will be happening in the next few days.

In our deliberations we, as a Committee, said that these elections are governed by certain rules. As a Committee, we will not be able to injunct, stop or to interfere with them since we have the Fédération Internationale De Football Association (FIFA) rules that are currently prevailing. Sen. Poghio and Sen. (Dr.) Milgo who were in the Committee put it clearly; that on the larger issues of FKF we are dealing with and we have invited them. But in terms of an election that is coming, we have seen what happens when Government or Parliament interferes before it is done.

Mr. Temporary Speaker, Sir, if anything is done outside the Sports Act, then we will have recourse as Parliament or through the court process. However, between now and then, we cannot preempt the action and say that it is unlawful, yet it has not been done. The lawyers can help me with that. That is the predicament we found ourselves in. The FIFA rules are very sensitive when it comes to stopping a process that is already ongoing, intervention or interference by courts, Executive or Parliament.

That was our deliberation as a Committee today. We have listened to them on a raft of issues, including the Sports Act being implemented by all the federations, including the issue of the Sports, Arts and Development Fund. Sen. Mutula Kilonzo Jnr. is aware of that since he asked a question on that. We will deal with those ones based on our mandate and powers.

What we have advised is that if anybody is aggrieved when that is done this weekend, there are now legal avenues that can be pursued. If it can come to us, then we will not be injuncting and going against the FIFA rules and the Sports Act.

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

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Wetangula?

Sen. Wetangula: Mr. Temporary Speaker, Sir, when Sen. Faki brought the Statement, the distinguished Senator for Nairobi City County, who is also my distinguished nephew, was not in the House.

(Sen. Sakaja spoke off record)

Were you?

(Sen. Sakaja spoke off record)

I contributed to this Statement and so did Sen. Orenge and a few others. The football management in this country is a disaster. It has embarrassed everybody to the extent where we gave an example. Even our neighbour, Somalia, has defeated us in football. What other countries do, and I expect---

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

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Haji?

Sen. Haji: Mr. Temporary Speaker, Sir, I rise to defend the neighbouring country. Although Somalia was a failed State, now they have a President, Cabinet and Parliament. Therefore, they have very good footballers.

(Laughter)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Wetangula.

Sen. Wetangula: Mr. Temporary Speaker, Sir, I do not think my good friend, the BBI Chairman is defending Somalia because it has a President. He should declare his interest.

(Laughter)

What the Committee should and must do, is not to become legalistic and hide behind the shield of FIFA rules. I know for a fact, and Sen. Sakaja is right, that FIFA is very sensitive to any form of interference in the management of football under the affiliates. I believe FKF is an affiliate.

Mr. Temporary Speaker, Sir, however, extra ordinary problems require extra ordinary decisions to alter the situations. A country like Nigeria is a good footballing nation; it has at times suspended the management of football and met the wrath of FIFA. They have been suspended from FIFA for two to three years and rebuilt their football, so that we get profiteers, charlatans and con people out of the management of football.

People who run our football are just looking for money. The Committee should deal with Ministry of Sports, Culture and the Arts. Invite Amb. Amina and ask her what extraordinary measures she is undertaking to streamline the management of football. You will be acquitted sufficiently, my nephew, once you do so.

Do not come and tell us about FIFA rules because we know them.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Chairperson of the Committee, I request that you make your final contributions on this matter.

Sen. Sakaja: Mr. Temporary Speaker, Sir, I need to clarify one thing. One, I do not need to be acquitted because I am not on the stand. It is the football of Kenya that is on the stand.

The Committee has said clearly that we are dealing with this. In fact, Sen. Wetangula has made a good case of the approach we are taking; that the matters and

problems in our sports management and even within football are so deep that they need to be looked at comprehensively.

It cannot be that we are just rushing to beat a deadline of an election on Saturday. If we sit down and invite the Cabinet Secretary, the Sports, Arts and Social Development Fund led by Hon. Moody Awori and his team, because they have Kshs8.1 billion that is supposed to go to sports--- Aside from FKF, there are also other federations with issues, but agreed to start with football. We want to thoroughly look at how it is being managed; whether it is doing right and where the rain started beating us.

Mr. Temporary Speaker, Sir, it is not a rush to beat the deadline of Friday because there is an election. If we see it fit, in a week or two when we have dealt with this issue and sat down with them properly, that we need to interfere and suspend it, it has been done before. It can be suspended, so that we get our act right.

Yesterday, we were sitting at the edge of our seats to see what will happen to us with Togo. This is because we do not know which match we will win or lose. We have lost confidence in how we are performing. Therefore, we want to do it comprehensively. Sen. Wetangula, you have been in football, and you know that I have also been in football. I am the patron of our biggest team in this country, AFC Leopards, and I know there are problems all over.

Let us not do it in a rush just to show that we have intervened. We do not want to do it for Public Relations (PR). We want to be very thorough because football speaks to the heart of millions of Kenyans and young people. I understand Sen. Faki's problem and urgency, but I am just urging that we take this route. It will be better in the long run for football management.

Sen. (Dr.) Ali: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. (Dr.) Ali?

Sen. (Dr.) Ali: On a point of order, Mr. Temporary Speaker, Sir. I need your direction on this; we were discussing a Statement on disasters and now we are discussing Football Kenya Federation (FKF) and its politics. Is there a disaster? Could you give us direction?

(Loud consultations)

The Temporary Speaker (Sen. Lelegwe): Order, Sen. (Dr.) Ali! You are out of order. This is a request and intervention by the Senator for Mombasa County requesting the response of the FKF Statement.

The Chair has already shed light on that and now we proceed.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. Sen. (Dr.) Ali should be informed that actually football is a disaster and that is what we are discussing; disaster in football.

Mr. Temporary Speaker, Sir, I want to encourage the Chairperson of this Committee that the point that Sen. Faki, the Senator for Mombasa County, made is that what is going on is not an election, but a mock election. It is pre-rigged before they even start holding elections. So, this requires urgent intervention.

The Temporary Speaker (Sen. Lelegwe): Order, Hon. Senators!

Sen. Poghisio, proceed.

Sen. Poghio: On a point of order, Mr. Temporary Speaker, Sir. I think in a way, we have an issue to talk about called football. In the middle of an existing Motion that is going, football has suddenly taken over to the extent that we do not know whether we are now answering Sen. Faki or we are still seeking clarification on football.

May I ask that you give direction on where we are because the Motion on the Floor is about the disaster away from football? I think the back and forth in football has taken over and now we do not know where we stand.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, we are on Statements under 48(1). I request Hon. Senators to stick to contributions on the Statement as read by Sen. Khaniri. Already the Chairperson of the Committee on Labour and Social Welfare has given information from the Statement on the clarification raised by the Senator for Mombasa County.

Finally, I request Sen. Wetangula to make his contributions on that Statement. That is the final contribution.

Sen. Wetangula: Mr. Temporary Speaker, Sir, on the Sen. Faki Statement?

The Temporary Speaker (Sen. Lelegwe): Yes.

Sen. Wetangula: Mr. Temporary Speaker, Sir, Sen. Faki made an intervention and then the Chair, rightly so, allowed the Chairperson of the Committee to respond. His response elicited my intervention because when Sen. Faki brought the Statement, we actually literally brought it together---

The Temporary Speaker (Sen. Lelegwe): Sen. Wetangula, make your final intervention now on the Statement.

Sen. Wetangula: Okay, Mr. Temporary Speaker, Sir. I am on the matter.

My final Statement on this matter is that yes, the Committee may have decided to do what they are doing, but there is a way the Committee can summon the Cabinet Secretary, FKF Chairperson and any other person involved, including but not limited to the Attorney-General.

The FKF, even as they are clouded with questionable integrity, they are busy doctoring and manipulating elections of FKF and locking out clubs in many parts of the country to perpetuate themselves. I am telling them to stop the elections for a period of three or four weeks to ensure that every legitimate participant is given time to participate; that is not interfering with FKF. I think that can be done. I encourage you, my distinguished nephew, to do so.

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, finally, we have to make progress.

I will call the next Statement under Order No. 48(1), that is Sen. Outa.

BRUTAL KILLING OF SIX BOUNCERS IN BUMALA, BUSIA COUNTY

Sen. Outa: Thank you, Mr. Temporary Speaker, Sir. I rise under Standing Order No. 48(1) to seek a Statement from the Committee on National Security, Defence and Foreign Relations concerning the brutal killing of six bouncers from Kisumu County, in Bumala, Busia County on Friday, 15th November, 2019.

In the Statement, the Committee should -

- (1) Explain what led to the brutal murder of the six bouncers in Bumala, Busia County.
- (2) State what measures have been taken to ensure the perpetrators of the heinous act are brought to book.
- (3) Explain what measures are in place to avert such events from recurring in future.
- (4) State what action the Government is taking to help the bereaved families to offset mortuary and burial costs.

Mr. Temporary Speaker, Sir, before I was elected as Senator, I was a Member of Parliament for Nyando Constituency for two terms. That is where we have lost young people in a manner that is still not well understood. It is my request to my Chairperson who is here, that these perpetrators must be brought to book. This heinous killing whereby innocent people who had just gone to a funeral in Busia County ended up being slaughtered like cows.

It is now my plea even to the people of Kisumu County to be calm as the Government comes in because this has created a lot of tension within Kisumu County. I want the Government to move with speed because killing people from one area at once and in one day is a big loss. I plead to with the Chairperson to move with speed as we go to lay them to rest this Friday so that these perpetrators are brought to book.

Sen. Haji: Mr. Temporary Speaker, Sir, many years ago, I was a District Officer in Nyando Constituency. First of all, I wish to send my condolences to the bereaved families.

Secondly, I wish to undertake that the Statement that has been requested by my colleague Senator will be addressed maybe in a weeks' time if possible.

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to add my voice. I commend sen. Outa for coming up with this Statement.

It is really painful that six members of a family can just die like that. It is also contravening Article 26 of our Constitution that everyone has a right to life. It also compromises the issue of security. It is unfortunate that this thing happened. We should never condone mob justice in whatever form. People should never take the law in their hands.

There is need for the Committee to ensure that it follows this issue up to the end and ensure the perpetrators of these heinous activities are brought to book. It will then serve as an example to other people who do such a thing. It is very painful because these were innocent people. They were not murderers, but they were treated like murderers. At the end of the day, some people have lost their spouses, children and so on because of this act.

The Committee should act with speed so that justice is not delayed for these affected families.

The Temporary Speaker (Sen. Lelegwe): Thank you. Sen. (Dr.) Mbiti, proceed.

Sen. (Dr.) Mbiti): Thank you, Mr. Temporary Speaker, Sir. This Statement by Sen. Outa is very timely, because right now, something is very wrong with our Police Service. Such incidents are becoming rampant, given that just the other day, we had an issue in Saboti, in my County, where two university students were lynched by mobs. This is an issue that---

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

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it Sen. Haji?

Sen. Haji: Mr. Temporary Speaker, Sir, is the hon. Member in order to accuse the police, whereas it is public knowledge that this was mob justice?

Sen. (Dr.) Mbiti: Mr. Temporary Speaker, Sir, it is common knowledge that it is the duty of the police to take care of the public. Whenever we have public gatherings, it is the police to ensure security of the people of Kenya. Therefore, we need to call upon the police to pull up their socks, because such instances of mob justice are increasing.

The other day during the elections in Kibra, we saw a whole Member of Parliament (MP) being attacked by the public as the police stood there just watching. What is their work, as a Police Service? Is it not to protect Kenyans?

(Applause)

I call upon the police to take their work very seriously, because they are abdicating their duties.

Thank you.

(Applause)

Sen. (Prof.) Onger: Thank you, Mr. Temporary Speaker, Sir. I request the Committee, while answering this unfortunate situation where innocent people from Nyando were murdered when they had gone to attend a funeral---

If you watch carefully, these days during the prime news, there is hardly any by-line in the news without mention of murder here and there. That, in itself, is a reflection of a downward trend in our social fabric, and how the public is responding to certain stresses and strains in the society.

Mr. Temporary Speaker, Sir, when the Committee will be looking at this singular case, they should carry out a social audit to find out why there are rampant murders throughout the Republic of Kenya. These murders do not even spare the young children, the middle aged or the old people; it cuts across the divide of the age groups.

There is something that the security organs should lay their hands on, because it is becoming very common to see murders left, right and centre, sometimes even without a reasonable cause.

Mr. Temporary Speaker, Sir, this Statement is timely. Maybe we should take that opportunity, through the Chair of the Committee of National Security, Defence and Foreign Relations or the Committee on Labour and Social Welfare, to give us an update of what is happening in this nation.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Finally, Sen. Farhiya.

Sen. Farhiya: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I thank Sen. Outa for bringing this Statement. This week alone, after going missing for some time, a lady was killed together with her three children. There are also two ladies who have separately been murdered in spouse-related issues.

From the killings that have been going on, it looks like life in this country has lost meaning. Morality is no more because someone should have some compassion to ensure that, at least, life is precious and, therefore, we should not kill people.

Mr. Temporary Speaker, Sir, I also wish that the Committee's investigation should also extend to these three cases that happened this week. I also advise ladies out

there who are listening; please get this. Sometimes the writing is on the wall, and we just refuse to see it. Please, move on. Do not allow these maniacs to come and kill you in the name of having a husband, who is just an animal.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Thank you, Sen. Farhiya.

Hon. Senators, we have to proceed. The Statement stands committed to the Committee on National Security, Defence and Foreign Relations.

The next statement is by Sen. Iman.

UNIDENTIFIED STOWAWAY ON KQ
FLIGHT TO HEATHROW

Sen. Iman: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Roads and Transportation, concerning the unidentified stowaway who fell from the Kenya Airways flight to Heathrow on 30th June, 2019.

In the Statement the Committee should:

- (1) State the identity of the stowaway who fell off the Kenya Airways plane moments before it landed at London's Heathrow airport on Sunday, 30th June, 2019.
- (2) Explain the circumstances under which the stowaway got access to the Jomo Kenyatta International Airport (JKIA), into the plane; and,
- (3) Explain the measures put in place to prevent the recurrence of such situations in the future.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Cheruiyot.

Sen. Cheruiyot: Thank you, Mr. Temporary Speaker, Sir. The issue being raised by my colleague, Sen. Iman, is very important. In the last few weeks, we have seen various Government agencies trading blame over what should be regarded as a very serious issue of national security.

Mr. Temporary Speaker, Sir, the dangers on the lives of the people who were in that flight cannot be over-emphasized. That the Kenya Airports Authority (KAA) was not prudent in executing its mandate, is not in question. However, what worries us more is that instead of giving a better explanation on the measures they intend to take so that, first of all, such instances do not recur, and giving the identity of this gentleman, all we are seeing is blame game; where nobody wants to take responsibility.

It is important for this matter to be put to rest. For us to assure the rest of the countries that use the JKIA that we are a serious country; and that we take security seriously, then the country deserves to know the truth.

I request that instead of the usual 14 days, this matter be expedited, and this House be briefed properly on it within the next seven days.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. I support this Statement, as well. This is an issue that has captured the nation. The very nature of the gruesome way that it happened is also shocking. It also highlights very clearly the issue we talk about; the issue of youth unemployment. There is desperation.

This Statement probably wants to delve even deeper, and try to find out the identity of the stowaway, which is still a question in dispute. That is amazing and a little bit shocking. As my colleague Senator has just said, there is also the issue of security at the airport and the people in the aeroplanes. There is some sort of loose nut there that needs to be tightened, as far as security matters are concerned. This is an unfortunate situation and an incident that we need to get to the bottom of.

Therefore, I hope that through the Committee, they will give us the right answers to those questions.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Statement. I am very careful in terms of the procedures that should be followed, because I keenly followed this issue. Recently, I remember that Kenya started its direct flights from Nairobi to the United States of America (USA). Therefore, this is a very sensitive matter. I am concerned that if it is not handled properly, we may end up losing that status.

What *Sky News* did in airing that story is to show that the Kenyan authorities are not taking security seriously. I am glad that Sen. Iman raised this matter. She might have raised it because she lived in London for many years. However, it is being disputed. I saw a story on the *British Broadcasting Corporation* (BBC); that the Kenya prison officers identified the images which were used as that of a person who is alive. So, we have to be careful.

I am happy that this matter has come to this House of reason so that we can assure the world that Kenya, particularly, Jomo Kenyatta International Airport (JKIA), is safe. I have travelled around the world, and JKIA is an important and safe airport. So, I do not know whether we should take this as the gospel truth or fake news. We should not allow fake news to destroy our international standards.