

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 17th March, 2020

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

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

PRAYER

Proceed, Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I rise to support this Motion. I do not believe that it is necessary for us to call for a complete Government shutdown because of this imported disease. We have been told that a fourth Kenyan has been found positive and he flew from London. All those who have been found to be positive got in touch with the person who flew in. So this is an imported disease.

I worry about Kenyans in the streets. I also worry about prisoners particularly who are locked in prisons because the people manning them are in contact with the rest of the world. If we were to panic, we are already bringing a lot of psychological issues. A lot of people sometimes end up dying not because of a disease but because of Post-Traumatic Stress Disorder (PTSD).

Mr. Speaker, Sir, the amendment brought about by Sen. Ochillo-Ayacko is for us to realize that first, we have got an economy which is different from the rest of the world. It will be completely hypocritical for us who are blessed to think. Once our life is disrupted, our salary will not stop. The people on the ground like the construction workers and those in prison who do not have anyone to defend them should be cushioned.

We are talking about what the Government should do. We have those who are out there who cannot come here and pass legislation to ensure that the Government suspends part of the rule of law to ensure that services get to the people.

Article 58 of the Constitution states when to call for a state of emergency. When the drafters of the Constitution were thinking about the state of emergency and when to call it, they were confused with the state of a democracy, where they gave the President very limited powers. When you look at other jurisdictions like the United States (US), the President, through an executive order, gave the person in charge of health powers to suspend the application of the rule of law.

Mr. Speaker, Sir, I support this amendment by Sen. Ochillo-Ayacko. It is important for us to be here so that we come up with measures. We need to ensure that emergency services are provided to ensure that all parts of this country get the services that we are currently enjoying. We should be talking about kits to test the people.

We do not have any kits for testing to ensure--- Sen. Mutula Kilonzo Jnr. spoke about that. It is important for us to be here. Even if we were to come here once a week, we need to ensure that our perpetual motion is not affected.

I thank you.

The Speaker (Hon. Lusaka): Your time is up. Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I was listening to Sen. Halake and she was speaking to what this Government ought to be listening to. Let me equate the speed to one legislator in USA who moved and pushed the surgeon director in the USA, to ensure that every American got free testing.

To be honest, this is not a disease that you can just easily say with that forehead thermometer that Sen. Sakaja has Coronavirus (COVID-19).

(Sen. Sakaja spoke off record)

No, let me qualify my statement. When we walk into this Parliament, the Serjeant-at-arms points the forehead thermometer to our head and if the temperature reads 37.8, we are taken into self-quarantine and some might even assume that Sen. Olekina has Coronavirus (COVID-19).

Mr. Speaker, Sir, we should not panic about this issue but we should be careful. In terms of testing, I would like the current CS whom I really respect because for once, meritocracy is at work.

Sen. Mutula Kilonzo Jnr.: It has worked.

Sen. Olekina: Mr. Speaker, Sir, it has fully worked in this country with the appointment of former Sen. Mutahi Kagwe. It is because when he speaks about what his Ministry is doing, as a Kenyan, you feel confident.

I would like to encourage the CS for the Ministry of Health to try and push so that every Kenyan can get free testing. We have always complained that the Ministry of Health is given a budget equivalent to five counties. It is about time now we saw the money in the Ministry of Health being used to support those poor Kenyans who cannot even access a 19 Rand kit or the actual test kit that Sen. Halake is talking about.

Mr. Speaker, Sir, I am worried about the economy of this country because we must have a perpetual motion machine. We buy and spend money. Those who need the money use that money to pay salaries. What happens when we have a complete Government shut down? What will happen to those people who are working who cannot be paid by the Government as we are paid?

It is important that we consider. That is why earlier on, I asked whether we really need a complete Government shut down or be proactive so that everything we make is perpetual and can help this country?

I am concerned about the social effects like stigmatization. The CS said that it is mandatory to self-quarantine; the Public Health Act is in effect on quarantine. What does it really mean? I am told that our colleagues from the other House who travelled abroad have been sent home to self-quarantine. What happens when Hon. Keynan now goes home? Will he sit down in the same house with his children or set a small room out there? What about the psychological effect? There are serious things that this Government should be telling us on how they are preparing Kenyans.

On the issue of our social gathering, I heard the Chairperson of the Council of Governors talk about suspending all mortuary operations. Psychologically and socially, this means that Kenyans are affected because there are those who value their last rights. This is a serious issue that we need to deal with seriously.

Mr. Speaker, Sir, this Motion is timely because it gives us an opportunity to go and think, look at what the Government is doing and consider whether it is for the benefit of our people. When I go to Narok County tomorrow, the first thing I will do is to look for volunteers who are trained health practitioners. We will then go to markets with soap - because we cannot afford sanitisers - and sensitise people so that it does not affect our motion machine. If a Maasai cannot go and sell a cow, where do you expect him to get food? If another Kenyan cannot go to the market to sell some linen, where do you expect them to get food?

This is an issue that all of us here should be serious about. The national Government must now think seriously. That is why earlier on, I was sharing with my colleagues that when we amend the Constitution, we must give the President enough powers. This House has not been given a role to play when it comes to declaring the state of emergency. We cannot just be rubber-stamping things yet we are supposed to be representing counties which make up the huge population of this country.

As I support this Motion, I think it is important for us to think critically about even prisoners because they are held in one area.

I heard the President giving a directive that schools to be closed. What about those officers who work in prisons? Should they also be confined in the prisons so that they do not get in touch with the outside world? If that is not taken into consideration, we may end up sentencing poor Kenyans who committed crimes. We might end up killing them.

Mr. Speaker, Sir, as I support this Motion, I hope that Parliament, through the Parliamentary Service Commission, will think about what to do to ensure that this country progresses.

I like what the Americans did. When the US President signed the executive order, it suspended the operation of certain laws and gave the Minister in charge of health more powers to circumvent the rule of law and ensure that certain things are done to help that country. That is what we should talking about in this Parliament. We should make sure that we help our people.

I support.

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

Hon. Senators, pursuant to Standing Order No. 59 (2) (b), I have received communication from the Senate Majority Leader, who is the Mover who was supposed to respond. He has handed the same responsibility to the Senator for Narok, Sen. Olekina.

Sen. Olekina: Madam Temporary Speaker, on behalf of the Senate Majority Leader, I would like to thank all the Senators who spoke very passionately on this matter and who have supported the Motion for Adjournment. This is important--- I can see one of our colleagues sneezing. I hope that they did not travel yesterday.

All the Senators spoke passionately about wanting to see a careful approach of dealing with this pandemic. The Senators spoke about the need for the Government to invest heavily in test kits. This is very important.

One of the things that concerns me is that as MPs in this country, we traverse the whole world trying to learn more on how best we can improve on our legislation framework. By doing so, we do not go there and isolate ourselves. We meet with other legislators and people. By doing so, we put ourselves at risk. The two-week period will give an opportunity to our employer, the Parliamentary Service Commission, to come up with serious mitigating measures that will ensure that we and the people that we represent are safe.

There are key issues that have been spoken about that I want to reiterate. One of them is to do with the issue of the economic stimulus. Sen. Sakaja asked various pertinent questions about what the national Government is doing. Are we talking about coming up with a stimulus package?

Other Senators spoke about money that will be given to this country by the World Bank. It is about Kshs6 billion. I would like to call upon the national Government, through the Ministry of Health, to consider giving a stimulus package to all the 47 counties. I am happy with the work that the CS, hon. Mutahi Kagwe is doing. If each of the 47 counties get Kshs1 billion to help the economy grow, we will help the *mama mboga* and the people who work in the construction sector. We will also ensure that everybody gets tested.

It is very sad that all of us are here.

Recently when we came back from Mombasa, and having interacted with other Senators who travelled, and now that I hear that they were on the same flight with some people who were confirmed to be positive, yet we do not have testing kits---

Therefore, testing kits are important. The best thing that this Government can do, besides setting aside or proclamation of National Prayer Day on 21st March 2020, is to invest more money on free testing kits; good testing kits. People should not start selling fake testing kits.

Madam Temporary Speaker, it is important that during this time, the National Treasury and Central Bank of Kenya come up with measures that will ensure that the perpetual motion machine where we spend, pay money and that money is used to pay taxes for doctors and police--- That motion should continue because if we panic, it will affect the way we grow as an economy.

One thing is very clear; this virus is spreading rapidly. Even though the Senators are taking two weeks off, nothing stops them from meeting with the Cabinet Secretary (CS) privately to hold a press conference. I am sure Sen. Sakaja will be able to do that. I will be concerned if he does not. This is why when we talk about the land use policy, we try to educate people on the dangers of many people living together.

In fact, when you go to some places in this Capital City, for example, Mukuru Kwa Njenga, you will be shocked. If one person is to be infected with that virus, this country will not be able to manage the number of people who will be infected.

Therefore, as we go on recess, it will give us an opportunity. Even for us, as Senators, to spend a lot of time with our constituents. When we go out there and hold public *barazas*, if some of us are infected, we shall infect an entire constituency and not be able to control it. This virus is spreading rapidly, but instead of being scared and panicking, it is important to give us an opportunity to sit down and evaluate ourselves.

Sen. Orendo said that when you enter a plane you are told that in case of an emergency, you first of all ensure that you put on your life-jacket before helping another

person. If there is anything to do with the oxygen, you put on the oxygen masks before helping even your child. These two weeks will give us an opportunity to go back and come back on 31st of March, and continue holding sittings once a week to ensure that we are safe, as well as the rest of the country.

I want to talk about the issue of psychological effect. Earlier on, most Senators spoke about the Post-Traumatic Stress Disorder (PTSD)---

The Temporary Speaker (Sen. (Prof.) Kamar): Just to draw your attention Senator, you have five minutes. I just wanted you to be okay with that.

Sen. Olekina: Thank you Madam Temporary Speaker. I am very cognizant of the time, but I thank you.

Just in conclusion, I want to encourage the Ministry of Health to come up with training on how the medical personnel in the hospitals can deal with the issues of psychological trauma, like PTSD. Currently, we do not know the number of people being diagnosed. However, if anybody is suspected of having been infected with the COVID-19, how do they deal with the issue of self-quarantining, which the CS has said is the law? If you do not self-quarantine, then you face the risk of going to jail.

As I finalise, it is important for us, as we go back to our constituencies and counties, to educate our people. Some of our people have no clue of what is happening in Nairobi. They hear of COVID-19 and ask what it is.

This will give us an opportunity, regardless of whether we have an oversight kitty, to go there. Take some time and set our political differences aside, sit down with governors, share our ideas, go down to the markets, educate the people and make sure that the Ministry of Health can produce and distribute enough sanitizers.

If there are no sanitizers, we should do what this company has done today. I want to recognize this company - I think it is called Pwani Oil Industries - because they have reduced the price of soap and cooking oil. That shows they care about the people.

We can also go there and spend the little money we have; buy sanitizers and put some soap and washing basins outside markets because our people have got to continue earning a living. In doing so, we will be showing them that the most important thing is for them to stay healthy, clean and improve their hygiene.

I beg to reply.