

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 19th September, 2023

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Do we have quorum, Clerk?

(The Clerk-at-the-Table consulted the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, kindly take your seats. I am informed that we do have a quorum now. Serjeant-at-Arms, you may stop the Bell. Clerk, proceed to call the first Order, please.

COMMUNICATION FROM THE CHAIR

COMMENCEMENT OF PART V OF THE SENATE CALENDAR OF BUSINESS

The Speaker (Hon. Kingi): Hon. Senators, I have the following Communication to make. First, I take this opportunity to welcome you back from recess in accordance with the Calendar of the Senate for the regular sittings. Part V begins today, Tuesday, 19th September, 2023 and will conclude at the rise of the Senate on the 19th October, 2023.

Hon. Senators, the past recess saw the Senate participate in two major activities. One, the Biennial Devolution Conference which took place from 15th to 18th August,

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2023, in Uasin Gishu County and the second major event was the African Climate Summit, which took place from the 4th to the 6th September, 2023, here in Nairobi.

The Devolution Conference brought together local and international delegates to learn and share best practices on pertinent issues affecting devolution in Kenya.

On the other hand, the African Climate Summit was held on the premise that climate change is the biggest challenge facing humanity and the biggest threat to all life on earth. Further, that Africa is facing the harshest brunt of the effects of climate change. If unabated, it will continue to have adverse effects on the African socio-economic well-being and hamper growth and development. Therefore, a unified approach that addresses climate change and the African development agenda was necessary.

The two events culminated in the signing of communiqués, which outlined actions that required to be taken with a view to ensuring;

- (i) the success of devolution; and,
- (ii) a concerted effort for African countries at combating climate change.

I take this opportunity to thank hon. Senators for turning up in large numbers to participate in both events. I also take this opportunity to urge the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Land, Environment and Natural Resources, together with the Parliamentary Caucus on Climate Action, to respectively interrogate the communiqués on the Devolution Conference and the communiqué on the African Climate Summit, and to develop the necessary legislative interventions to actualize them. By doing so, the Senate and Parliament in general, will essentially be walking the walk.

Hon. Senators, as we embark on Part V of the Senate Calendar, our in-tray is rather full already. A number of Bills, Motions, Petitions and Statements are pending consideration. I urge that we redouble our collective efforts in a bid to conclude the business by the end of the session in December, 2023.

I also urge the Senate Majority Leader and the Senate Minority Leader to do all that is necessary within the Standing Orders, so that the said business is fast-tracked.

My office remains at your disposal to assist you in discharging your constitutional responsibilities. I will continue to support each Senator individually and at the committee levels that we serve to enable you achieve what we have set out during this term of Parliament.

Hon. Senators, in conclusion, on 30th May, 2023, the Senate resolved to hold its plenary and committee sittings in Turkana County. The sittings will take place from 25th to 29th September, 2023 at the Turkana County Assembly premises. Preparations are now at an advanced stage to ensure that the sittings are a success.

I take this opportunity to urge all Senators to participate in this momentous event outside the precincts of Parliament in Nairobi. More information regarding the Turkana sittings will be communicated through the Office of the Clerk.

Next Order, Clerk.

MESSAGES FROM THE NATIONAL ASSEMBLY**APPROVAL OF A NOMINEE FOR APPOINTMENT TO
THE POSITION OF CHAIRPERSON OF CBK BOARD**

The Speaker (Hon. Kingi): Hon. Senators, I have received four Messages from the National Assembly and will proceed to read them over to you.

I wish to report to the Senate that pursuant to Standing Order 46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the approval of a nominee for appointment as the Chairperson of the Board of Central Bank of Kenya.

The Message, dated Thursday, 14th September, 2023, was received on Monday, 18th September, 2023, in the Office of the Clerk of the Senate. Pursuant to the said Standing Order, I now report the Message.

Pursuant to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

“Whereas, in exercise of powers conferred by Section 11(1)(a) of the Central Bank of Kenya Act, Chapter 491, as read together with Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President nominated Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of the Central Bank of Kenya and sought the approval of Parliament.

Whereas, in accordance with the provision of Section 11(2)(a) of the Central Bank of Kenya Act, Cap 491, as read together with Section 8(1) of the Public Appointments (Parliamentary Approval) Act 2011, the National Assembly by a resolution passed on Thursday, 14th September, 2023, approved the appointment of Mr. Andrew Mukite Musangi as the Chairperson of the Board of the Central Bank of Kenya.

Now, therefore, in accordance with the provisions of Standing Order 41(1) of the National Assembly, I hereby convey the said resolution of the National Assembly and seek the concurrence of the Senate on approval of the nominee for appointment as Chairperson of the Board of Central Bank of Kenya.”

Hon. Senators, pursuant to Standing Order No. 77 (1) of the Senate Standing Orders, which requires that upon receipt of notification of nomination for appointment to a public office requires to be approved by the Senate under the Constitution/legislation, the nomination shall stand committed to the relevant standing committee for consideration.

Consequently, this matter stands committed to the Standing Committee on Finance and Budget for their consideration.

I thank you.

REJECTION OF SENATE AMENDMENTS TO THE PUBLIC
FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILLS NO. 16 OF 2023)

I wish to report to the Senate that pursuant to Standing Order No. 46 (3) and (4), I received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the Senate amendments to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023).

The Message dated Thursday 14th September, 2023 was received on Monday 18th September, 2023 in the Office of the Clerk of the Senate. Pursuant to the said Standing Order, I now proceed to report the Message.

Pursuant to the provision of Standing Order No. 41 (1) and 148 (b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

“Whereas the National Assembly with amendment on Tuesday 27th June, 2023 and referred it to the Senate for consideration, and whereas on Tuesday 29th August, 2023, the Senate considered the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023) and passed it with amendments to Clause 6;

Further, whereas on Thursday 14th September, 2023 the National Assembly rejected the Senate amendments to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023), thereby committing the Bill to a Mediation Committee pursuant to Article 112 (2)(b) of the Constitution;

Now, therefore, in accordance with the provisions of Article 112 of the Constitution and Standing Order 149 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of Senators to the Mediation Committee on the Bill.”

Hon. Senators, consequent to the said decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the contentious Clause of the Bill in accordance with Article 113 of the Constitution-

- (1) Hon. Owen Baya
- (2) Hon. Martha Wangare
- (3) Hon. Omboko Milemba
- (4) Hon. Abraham Kirwa
- (5) Hon. Millie Odhiambo
- (6) Hon. (Dr.) Makali Mulu
- (7) Hon. Daudi Mohammed

Hon. Senators, pursuant to the provisions of Standing Order No.166 (2) of the Senate Standing Orders and in consultation with the Majority and Minority Leaders, I will, at the appropriate time, appoint Senators to the Joint Mediation Committee.

I thank you.

Hon. Senators, you may walk in and take your seat as we proceed.

(Several Senators walked into the Chamber)

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PASSAGE OF THE FOOD AND FEED SAFETY CONTROL
COORDINATION BILL (NATIONAL ASSEMBLY
BILLS NO.21 OF 2023)

I wish to report to the Senate that pursuant to Standing Order No.46 (3) and (5), I received a message from the Speaker of the National Assembly, while the Senate was on recess, regarding the passage of The Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023). Pursuant to the said Standing Order, I now proceed to read the Message.

Pursuant to the provisions of Standing Order No. 41 (1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

“Whereas The Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023) was published in Kenya Gazette Supplement No.75 of 24th May, 2023 as a Bill to provide for the coordination of public institutions involved in the control of food and feed safety to establish the office of the food safety controller and to provide for the role of the county governments in food and feed safety;

Whereas The Food and Feed Safety Control Coordination Bill (National Assembly Bills No.21 of 2023) was passed by the National Assembly on Wednesday 23rd August, 2023 with amendments and in the form attached herewith;

Now, therefore, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41 (1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate”.

I thank you.

Hon. Senators, kindly walk in and take your seats.

(Several Senators walked into the Chamber)

PASSAGE OF THE WATER AMENDMENT BILL
(NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)

I wish to report to the Senate that pursuant to Standing Order No.46 (3) and (5), I received a message from the Speaker of the National Assembly, while the Senate was on recess, regarding the passage of The Water Amendment Bill (National Assembly Bill No.33 of 2023). Pursuant to the said Standing Order, I now report the Message.

Pursuant to the provisions of Standing Order No.41 (1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

“Whereas the Water Amendment Bill (National Assembly Bill No. 33 of 2023) was published in Kenya Gazette Supplement No. 108 of 4th July, 2023 as a Bill seeking to amend the Water Act 2016 to operationalise public private partnerships in the water sector and to provide for supply of bulk water in counties by Water Works Development Agencies established under the Act;

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Whereas The Water Amendment Bill (National Assembly Bill No.33 of 2023) was passed by the National Assembly on Wednesday 23rd August, 2023 with amendments and in the form attached herewith;

Now, therefore, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41 (1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate”.

I thank you.

Clerk, next Order.

Sen. Osotsi, you will do the greetings later. Take your seat, we have business to transact.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF MPS FROM THE PARLIAMENT OF UGANDA

Hon. Senators, I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of a visiting delegation from the Parliament of Uganda comprising Members of the Committee on Equal Opportunities and its Secretariat. The delegation is undertaking a benchmarking visit with their counterparts in the Senate.

Hon. Senators, I request each Member of the delegation to stand when called out, so that you may be acknowledged in the Senate tradition-

- | | | |
|--------------------------------|---|--------------------|
| (1) Hon. Alyek Judith | - | Chairperson |
| (2) Hon. Acen Dorcas | - | Deputy Chairperson |
| (3) Hon. Ephraim Biraroo | - | Member |
| (4) Hon. Mukasa Aloysius | - | Member |
| (5) Hon. Otukol Sam | - | Member |
| (6) Hon. Kunihira Agnes Abwoli | - | Member |
| (7) Hon. Kayogera Yona | - | Member |
| (8) Hon. Adong’o John | - | Member |
| (9) Hon. Owili Geoffrey | - | Member |

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation. On behalf of the Senate and my own behalf, I wish you a fruitful visit.

(Applause)

I will allow the Senate Majority Leader and the Senate Minority Leader, each under one minute, to say words of welcome to the visiting delegation.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Ninajiunga na wewe kuwakaribisha waheshimiwa kutoka Bunge la Uganda. Tumekuwa nao katika mkutano hivi leo na tumeweza kugeuziana mahusiano ya hizi nchi mbili.

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Ni jambo nzuri kwamba wamekuja hapa kuona vile tunavyofanya kazi na pia kujijulisha mambo fulani fulani ambayo wanaona tofauti kati ya sisi na wao katika Bunge lao.

Tumeona mambo mengi yamefanana. Hata hivyo, kusema ukweli ni kwamba hawa wabunge wa Bunge la Uganda wametushindia kitu kimoja. Kiranja wao akiandika barua ya kwamba katika kamati hii nimetoa huyu na kuweka yule, Spika huwa hana njia yoyote ya kufanya isipokuwa kusema kuwa hiyo imekubaliwa.

The Speaker (Hon. King): Sen. Madzayo, kindly welcome the delegation.

(Laughter)

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Mimi nina imani ya kwamba ndugu zetu kutoka Uganda wamekuja hapa na wamefurahi kuona vile tunavyoendelea kufanya kazi. Wako hapa kwa siku mbili au tatu na wataendelea kujifunza na kuona.

Ndugu zangu Maseneta, ninaomba tuweze kuhusiana nao ili tuwe na uhusiano mwema baina ya nchi yetu hii na nchi ya Uganda. Uhusiano pia uendelee kama vile Sen. Mundigi husema ya kwamba yeye katika hizo harakati, amefaulu sana.

Asante.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker. I join you together with the rest of our colleagues in welcoming the visiting delegation from the Parliament of Uganda; our good friends and neighbours.

Kenya continues to have a great relationship with our neighbour Uganda. The friendship is founded on great sacrifices from both countries ensuring that our people live in harmony. On many occasions where there have been disagreements, we have solved them amicably.

Therefore, without a shadow of doubt, I can declare and know this for a fact that amongst all our neighbours, Uganda still stands very tall. On many occasions, if there is a country amongst even the East African Nations that Kenyans feel at home; interact from the food to the culture and in all aspects of life, then it is in the beautiful country, “the pearl of Africa”.

Therefore, I welcome this visiting delegation.

Mr. Speaker, Sir, just one final comment. In the last two years, as we have played with the Parliament of Uganda in the Annual East African Parliamentary Games, all our matches have ended in a draw. We drew 1–1 in Arusha, Tanzania in 2021. Last year, in Juba, South Sudan, the game ended in a barren draw.

I want to assure them that this time round, we have prepared well and we will down the Parliament of Uganda. So, tell your captain, my good friend, the hon. Mohamed Nzereko, the Member for Kampala Town, that we are coming for them together with your team manager, the hon. Minister Peter Ogwang’. This time round, the Parliament of Kenya will take down Uganda.

Otherwise, I do welcome them and hope they enjoy the full duration of their stay.

Thank you.

The Speaker (Hon. Kingi): Sen. Omogeni, you may proceed. You have under one minute.

Sen. Omogeni: Mr. Speaker, Sir, I want to join you in welcoming the delegation of the seven hon. Members who are benchmarking, from our neighbour, the Republic of Uganda.

I want to report to the House that under the Chairmanship of our Chairperson for the Senate Standing Committee on Labour and Social Protection, we had a fruitful engagement with the delegation from Uganda.

Let us pride ourselves as Kenyans. There is a lot that the hon. Members from Uganda were impressed about our country Kenya. They were impressed to learn that in Kenya, we have a court that is set under Article 162 of our Constitution that is dedicated purely to dealing with labour issues.

So, we are trailblazers in East Africa. They were also impressed with the facilities that we have as the Parliament of Kenya. Courtesy of the Parliament and the hon. Clerk, we hosted them for a very hard lunch and they were impressed to find *matoke*; a delicacy in Uganda.

We hope that this integration is the way to go. When we see a delegation from our brother country, Uganda, visiting us, it also by extension invites us, as Kenyans, to visit the Parliament of Uganda, so that we can learn.

I was impressed to learn that in their country, committees do not serve for the entire tenure of five years. You are appointed to serve for two and a half years. After that, you again get a fresh appointment from your whip.

So, this is very good. We were impressed. We wish you a fruitful stay in the City of Nairobi. We appointed Sen. Mundigi to lead the social interaction and he told me that tomorrow there will be a dinner between a few Kenyan Members of Parliament and the Ugandans.

When you go back to Uganda, please, say hi to our His Excellency Museveni. We are happy with what he is doing with LGBTQ.

I thank you.

(Laughter)

The Speaker (Hon. Kingi): Hon. Members, I have this Communication to make.

VISITING DELEGATION FROM THE
COUNTY ASSEMBLY OF KISUMU

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from the County Assembly of Kisumu.

The delegation comprises nine Members and four officers of the Committee on Delegated Legislation who are on a benchmarking visit with their counterparts in the Senate.

I request each Member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition-

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- (1) Hon. Mariam Abeid - Chairperson
- (2) Hon. Peter Obaso
- (3) Hon. James Omollo
- (4) Hon. Henrietta Bodo
- (5) Hon. Samuel Dede
- (6) Hon. Micky Ochieng
- (7) Hon. George Abaja
- (8) Hon. Regina Kizito
- (9) Hon. Moses Ochele
- (10) Pst. David Ochieng
- (11) Ms. Brenda Chasi
- (12) Mr. Zachary Nyalalo
- (13) Ms. Jacklyne Otieno

On behalf of the Senate and my behalf, I extend a warm welcome and wish you a fruitful visit.

I will call upon the Senator for Kisumu to say welcoming remarks in under minute.

(Loud consultations)

So, I will allow the “youth Leader” to take that part.

(Laughter)

Kindly proceed.

Sen. (Dr.) Oburu: Thank you Mr. Speaker, Sir, for the opportunity to welcome the delegation from Kisumu *dala*. It is a great honour for us, as the Senate, that we have a delegation from Kisumu choosing to come to the Senate instead of going to the other House.

This is a great House; a place to benchmark and where there is great debate. I hope that during their stay here, they will have an opportunity to learn what we do here in the Senate and how we take care of their interests because that is part of our function; to protect the interest of the counties.

Kisumu, where they come from, is the natural commercial centre of East Africa. It is where I was born and brought up. I am very proud to receive a delegation from my home County of Kisumu.

I take this opportunity to welcome and wish them a very successful visit to the Senate.

I thank you.

The Speaker (Hon. Kingi): Sen. Faki, you have under one minute, and thereafter Sen. Mumma.

Sen. Faki: Thank you, Mr. Chairman, Sir. I also join you in welcoming the Delegated Legislation Committee of the Kisumu County Assembly. This is a very important committee. I think many jurisdictions have not appreciated this committee. The

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work that this committee does is a lot and tomorrow when we meet with our Committee, we will appreciate what we do in this Committee.

Thank you, Mr. Speaker, Sir.

Sen. Mumma: Thank you, Mr. Speaker, Sir, for giving me an opportunity to welcome the team from Kisumu. Kisumu City is the cleanest City in East and Central Africa region. I am sure that team has come to learn from our good team on delegated legislation. We look forward to you going back and adding to the work of the County Assembly; improving your oversight and other functions that will contribute to Kisumu County being the greatest county in this Republic.

The Speaker (Hon. Kingi): Proceed, Sen. Onyonka, in under one minute.

Sen. Onyonka: Bw. Spika, ningependa kusema asante sana kwa kunipa fursa hii ili nizingumze na kuwakaribisha ndugu zetu ambao wametoka Kaunti ya Kisumu.

Leo asubuhi tumekuwa nao kule kwa Kamati ya *County Public Accounts Committee (CPAC)* na ningependa kuwaambia ndugu na dada zangu ambao wako hapa kuwa hili ni jumba la heshima. Mkirudi Kisumu muwaambie wananchi wetu kuwa tunashirikiana vilivyo. Kazi yetu ni kuhakikisha tumelinda ugatuzi na kuhakikisha kuwa tunarekebisha nchi yetu ili iwe ni nchi ambayo ni yenye heshima na ina maswala nyeti ya kutatua shida za maskini.

Asante.

The Speaker (Hon. Kingi): Next Order, Clerk.

PAPERS LAID

REPORT ON THE FINANCIAL STATEMENT OF KIAMBU COUNTY GOVERNMENT REVENUE FUND

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 19th September, 2023 –

Report of the Auditor General on the financial statements of the Kiambu County Government Revenue Fund for the year ended 30th June, 2022.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Next Order. The Chairperson Standing Committee on Finance and Budget, Sen. Ali Roba, welcome back.

(Applause)

JOINT REPORT ON APPROVAL OF MR. ANDREW MUKITE MUSANGI FOR APPOINTMENT AS CHAIRPERSON OF THE CBK BOARD

Sen. Ali Roba: Thank you, Mr. Speaker, Sir, for welcoming me back as I extend the same to the entire Senate.

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Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 19th September, 2023 –

Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee of the Finance and Budget of the Senate on the approval hearing for Mr. Andrew Mukite Musangi, nominee for appointment to the position of Chairperson of the Board of Directors of the Central Bank of Kenya.

(Sen. Ali Roba laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON APPROVAL OF MR.
ANDREW MUKITE MUSANGI FOR APPOINTMENT
AS CHAIRPERSON OF THE CBK BOARD

Sen. Ali Roba: Mr. Speaker, Sir, I beg to give notice of the following Motion- THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the vetting of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 19th September, 2023, and that pursuant to Section 11(2A) of the Central Bank of Kenya Act and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate approves the appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of the Central Bank of Kenya.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Sen. Beth Syengo. That Statement is dropped.

PROMOTION OF LGBTQIA AGENDA IN THE COUNTRY

(Statement dropped)

Proceed, Sen. Munyi Mundigi.

CAPITATION AND DISBURSEMENT OF FUNDS FOR THE
FREE DAY SECONDARY EDUCATION PROGRAMME

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to request for a Statement from the Standing Committee on Education, concerning the capitation and disbursement of funds for the Free Day Secondary Education (FDSE) Programme. In the Statement, the Committee should-

(1) Indicate the total funds disbursed by the Government to secondary schools through the FDSE programme up to the end of the second term in the current academic year on the basis of the allocated capitation.

(2) State the plan by the Government, if any, to review and adjust the FDSE funding from the current Kshs22,244 per student, to assist schools in managing significant real life in the course of our teaching, materials and meals for boarding students.

(3) Outline the strategies that the Government has implemented to enable schools' Board of Management (BOM) to review the compensation of support staff employed by the boards on behalf of the Government and indicate measures put in place, if any, to ensure timely emoluments of board employees by the schools' administration.

The Speaker (Hon. Kingi): The third Statement is by Sen. Tabitha Keroche. However, pursuant to a written request, that statement is dropped.

RECRUITMENT PROCESS OF BOARD MEMBERS
FOR MUNICIPALITIES IN NAKURU COUNTY

(Statement dropped)

The next Statement is by Sen. Crystal Asige.

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

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

(Interruption of Statements)

NOTICE OF MOTION OF ADJOURNMENT
UNDER STANDING ORDER NO.37

INSECURITY SITUATION IN LAMU COUNTY

Sen. Faki: Mr. Speaker, Sir, I rise pursuant to Standing Order No.37 of the Senate Standing Orders, to seek leave of the Senate to adjourn to discuss a definite matter of urgent national importance, namely, the Security Situation in Lamu County heightened by the recent attacks by suspected Al-Shabaab militants.

(Several Members stood in their places)

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The Speaker (Hon. Kingi): Hon. Senators, the Motion has attained the requisite number in support. Therefore, I will slate it for 5.30 p.m. today for discussion.

(Resumption of Statements)

Sen. Crystal Asige, that Statement is dropped.

STATUS OF RECOGNITION OF SPECIAL NEEDS
EDUCATION DIPLOMA PROGRAMMES BY TSC

(Statement dropped)

The Speaker (Hon. Kingi): The fifth Statement is by the Nominated Senator, Sen. Mbugua. Kindly, proceed.

STATE OF PREPAREDNESS FOR MITIGATION
AGAINST THE EFFECTS OF EL NINO RAINS

Sen. Mbugua: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee of National Security, Defence and Foreign Relations on the preparedness of the Government of Kenya in mitigating the effects of the anticipated El Nino induced climate extremes between August and December, 2023.

In the Statement, the Committee should-

(1) Highlight the cross-sectoral preparedness by the Government in mitigating the adverse effects of the anticipated El Nino induced climate extremes to avert human suffering and prevent environmental degradation.

(2) Explain the measures and policies, if any, established by the national Government and county governments on disaster intervention through capacity building for early warning and disaster preparedness, and how the same is being applied to mitigate climate-related disasters.

(3) State if there is substantial public awareness of the impending impact of the anticipated El Nino weather phenomena, particularly to the vulnerable population.

(4) Ascertain whether the national Government and county governments have instituted cross-sectoral collaborative teams to manage the effects of the anticipated El Nino, drawing lessons from the past oversights and neglect as witnessed in the El Nino catastrophe of 1997/1998.

I thank you.

The Speaker (Hon. Kingi): Senator for Nairobi City County, Sen. Sifuna, just make the two Statements at once.

ALLEGED HIRE OF CORPSES FROM MORTUARIES
DURING THE ANTI-TAX DEMONSTRATIONS

Sen. Sifuna: Most obliged, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding a morbid and most unfortunate claim that corpses were hired from morgues during the anti-tax demonstrations of June and July, 2023.

In the Statement, the Committee should-

(1) Ascertain the authenticity of the claims by the Inspector General (IG) of Police that corpses were hired during the June and July demonstrations. If so, set the number of bodies hired, the mortuaries involved and the culpable individuals and organizations.

ALLEGED UNFAIR HIRING AND PROMOTION OF
NURSES IN HOSPITALS IN NAIROBI CITY COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Health on the prevalent and unfair hiring and promotions of nurses at the Kenyatta National Hospital (KNH) and hospitals run by the Nairobi City County government. In the Statement, the Committee should-

(1) Explain why the KNH employs new nurses from outside on permanent and pensionable terms through routinely issued internal advertisements, while bypassing many of those already on contract at the same institution.

(2) Investigate allegations that promotions to hire nursing cadres at the hospital do not follow the key elements of experience, institutional knowledge and fair labour practices.

(3) Force the KNH management to provide a comprehensive breakdown of recent employment and promotions in the nursing cadres covering the last two years for both permanent and contract employees with emphasis on relevant qualifications, experience and equity in hiring.

(4) Explain the reasons for unfair or skewed promotion among nursing cadres in the Nairobi City County hospitals, where there are allegations that some nurses who have worked for 10 or more years are only promoted up one scale instead of the two that is expected.

I thank you.

The Speaker (Hon. Kingi): Thank you.

Next, Sen. Tabitha Mutinda.

THE STATE OF DIGITAL SKILLS LITERACY IN KENYA

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology regarding the state of digital skills literacy in Kenya. In the Statement, the Committee should-

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(1) Provide data and statistics on digital skills literacy among Kenyan public officers and the general population, clarifying whether there is a standardized assessment tool used to gauge digital skills proficiency among the Kenyan population.

(2) Report to the implementation of the Kenya National Digital Master Plan for the period 2020/2032, aimed at, among other things, equipping over 20 million Kenyans with digital skills.

(3) Indicate whether any efforts have been made by the Government to incorporate technology effectively into the education curriculum in Kenya.

(4) State the measures put in place to promote digital literacy to ensure all Kenyans access digital job opportunities and Government services that are offered online, and are aware of the cyber threats, indicating any collaboration the Government has with entities in the digital space.

I thank you.

LOSS OF AN AK-47 RIFLE AT NDHIWA POLICE STATION

Sen. Ogola: Mr. Speaker, sir, I rise pursuant to the Standing Order No. 53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the loss and subsequent recovery of an AK 47 rifle in Ndhiwa Police Station, Ndhiwa Sub-County, Homa Bay County. In the Statement, the Committee should-

(1) Explain the circumstances leading to the loss and eventual recovery of an AK 47 rifle at Ndhiwa Police Station, outlining the precise chain of custody, including the issuing authority, the recipient, the intended purpose for which it was issued, and whether any other firearms were issued concurrently.

(2) Provide a comprehensive report regarding the duration of the missing rifle when it remained unaccounted for, stating whether any suspects were identified as having been involved in its disappearance.

(3) Elucidate the circumstances surrounding the recovery of the AK 47 rifle, including details on when and how it was located, the condition it was found in and the method employed to recover it.

(4) State the current assessment of safety and security within Ndhiwa Community in light of this event.

The Speaker (Hon. Kingi): Next Order, Clerk.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD FOR SPECIFIED BILLS

The Speaker (Hon. Kingi): Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I beg to move the following Motion-

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THAT, pursuant to the provisions of Standing Order No.139, the Senate resolves to reduce the publication period of the following Bills that were published on 15th September, 2023, from 14 days to four days.

- (i) The Facilities Improvement Financing Bill, Senate Bills No.43 of 2023; and,
- (ii) The Primary Health Care Bill, Senate Bills No.44 of 2023.

Mr. Speaker, Sir, this is a procedural Motion that seeks the indulgence of the House that we reduce the publication period of these particular Bills because they are of an urgent nature.

You appreciate that health is a devolved function. There has been a conversation about the place of county governments Universal Health Coverage (UHC).

I have confirmed with the Chair and Members of the Senate Standing Committee on Health that they had extensive conversations about these four Bills. Two have begun in the National Assembly and two are beginning in the Senate.

This is so that getting to the second quarter of the financial year in our county assemblies, our counties can streamline their operations with UHC.

I find the reasons given justified, both from the National and the county governments. Therefore, I request that the House agrees that the Committee on Health considers this Bill within that specified period.

The beauty of this is that they will do public participation in Turkana County, which is quite important because it is one of the affected counties that need UHC.

With those many remarks, I beg to move and request the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Madzayo): Thank you, Mr. Speaker. Sir. I second.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, you will note that under Standing Order No.111(4) each of you will have 20 minutes to make their contribution on this matter. You may, however, wish to invoke Standing Order No.111(1) and limit debate. Nevertheless, this is up to you. This being a Procedural Motion, we may either limit debate or proceed straight to put the question.

Hon. Senators: Put the question!

(Question put and agreed to)

BILLS

First Reading

THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO.30 OF 2023)

(Order for First Reading read- Read the First Time and Ordered)

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to be referred to the relevant Senate Committee)

First Reading

THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL
(NATIONAL ASSEMBLY BILLS NO.21 OF 2023)

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

First Reading

THE WATER (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.33 OF 2023)

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

First Reading

THE FACILITIES IMPROVEMENT FINANCING BILL
(SENATE BILLS NO.43 OF 2023)

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

First Reading

THE PRIMARY HEALTH CARE BILL
(SENATE BILLS NO.44 OF 2023)

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

The Speaker (Hon. Kingi): Next Order.

(The Clerk-at-the-Table consulted the Speaker)

Sen. (Prof.) Kamar, kindly approach the Chair.

(Sen. (Prof.) Kamar approached the chair)

The Speaker (Hon. Kingi): Hon. Senators, for the convenience of the House, I will proceed to rearrange the sequence of today's Order Paper, pursuant to Standing

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Order No.45 (2). We will proceed to prosecute Order No.19. Thereafter, we will proceed with the other Orders as sequenced in the Order Paper.

Clerk, kindly proceed to call out that Order.

BILL

Second Reading

THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO.9 OF 2023)

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir. I beg to Move that The Kenya Sign Language Bill (Senate Bills No.9 of 2023) be now read a Second Time.

Before I proceed, I would like to inform the House that this is the International Week for the deaf and it is an appropriate time to Move this Bill.

Also, I send a warm message of congratulations to Kenyans with hearing impairment. Moreover, I would like to remember the sign language technical teams; those in the media who interpret and the teachers for the special children.

As a Committee on Education, we visited several special education schools, which included the School for the Deaf in Uasin Gishu County. This week is being celebrated all over the country. However, I send greetings to teachers who have chosen to be special education teachers. These are special people in the country as they have the patience, courage and intelligence to communicate what most of us cannot.

Mr. Speaker, Sir, the Kenyan Sign Language Bill, 2023 aims to create a comprehensive legal framework for the use of sign language. This will ensure deaf learners are given the same opportunities as all other learners in the education system, to be fully effective and productive members of the society. It is extremely important because of the child's right to education, which is a basic right in the Constitution.

Before setting out the specific provisions of the Bill, it befits us to understand the motivation behind the legislative proposal. The linguistic landscape can be challenging for the deaf or hard of hearing population because traditional spoken languages may not be accessible to them. This creates barriers to education, employment and participation in public life.

In other jurisdictions such as Australia, it is now increasingly recognised that signing deaf people constitutes a group like any other non-English speaking language group. This shows that meaningful legal recognition of national sign language leads to better enjoyment of human rights.

It is also worth noting that our Constitution recognizes three languages: English, Kiswahili and Kenyan Sign Language. The Kenyan Sign Language Bill carries significant consequences for the inclusion and accessibility of deaf individuals in the Kenyan society. It seeks to dismantle barriers that have hindered the full participation of the deaf community in various spheres of life including judicial proceedings, education and employment.

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In a way, this is a group that has felt discriminated against, although there are constitutional provisions that give them the right. Therefore, the Bill draws its strength from Article 10(2) of the Constitution. It designates human dignity, equity, social justice inclusivity, equality, human rights, non-discrimination and the protection of the marginalised as national values and principles of governance.

Further, Article 7(3)(b) of the Constitution emphasizes the promotion of indigenous languages. These includes the Kenyan Sign Language, Braille and other communication formats accessible to Persons with Disability (PWDs).

Similarly, Article 54(1)(d) stipulates that a person with any disability is entitled to use Kenyan Sign Language, Braille or other appropriate means of communication. Therefore, the Constitution envisions those public institutions shall establish facilities to ensure the inclusion of deaf persons and those who are hard of hearing in their processes.

Mr. Speaker, Sir, Clause 4 of the Bill provides formal recognition to the use of Kenyan Sign Language by the deaf or those of hard hearing, emphasising its importance in communication. Clause 5 of the Bill outlines the duties of both the national and county levels of government regarding the sign language development. This includes, consulting the deaf community on matters relating to its development, use and promotion; using sign language in Government services and public information; providing free interpretation in Kenyan Sign Language to those who rely on it to access statutory entitlements or services; and ensuring information relating to public services is accessible.

On the other hand, Clause 6 ensures that the person whose first or preferred language is Kenyan Sign Language, is entitled to use Kenyan Sign Language in legal proceedings. Therefore, judicial officers are required to ensure that competent and recognised interpreters are available during such proceedings. This is extremely important because when a deaf or hard of hearing person goes to court in this country, they are at the mercy of whoever is available in the judicial system.

This Bill will make it compulsory and mandatory that these people are facilitated properly. In fact, there are cases where a parent or a guardian takes such an individual to court and changes the meaning of what they wish to pass. It is very important that they be independent at the stage when they are required to use this language to communicate.

Mr. Speaker, Sir, the Bill obligates the Cabinet Secretary for Education to provide educational support for deaf learners. This support includes teaching methods that cater for the understanding of curriculum; assistance in acquiring competence in the use of English and Kiswahili languages; teaching Kenyan Sign Language in the sign form; setting aside funds for educational material; and offering Kenyan Sign Language courses and interpretation in teacher training institutions. Finally, this support will also include providing placement for teachers of the deaf or hard of hearing children and ensuring accessible reading material in English and Kiswahili for the deaf community.

It is good to note that when we had public participation for this Bill, we were very much surprised by parents who said deaf children, have had a lot of conflicts as far as communication is concerned. It is because at home, their families have adopted a way of communicating with them, which is just known to the family. When they go out and meet other children, the other children sign differently. If they do not have a unified way, they

hardly communicate to anybody. A deaf child is a very unique child because this is a child who is well in all ways except that they cannot communicate.

That is why it is very important that in this Bill, the Cabinet Secretary for Education considers these very special children in a way that they be provided for at a very early stage.

In fact, somewhere in the Bill, we have also mentioned that these children should be in school under the integrated system. This is because the issue of integration is coming up internationally, that special children do not really have to be alone. How do we ensure that they are not alone? There is a proposal that we have put in this Bill; that we would like the Kenya Institute of Curriculum Development (KICD) to have a curriculum that can be enjoyed by all our children.

Mr. Speaker, Sir, at the age of six, children can learn anything. They can learn 10 languages. They can speak Luhya, Kikuyu, Kalenjin, Kiswahili and English at the same time and communicate to different people. Sign languages is one of those languages that we want to introduce. This Bill is trying to introduce that because it will be fun for the children but now, it will enable us to integrate these children.

The Cabinet Secretary has a lot of obligation here. To get materials that can be taught; not only in the school but also in the training institutions. This is because what we need are teachers who can communicate and who go to any nearby school because this is a special child whose parents have not even decided where they will take them.

You find that they go to regular schools with the other kids but when they go to school, they cannot communicate with anybody. So, we are also proposing in the Bill that these materials should be spread to other schools. We do not want it even to be a club but we want all the children to learn it. However, I will be mentioning it again a bit later.

Mr. Speaker, Sir, the Bill mandates the Kenya Institute of Curriculum Development (KIE) to develop, review and approve appropriate programs and curriculum support materials for learners who are deaf or hard hearing. Additionally, the Bill requires the Cabinet Secretary in consultation with the relevant bodies to develop a national system of standards, accreditation and procedures for Kenyan sign language interpretation. This is done with input from members of the deaf community.

This Bill also empowers the Cabinet Secretary in consultation with the Kenya National Accreditation Agency (KNAC) and the members of the deaf community to regulate the provision of Kenya Sign Language interpretation. It is very important that this be regulated.

We have seen mushrooming of people who are saying that they are qualified interpreters and those of us who do not know whether their interpretation is correct or not just assume that you hire somebody when you have a workshop.

Currently, we are saying that we should have interpreters in workshops, meetings and conferences. We have been hiring interpreters without necessarily knowing whether the sign language that they are doing is the right quality or the right standard. So, it is very important that that is also regulated. So, this includes establishing procedures and criteria for the registration of interpreters and maintaining a register of the Kenya Sign Language Interpreters.

This is very important so that whenever we have conferences, whether it is this Senate or KEWOSA or any other group and we need an interpreter, we just check the website of the Kenya Sign Language Interpreters and pick whoever we want from there. That way, we will have standardized and we would know who can do the work.

Ideally, the Bill also stipulates that, individuals wishing to provide Kenya Sign Language Interpretation services must apply for registration with the Ministry of Education. This is very important. Just the way we say you must register as a teacher with the Teachers Service Commission (TSC), we need a body within the Ministry of Education that registers interpreters so that we do not have everybody or any Tom, Dick, and Harry coming in to say that I am an interpreter.

Therefore, there should be a designated officer from the Ministry of Education appointed as the registrar of the Kenya Sign Language Interpreters responsible for maintaining the registered interpreters in an accessible manner so that anybody who requires the services of interpreters can also access them easily.

The Bill permits individuals to inspect the register upon payment of a prescribed fee ensuring transparency and accountability. The Bill also emphasizes the importance of a code of conduct for sign language interpreters and the promotion of basic Kenyan language among government employees at the National and county level. This promotion as I had mentioned earlier means we all need to start learning how to utilize the language.

A parent came to us during the public hearing of this Bill and we were surprised that when she discovered that her child was deaf, she decided to train the whole family. They had a private person coming in to talk to them in sign language so that they were able to communicate to this child.

Every child has a right to education in the form in which they can enjoy their education. It is very important to note that it goes beyond that child. It touches everybody else around that child. So, Kenya Sign Language should just be one of our third languages and we should all learn how to use it so that we can communicate with these very special Kenyans.

The Kenya Sign Language Bill emphasizes inclusivity, equality and protection of the rights of a minority population called the deaf in this country. In a diverse society like Kenya where numerous languages are spoken, it is essential to ensure that no one is left behind due to communication barriers.

The Bill mandates the provision of sign language interpreters in various public services making information and services more accessible to this group. Access to sign language can improve social inclusion and participation in various aspects of society such as community events, public meetings, and cultural activities. Hence the need to make this language as prominent as the other languages.

By mandating the use of Kenya Sign Language in judicial proceedings as I said earlier, the Bill ensures that deaf individuals have equal access to justice. Sign language legislation can help protect the rights of the deaf community and ensure that they are not discriminated against. This is a fundamental right that should not be denied based on one's hearing ability. We continue to emphasize in this Bill the use of sign language in the judicial proceedings.

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Some people have even lost land because they did not know it was a transaction that was going on as communications were happening even when they were sitting next to the person. So, we must provide a way of communication for them. Hence, the importance of the sign language Bill.

This Bill places a strong emphasis on education support for deaf learners. The Bill can have provisions related to education ensuring that deaf students have access to quality education that includes sign language as a medium of instruction. This can empower deaf individuals with the skills and knowledge they need for personal and professional development.

Although the integrated education system is dominant in Kenya, local schools that accommodate learners with disabilities encounter great challenges in creating an inclusive setting. Promoting the use of sign language and providing support for deaf individuals in education and employment, such legislation can enhance their access to job opportunities and reduce discrimination in the workplace.

When we went to the school for the deaf in Eldoret, we saw the challenges that the teachers encountered. Because teaching materials that are given to these schools are similar to those given to other schools. We also discovered that there is no provision on the ratio of the learners to the teachers because, for a special child, the ratio has to be different because of the attention that these children require. We discovered that there are still many challenges that this Bill is trying to cure.

Therefore, this legislation seeks to acknowledge the status of Kenya Sign Language as a legitimate and distinct language in the Constitution. This recognition is essential in preserving linguistic diversity and cultural heritage. Nonetheless, the use of sign language as a teaching instrument is not fully integrated into the Kenyan education system with over half the schools not having a sign language curriculum.

Mr. Speaker, Sir, this challenge is even touching on the training institutions of our teachers. This is because teachers in particular encounter special children because you never know when a deaf child or a child with epilepsy is brought to your class and all those.

It is very important that as we talk of curriculum for learners, we also talk of the curriculum of the training institutions so that every teacher can handle these kinds of children.

Deaf children are very easy to handle because they can see and understand everything around their environment by seeing but they also need to communicate. Therefore, we are also proposing that a course on sign language should be undertaken in the teacher training institutions.

Just like we say your second language is Swahili, take a third language called sign language as a teacher so that every teacher can communicate. That way we will also have several people in society that can communicate on our behalf and be able to help if there is a challenge like that.

Apart from teachers that we have in special training, the Kenya Institute of Special Education (KISE) and other institutions of special education, we also need in the normal ordinary training Teachers Training College (TTC) to include a course that will enable every teacher to communicate. That will not be too much for the teacher. It is a

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skill that they can learn within the same period when they will be learning other things and it will be very useful.

Mr. Speaker, Sir, as I conclude, this country has signed and ratified international agreements and conventions that promote the rights and inclusions of People with Disabilities (PWD). Enacting sign language legislation can demonstrate a commitment to meeting these international obligations. It also includes provisions for raising awareness about the importance of sign language and deaf culture among the public and relevant institutions.

I sincerely thank the members of the Committee on Education and my co-sponsor, Sen. Crystal Asige who will be contributing later when she comes, for insightful contributions during the consideration of the Bill. I also thank the stakeholders at large because we had a very vibrant public participation.

I would also like to recognize in a very special way the Senator who worked with me in the last Senate, Sen. (Dr.) Musuruve, who was really a part and parcel of this Bill. We started the Bill with her and she did a lot of the contribution at the beginning because this Bill was picked in this Senate. I recognize her in a very special way. She did a very good job on this Bill.

Mr. Speaker, Sir, I thank you. I request Sen. (Dr.) Khalwale to second.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I would like to congratulate Sen. (Prof.) Kamar for giving me this opportunity to second this very important Bill.

This is a very important matter and it is not surprising that a medical expert is the one seconding it. Sometimes the House would help if we were seized of the seriousness of a Bill based on actual human experience.

Mr. Speaker, Sir, this is not a light matter. It is estimated that over 1.5 billion people, worldwide, are affected with some degree of loss of hearing. Worldwide, we have 70 million people who are afflicted with deafness.

The bad news is that out of this 70 million in the world, 80 per cent of them are from the developing countries. That means that it is a problem in Africa and by extension therefore, in Kenya. So that it is not lost to us, the problem of hearing loss not only affects the individual but also their family and friends as well as the economy. These people are not able to make their contribution in creation of the commonwealth of the family, community and nation.

Therefore, I request members that we all stand behind Sen. Crystal Asige and Sen. (Prof.) Kamar in quickly passing this Bill. I would like to draw the attention on what causes loss of hearing. The common cause is the natural aging process. As people age, the loss of hearing become more evident. We then have contribution from accidents. It could be a mass accident for example, a road traffic accident or a direct hit on the hearing organ or organs.

Something which is really lost to many Kenyans and which is very important is deafness as a result of noise pollution. Noise pollution is so rampant that it comes to some very bad and good places.

We all would be happy to condemn the loud music in the estates and disco *matangas* that take place in villages because they are bad. However, we are also lost to the fact that churches are coursing serious noise pollution.

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Some of the churches and I would not wish to name any would go on playing their drums, shouting and preaching late into the night and this causes pollution. With that, slowly by slowly people lose their hearing capacity.

Is it lost on you Members that some of the very loud preachers --- I know my very brother Bishop is looking at me with very keen eyes. I am speaking technically not emotionally. It should not be lost on us that if you listen to a preacher who preaches most of the time, they tend to speak louder because they think that the people they are talking to are not hearing them. They raise their voices because their hearing capacity by itself has gone down.

Mr. Speaker, Sir, without the proper intervention, we have diseases that affect the ear, the nose, the throat and lead to loss or decrease in hearing.

The most scaring is that 60 per cent of the young people, 18 years and below who therefore, this Bill is really attempting to uplift, get deaf because intervention was not made at the proper time. The proper time is simple. It is to encourage our women to attend child maternal clinics when pregnant ---

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, would you wish to be informed by Sen. Kavindu Muthama?

Sen. (Dr.) Khalwale: Certainly, the gracious lady may inform me.

The Speaker (Hon. Kingi): Kindly proceed.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. I inform Sen. (Dr.) Khalwale that I am a preacher and that I do not preach loudly but moderately. Therefore, it is not true when he says that preachers preach loudly because they have lost their hearing. I know that because I am a preacher.

This is a point of correction and I request he withdraws that and apologizes to preachers.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, I understand that you are a medical doctor but is your statement based on your medical experience, that the more preachers speak loudly, the more their hearing is diminished? Are you saying this in your capacity as a medical doctor or is this just a statement that is not based on any scientific fact?

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I apologize to my sister, Sen. Kavindu Muthama if in any way my statement was an affront to preachers. However, doctors will tell you that hearing is a manifestation of successful communication. That is why we are making a Bill today for deaf people in order to assist them communicate with people.

In a public rally, the reason why one raises their voice is because medically, the intellect of the mind is tuned to inform you that as you speak, the people you are speaking to must hear you. As you strain yourself, shouting to those people 100 metres away in order for them to hear you, you will also be hearing yourself and your voice will be polluting your own ears.

Mr. Speaker, Sir, having apologized, I will not go further than that but please, allow me to conclude my contribution. I was saying that those children whose mothers do not attend clinics or take them to clinics in their neonatal period are more likely to lose their hearing sense. This affects 60 percent of the population below 18 years.

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I urge the public to know that there are interventions we can make to reduce the number of people with deafness or diminished hearing capacity. You would make a huge contribution if you gave good maternal care to pregnant women and good neonatal care to newly born children. Most people who are on social media have access to modern telephony and have a good education are the minority community of our Nation and they may take these matters lightly.

We also encourage people to have positive methods of communicating with children. A teacher might think a child is foolish if they do not talk positively to those children with diminished hearing. Positive communication means that you talk to these children while having eye contact.

Members of the public ought to know that as we create this law, we have hearing aids that make a difference. Mr. Speaker, Sir, this House knows the common hearing aid that has loops that are looped into a patient's ear and they help in hearing and where families can afford, there are cochlear implants for use as hearing aids.

Lastly, I am happy that the most important part is captured in this Bill. Both the national and county governments must make their own contribution in increasing the number of interpreters. If you go to some of our rallies or watch some of our football matches or crusades, the people who interpret are usually volunteers.

Mr. Speaker, Sir, they know that in those crowds or audience, there will be people who cannot hear and they therefore make their own contributions so as to help. We should all work towards increasing the number of interpreters.

With those remarks, I second the Bill as moved. I thank you, Mr. Speaker, Sir.

(Question proposed)

The Speaker (Hon. Kingi): You may now proceed to make your contributions. Sen. Wambua.

Sen. Wambua: I thank you, Mr. Speaker, Sir, for the opportunity to contribute to this Bill. As I do that, I join you and the Leadership of the Senate to welcome back our colleagues from recess and I hope that this Session shall be fruitful for the benefit of the people we represent in this House.

I also take this opportunity to thank and congratulate Sen. (Prof.) Kamar and Sen. Crystal Asige for coming up with such a wonderful Bill - the Kenyan Sign Language Bill (Senate Bills No. 9 of 2023). I will go straight to the provisions of the Bill and declare that I fully support it.

The objects of this Bill as captured in Clause 3 (a) to (i) can be summed up as an attempt to help the deaf in the society to realize their full potential, both in school and the larger community. The promoters of this Bill have applied their minds to constitutional provisions on the right to develop the Kenyan Sign Language and reduced that to a Bill. If it will be passed, this Bill will give effect to the stated constitutional provisions.

Mr. Speaker, Sir, the Bill in Clause 4 speaks to a targeted public participation. Hon. Colleagues, the one thing the Constitution of Kenya, 2010 blessed this Nation with is the provision that ensures public participation before any legislation in any House or

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Assembly becomes an Act of Parliament or law. That way, the public can have a say on how they are being governed and how the laws that govern them are being made.

Mr. Speaker, Sir, for the most part, in a lot of instances when we are making laws, public participation has more or less become Public Relations (PR) and an act of ticking the boxes and ensuring that we have lived to the expectations of the Constitution and the law.

In this Bill, the promoters are pushing for targeted public participation by the users and consumers of the Kenyan sign language so that they are brought on board and their views, needs and aspirations catered for when it comes to legislation.

Clause 6 recognizes that the Kenyan sign language is a first language to a section of our society and a first language by choice to a section of our society. In so doing, it pushes for the use of sign language in legal proceedings, our courts and tribunals. That is a big step and a step in the right direction.

Even as we push for that to happen in legal proceedings, I take this opportunity to congratulate our mainstream media houses. Over a period of around 7 years, media houses have invested in sign language especially for their news bulletins. I encourage them to take a bold step and make sign language part of their every day, every minute and every hour communication with the public. That way, even in broadcasts that are not news bulletins, we have interpreters who use sign language.

Mr. Speaker, Sir, I like the provisions of Clause 7 of the Bill where a Cabinet Secretary (CS) is obligated to ensure that deaf learners are taught in a manner which they can understand. Teachers of deaf children acquire sufficient competence in the use of English and Kiswahili language and development of supportive instructional materials for the education of deaf learners.

The provisions of that Clause have very far-reaching implications on the CS responsible for education. By nature of which this Clause has been drafted, it obligates the CS to make sure the training and recruitment of additional special teachers, especially teachers for deaf children. That Clause ensures that the Kenya Institute of Special Education (KISE)--- I will cross reference that to the provisions of Clause 18.

For the longest time, KISE, which is based in Nairobi City County, has been the only institution in this country that is training special teachers. That is why all the time, the competition for enrolment at KISE has overwhelmed the capacity of the institution to absorb as many teachers as are necessary to make certain that the provisions of Clause 7 of this Bill are met so that we do not pay lip service to a Bill as important as this. Mechanisms must be put in place.

I am very sure that my teacher, Sen. (Prof.) Kamar, would follow through on this to make sure that we begin to devolve KISE. KISE cannot just be based in Nairobi City County. There would be a need to devolve that institution so that in Kakamega County, we have a KISE in the same way that we have Kenya Medical Training Colleges (KMTC) all over the country, even at the constituency level.

We open opportunities for teachers to be trained for special education all over the country. That way, the provisions of Clause 7 would begin to make sense.

Mr. Speaker, Sir, the other obligation on the CS is that there is need for him or her to ensure that there is development of sufficient supportive instructional materials. We

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must also find a way of making it an obligation on the Minister for Education when they are doing capitation for schools, to ensure they factor the need to purchase special instructional materials to cater for the needs of our children with difficulties in hearing.

Mr. Speaker, Sir, I fully support this Bill. As I conclude, the provisions of Clause 18 which I had made reference to--- In fact, what the promoters of this Bill are saying is that as much as is practically possible, everybody who goes to school needs to be trained in the Kenyan sign language. That is aspirational but a good step. It is a place to begin so that in future, the Kenyan sign language -it will be called Kenyan which means it is uniquely Kenyan- becomes the third official language in this country.

That way, we do not need special interpreters of messaging on radio, television and public rallies. If I go to Kakamega County to address a rally, I can easily call any person that has gone to school and tell them to come and translate for the people. Everybody then would have attained sufficient competences for Kenyan sign language.

If this Kenyan sign language is our language - which I believe it is - then we must show it by example, begin to teach it in schools and it becomes an examinable subject.

With those many remarks, I support the Bill.

The Speaker (Hon. Kingi): Sen. Cherarkey, before you proceed, allow me to make this communication.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF KAJIADO

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge in the Speaker's Gallery this afternoon, a visiting delegation from the County Assembly of Kajiado.

The delegation comprises of three officers from the Office of the Speaker, who are on a benchmarking visit with their counterparts in the Senate.

Now, Hon. Senators, on behalf of the Senate, and on my behalf, I extend a warm welcome, and I wish them a fruitful visit.

I will allow Sen. Tobiko, in under one minute, to share a word of welcome.

Sen. Tobiko: Thank you, Mr. Speaker, Sir for this opportunity. Let me take the chance to welcome the delegation from the Kijiado County Assembly to the Senate of the Republic of Kenya.

This team is on a working and learning mission at the Senate. I am sure that their time here will be well spent and it will be of value to the assembly of Kajiado and the great people of the County of Kajiado. I thank you.

(Resumption of debate on the Bill)

The Speaker (Hon Kingi) Senator Cherarkey, kindly proceed.

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Sen. Cherarkey: Thank you, Mr. Speaker, Sir. From the onset, I want also to join you in welcoming several guests. Today, the Senate has a lot of guests from students to visiting delegations.

I want from the onset to congratulate Sen. (Prof.) Kamar, Deputy Speaker Emeritus, for bringing this Bill; the Kenya Sign Language Bill (Senate Bills No. 9 of 2023).

I was asking myself whether it is possible to have what we call the Special Needs Bill so that we include everybody like the deaf, the blind, the mute and others, so that we do not have to do legislation per group.

This Bill has come at a good time when we are having conversations and are being cognizant of the people with special needs in our society. I want to join my colleagues in supporting this Bill and say, it is timely.

The issue of sign language or the deaf is something that the Constitution gave attention to. The Constitution of Kenya 2010 has enumerated that the languages of the Republic of Kenya, should include English, Kiswahili, and sign language.

So, we are in the rightful place and this is just an elaboration of the recognition of this special group of individuals within our communities and in our nation. Article 54 of the Constitution on People Living with Disabilities (PWDs) recognises that the government has a role.

I want to request, Sen. (Prof.) Kamar, we need audits as per Article 54(1)(b). Article 54(1)(b) says-

“(1) A person with any disability is entitled -

(b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person.”

The State shall ensure progressive implementation of the principle that at least five per cent of the members of the public in elective and appointive bodies are persons living with disabilities.”

So, it is the right time for Senate to have progressive reports. I do not know how we will initiate that. We are passing a lot of legislation; we are requesting compliance; we are seeking attention, but no one can tell us today in this country that the Government of Kenya has this as the number of PWDs who have been elected or appointed across the country.

For us in the Senate, Parliament and even the county assemblies, these are issues that we are grappling with. The appointive aspect is easy.

We can argue with you about elective, because if you have six constituencies in Nandi, which one should belong to PWDs? Do you force people to elect PWDs to achieve the threshold? However, the easiest way is to only engage with the counties.

Let us do an audit. Have we complied with national and county government requirements? Sen. (Prof.) Kamar has been a great champion of PWDs or Kenyans who are abled differently.

I would like to confirm to the House that I am not one of the PWDs so, anyone who is watching or seeing me should not imagine that I am one. I am just a temporary PWD.

Mr. Speaker, Sir, I hope your office will facilitate my temporary status until I fully recover. This is the life that is breathed into Article 54 of the Constitution.

I want to bring up another point, I know my colleagues have talked about devolving the training of people with special needs. I am proposing that the national Government gives tax-free for all assistive devices, hearing aids, and any process and even the things that are being used by schools for the deaf in this country should be given tax-free.

I know that there is registration of the *Inua*---sorry. I almost said *Inua Mama* but it is *Inua Jamii*. In those days, there was what we called *Inua Mama* but we did not know where they were *inuating mama* to.

However, I am talking about *Inua Jamii* and their registration of the PWDs and the people above 70 years. That is what the Ministry of Interior and National Administration or the Ministry concerned is doing.

Some people are also severely impaired or there are PWDs that are severely impaired. However, when we are registering, no one is keen to capture these people living with severe disabilities

Where I come from, the PWDs in my county of Nandi, have complained that counties are not taking them seriously. For example, in my county, what they do yearly, and you know this is budgeted for, they call them to come to Kapsabet showground, they give them soda, a loaf of bread, blankets and mattresses, and that is the end.

That is how low some of the counties think about PWDs. Unfortunately, my county is leading on having a low view of how our PWDs should be treated in this Republic.

Therefore, I want to laud Sen. (Prof.) Kamar. This is the right time that we are having this conversation and therefore, on the tax-free, I was told about the cochlear implant that my brother Sen. (Dr.) Khalwale was talking about. We need to give them the devices tax-free, including hearing aids, reading glasses of any other form, and walking sticks.

I know that many organisations are doing it as part of charity. We must ensure that there are tax-free assistive devices for most of our young men and women.

Even access to public places, we must agree. There is also the funding of these schools. I know the Ministry is doing affirmative action. Where I come from, in Kapsabet town, near Nambwe, there is a school for the deaf. We must push and ensure that they have proper support from the government in terms of facilities and resource mobilisation.

The problem is that we have left the less fortunate in this society to the mercy of charity organisations where we imagine the people who are PWDs, the attention they deserve is from the NGOs. You can see the NGOs that fund most of these organisations also come with strings attached.

We must be honest. If you listen to messed up stories of defilement, rape cases, and abuse of children by NGO individuals--- some cases have been adjudicated and determined by the court of law--- it majorly happens in these homes where the less fortunate in society are.

As a country, we need to change our attitude; we should not allow our PWDs including the deaf to be at the mercy of charity organisations or people who just feel sympathy for them.

The fourth point that I wanted to make on this Bill, and the objects have been well captured, of course, is the issue of tax-free.

The issue of stigma; as my colleague has put it across, sometimes, you get such challenges through an accident or as my brother, Sen. (Dr.) Khalwale has said advanced age while others are born with it.

To ensure we do not have stigma, I have seen the Bill as captured that we look for a way of integrating the whole family. Sen. (Prof.) Kamar has given us highlights where during the public registration; a parent decided to train everybody in the family. We should see this as reintegration of the entire family to be part of the process. This will ensure that there is no stigma and will allow people who have hearing impairment to live a normal life like all of us. For example, they can drive with assistive devices.

Mr. Speaker, Sir, Clause 6 has been discussed. I want to comment on the issue of recognition. I heard about the interpreter. Nowadays, whenever you watch the news and in our meetings, you will see an interpreter.

Now that we have the Presidential Working Party on Education and Implementing the Competency Based Curriculum (CBC), it is time the Kenyan Institute of Special Education (KISE) came up with a uniform syllabus. The Kenyan National Examination Council (KNEC) can be the examining body. This will ensure that we have interpreters that have a particular qualification, quality and standards in place just as Sen. (Prof.) Kamar has captured. She was a former Minister of Higher Education, Science and Technology. It is important to ensure that as the CBC is being rolled out, new frontiers in the syllabus, especially interpreters are put in place.

It is also a challenge to all of us to learn sign language as part of life skills just like first aid because you never know where you will be. We want in the future to have Members of Parliament (MPs), governors and Presidents who are differently blessed.

I know we have a number of colleagues, for example, the co-sponsor, Sen. Crystal Asige and Sen. Mbugua who is the Vice-Chairperson of the Committee on Labour and Social Welfare. It means that you can still be a leader in this country despite disability.

Mr. Speaker, Sir, on recognition by the Judiciary, they have said that the judicial officer shall make a determination. So, if we have a structured process of approval of interpreters, it will be easy. When some of us appear in court, the magistrate or the judge can easily ask for our number of admission to the bar and be able to check.

Mr. Speaker, Sir, in the regulation, the Senator can still include it so that it becomes easy. Kenyans like shortcuts when doing most of the things. Therefore, if you do not have a proper process, it will be hard.

Clause 7 speaks to the reintegration of children so that they can grow. Additionally, there are children who are deaf and they should be given the opportunity to reintegrate and be part of the learning process.

Mr. Speaker, Sir, the Teacher Service Commission (TSC) is recruiting new teachers to fill in the gap across the country. We call upon them to ensure that they at least hire a number of interpreters in our schools so that our children get the opportunity.

I pray that one day you will walk to a classroom in Starehe Boys Centre or Buruburu Girls, and see a hearing-impaired student sitting in the classroom because there is an interpreter that has been hired by TSC.

Mr. Speaker, Sir, over the weekend, I was in Kericho, Ainamoi Constituency where we were burying the first national chairperson, Stanley Mutai. The teachers raised a lot of issues. One of them was the need to have special needs teachers in our institutions. I was part of that discussion in Kericho County on Saturday.

The issue of delocalization is still rearing its ugly head. As the Government and ruling party, we came up with a platform of the abolishment of the delocalization. However, it is very sad that some individuals in TSC in Nairobi still find it wise to still delocalize teachers.

We delocalize a teacher from Bomet or Nandi all the way to your County Kilifi. They are 58 years old with hypertension or diabetes and are looking forward for their retirement. The best thing that we can do as a country is to give them the freedom of choice.

Mr. Speaker, Sir, I have seen teachers demonstrating at TSC headquarters due to insecurity in Northern Kenya. There must be affirmative action on how to get native teachers in that region. This will prevent our sons and daughters from falling victim to the risk of insecurity in the country. Prof. Kithure Kindiki should be seized of the matter.

As a country, I am not saying we should be cowards and run away from areas like Northern Kenya and Lamu. However, the Government is pushing to ensure that terrorists are fought. This is because they are cowards. They do not agree to face anybody. They set bombs and run away.

I have gotten a lot of complaints and appeals from teachers in Northern Kenya. I know the children of Northern Kenya deserve to be taught quality and affordable education. However, as a country, we must be realistic to the facts. A long-term solution is trying to have affirmative action in Northern Kenya and have TSC hire natives from that region so that we can resolve this.

I want to confirm to the teachers who were in Kericho over the weekend that on the aspect of delocalization, we shall not relent. Our position is crystal clear. Delocalization was abolished. Let teachers work where they find it comfortable. It is not the business of the Government to create a crisis in families and encourage *kiptidinyas* of this world to infiltrate into the family unit which is the basis of society.

Mr. Speaker, Sir, as we discuss education, you saw the Supreme Court ruling on LGBTQIA. I saw the delegation from Uganda, which you have ably hosted. We want to thank President Yoweri Kaguta Museveni and wish him a long life. We are happy that he cannot be intimidated or blackmailed by people who want to give aid to Uganda with strings that they should approve issues of lesbianism and gayism. He is the only man who has stood against such intimidation.

The Constitution is very clear. The family is a basic institution. As has been defined, a family consists of a man and a wife.

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I want to warn the Kenya Institute of Curriculum Development (KICD). I have seen some books that define a family as a man, woman and children. They also define a man with children and a woman with children which are single families. However, they go ahead and put a man and a man and children. Additionally, they go ahead and put a woman and a woman and children and *vice-versa*.

We should not allow KICD to bring bad manners into our society. I want to paraphrase what President Yoweri Kaguta Museveni said. The day a man and a man will give us a child, then we shall agree with this Western importation of nonsense.

Finally, I support that we need a regulation. I agree with Sen. (Prof.) Kamar that we need a bio-data and have in place a register for easy confirmation.

I have also seen that the Senator has not placed us, as the Parliament, anywhere. I have seen in all clauses Sen. (Prof.) Kamar has not given Parliament a role. We need to know the role of the Senate and the National Assembly in this process going into the future. Sen. Okiya Omtatah is in court over such matters. We are slowly legislating ourselves out of business and our role as envisaged under Article 96. We do not want to rely on the mercy and charity of Sen. Okiya Omtatah to go to court and create our own space. This is the right time to create our space.

(Sen. Faki spoke off record)

Mr. Speaker, Sir, I do not know why the Senator for Mombasa County is heckling. I know he has missed *maandamano* and hopes that what happens in Bomas collapses.

Let us legislate ourselves into the work that we gave ourselves. I know the Senate Minority Leader and Sen. Faki were present there. We do not need to force you to march every day although I know you are physically fit. We had to march from the Senate gate all the way to Milimani law courts because we were fighting over what we should be doing. I know at that time Sen. Osotsi was enjoying himself in the National Assembly.

With those many remarks, I support. Congratulations and I wish you all the best.

The Speaker (Hon. Kingi): Proceed, Sen. Mwaruma.

Sen. Mwaruma: Asante, Bw. Spika kwa kunipa hii fursa nichangie huu Mswada; Kenyan Sign Language Bill.

Huu Mswada unanuia kupeana uhai katika ibara kadhaa katika Katiba ya Kenya. Ibara ya kwanza ni ya 53 ambayo inapeana haki kwa kila Mkenya kupata elimu ya msingi na ya lazima. Ibara ya 54 inawapa Wakenya wanaoishi na ulemavu haki ya kupata elimu. Ibara ya 35 inawapa wananchi haki ya kupata habari.

Kwa muda mrefu, hatujakuwa na sheria wala sera zinazoangazia jinsi viziwi wanasoma au kupata habari humu nchini. Huu Mswada unatazamia kutunga sheria ya Kenyan Sign Language ambayo itazingatia jinsi wanafunzi hawa watasoma. Wakati wa *public participation*, wengi walifurahi na kusema kando na kutunga sheria na sera, huu Mswada pia utatoa hamasa kwa wananchi na taasisi mbalimbali za Serikali na zile zisizo za kiserikali, kuwa kuna wananchi viziwi.

Wananchi hawa kwanza wako na haki ya kupata maarifa na ujuzi utakaowasaidia katika maisha yao. Kwa Kiingereza tunasema kupata *knowledge and skills* zitakazowasaidia katika maisha yao.

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Ninamshukuru Sen. (Prof.) Kamar na mwenzake, Sen. Crystal Asige, ambao wameleta Mswada huu. Nikiwa mmoja wa Maseneta katika Kamati ya Elimu, tuliona kwamba ni vyema pawe na vifaa vya kutosha na kuhakikisha hawa wanafunzi walio na ulemavu wanapata masomo bila kubaguliwa ili wakuwe na uwezo wa kushindana na wenzao ambao hawana ulemavu. Shule zinafaa kuwa na vifaa vya kutosha. Pia walimu wanafaa kuwa na mafunzo mazuri katika taasisi zetu za elimu.

Pili, wazazi wa watoto wanaoishi na ulemavu huu wafunzwe hii lugha ya ishara. Mtoto anapozaliwa, anajifunza mambo mengi kupitia lugha. Iwapo mzazi haelewi hii lugha ya ishara, basi itakuwa vigumu sana kumsaidia huyo mtoto katika masomo.

Tatu, jambo ambalo linaangaziwa katika Mswada huu ni kwamba lugha ya ishara inafaa itambulike kama lugha nyingine yoyote nchini. Kwa mfano Kiingereza na Kiswahili. Mswada huu unapelekea kutambuliwa kwa lugha ya ishara kama lugha ya tatu katika lugha zinazotumika nchini Kenya.

Huu Mswada unasisitiza kwamba taasisi za Serikali na zisizo za Serikali ziweke mikakati ya kutosha ili wakalimani au watafsiri wa lugha ya ishara wawepo. Kwa mfano, Sen. Wambua ametaja kwamba runinga ya *Citizen* iko na mkalimani kwa jina Bi. Youla Nzale. Mtangazaji anaposoma habari, kuna mkalimani anayeeleza kwa lugha ya ishara maana ya ile taarifa inayotolewa kwa Kiingereza au Kiswahili.

[The Speaker (Hon. Kingi) left the Chair]

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

Mswada huu unasema ni vyema mahakama zetu ziwe na watu wa kutafsiri ili kila mmoja aweze kujua nini kinachoangaziwa. Katika Bunge letu la Kitaifa na hata hili la Seneti, tunaona kuwa hakuna mwanafunzi yeyote kiziwi. Kama kungekuwa na mmoja, basi hangeelewa ninayosema.

Basi ni vizuri kupitia Mswada huu, tuwe na sheria na sera za kuhakikisha kuwa katika taasisi za Serikali na zisizo za Serikali, tunakuwa na wakalimani watakaokuwa wanatafsiri kwa lugha ya ishara. Tukiwa na mtu ambaye anaongea kwa lugha ya ishara, basi kuwe na mkalimani wa lugha ya ishara kwa viziwi.

Mswada huu unaeleza kuwa ni vyema kuwe na msajili wa watafsiri ambaye atasajili wale wakalimani wa lugha ya ishara na Wizara ya Elimu. Wale watakaokuwa wakalimani watatakiwa kuwa na sifa fulani ambazo zitawekwa na idara ya elimu.

Ningependa kukomea hapo lakini ninauunga mkono Mswada huu. Ni wakati mwafaka wa kuupitisha. Ninajiunga na wengine kuwasihi wenzangu wauunge mkono Mswada na tuupitisha. Hii ni mara ya pili ambapo huu Mswada umekuja. Ulikuwa katika Bunge hili muhula uliopita na tukaupitisha. Ukaenda katika Bunge la Taifa lakini ukafililia kule. Kwa hivyo, wakati huu, tunaomba uende haraka na upite.

Asante kwa hii fursa.

The Temporary Speaker (Sen. Mumma): Sen. Faki proceed.

Sen. Faki: Asante, Bi. Spika wa Muda kwa kunipa hii fursa ili nichangie Mswada huu wa lugha ya ishara ambao umeletwa chini ya ‘collabo’ ya Sen. Crystal Asige na Sen. (Prof.) Kamar. Mswada huu utasaidia pakubwa---

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(Sen. Lemaletian raised her hand)

The Temporary Speaker (Sen. Mumma): Sen. Lemaletian, do you have a point of order?

Sen. Faki: Madam Temporary Speaker, she was raising her hand to get your attention.

Sen. Lemaletian: Yes, Madam Temporary Speaker. I wanted you to consider gender when selecting who speaks. Thank you.

The Temporary Speaker (Sen. Mumma): Yes, Senate Minority Leader.

The Senate Minority Leader (Sen. Madzayo): Bi. Spika wa Muda, ndugu yangu Sen. Faki amesema kuwa “aliingia collabo na mtu mwingine”. Je, hili ni neno ambalo tunalitumia hapa Bungeni? Kama sivyo, basi aliondoe, alifutilie mbali na kutumia neno linalo kubalika.

The Temporary Speaker (Sen. Mumma): Sen. Faki, please withdraw the use of the word “collabo” we do not know what that is. Sen. Lemaletian, I would like to confirm that Sen. Tobiko was scheduled to speak. We are following the queue.

Sen. Faki: Bi. Spika wa Muda, neno ‘collabo’ linatumika kwenye lugha ya Kiswahili. Hivi sasa niko tayari kujibu hoja ya nidhamu ya Kiongozi wa walio Wachache kwa kuondoa neno hilo. Pengine nitapata fursa siku nyingine kulijadili neno hilo kwa kina.

Mswada huu tunaoujadili ni muhimu sana. Katiba yetu imetoa haki nyingi ambazo wananchi wanastahili kupata, lakini kwa sababu ya kutokuwa na sheria za kurahisisha haki hizi imekuwa ngumu wananchi kuzipata.

Moja ya zile haki ni kupata lugha ambayo itaeleweka kwa yule ambaye anazungumziwa ama anayezungumza ili mawasiliano yawe rahisi. Kumekuwa na ongozoko la matumizi ya watu wanaohitaji lugha ya ishara. Ijapokuwa wazungumzaji wa lugha za ishara wako, bado hawajafikia kiwango cha kutosha ili kila mtu afaidike.

Kwa mfano, kwa muda mrefu katika Mahakama Kuu ya Mombasa, mtafsiri wa lugha ya ishara alikuwa mmoja. Aliondolewa Mahakama Kuu ya Mombasa na kupelekwa Mahakama ya Kaloleni. Alipopelekwa Kaloleni, kesi nyingi zilikwama Mahakama Kuu ya Mombasa kwa kukosa mtafsiri wa lugha ya ishara.

Ikiwa Mswada huu utapitishwa na kuwa sheria utasaidia pakubwa kuongeza watu wanaozungumza lugha ya ishara ili iwe rahisi kuendeleza kazi kwa wale wanaotumia lugha hii.

Jambo lingine nzuri ambalo litaletwa na Mswada huu ni kupata wazungumzaji wengi wa lugha ya ishara. Itakuwa ni rahisi kumpata mzungumzaji wa lugha ya ishara ili kutafsiri kwa wale ambao wanaelewa lugha na kusikia kama kawaida.

Tunafaa tuupitisha Mswada huu. Tulikuwa tumeupitisha kwenye Bunge la tatu la Seneti lakini ukafa kwenye Bunge la Kitaifa. Safari hii ni lazima tuongeze juhudi kuhakikisha kwamba Mswada huu umepita katika Bunge la Kitaifa ili uwe sheria itakayotumika katika nchi yetu tukufu.

The Temporary Speaker (Sen. Mumma): Sen. Seki. Proceed.

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Sen. Seki: Madam Temporary Speaker, I would like to add my voice in support of this Bill, which touches on the sign language. We have discussed it in the Committee on Education. It is a good Bill that will help our people.

The Bill has highlighted a number of issues. Its objective is promotion of quality education and provision of training for the teachers in primary and secondary school who are handling People With Disability (PWD).

This Bill will promote PWDs and assist county governments to mainstream PWDs. County governments are struggling to support PWD. The Bill will come in handy to give direction to counties on how to protect struggling PWDs.

I was in Ngong which is in one of the sub counties in Kajiado County. We had more than 300 children in pre-primary school who have different disabilities. We assisted some to get crutches.

In conclusion, the Bill will help county governments and national Government to budget and allocate funds for purchase of equipment for special needs children in schools.

I support the Bill and thank Sen. (Prof.) Kamar and Sen. Crystal Asige for sponsoring it.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Lemaletian, please proceed.

Sen. Lemaletian: Thank you, Madam Temporary Speaker. I rise to support Kenya Sign Language Bill (Senate Bills No.9 of 2023) as moved by Sen. (Prof.) Kamar. I would like to bring a different perspective to the Bill to show us why we should support it.

Sign Language can be used by anyone; whether educated, illiterate or from whatever tribe or race. We live in a country where negative tribalism has caused tragedies. However, I see a potential of this Bill eradicating these barriers and creating nationalism where the whole country is united.

We should note that no one becomes disabled by choice. Most of the time disability is brought by accidents, circumstances or occurrences one cannot control. I was blind at some point in my life. As a child, I was also handicapped and could not walk. I know that continuous and further marginalization of the deaf people and PWD in his country is the worst kind of injustice that we can do as humans to fellow humanity. This is suppressing their human rights.

When this Bill is enacted into law, we will tackle three Sustainable Development Goals (SDGs). This is SDG number three on good health and wellness, number eight on decent work and economic growth and SDG number ten on equality. Therefore, it is important to support this Bill as legislators and people mandated to protect human dignity.

Before I forget, I would like to point out that majority of the PWD are considered as outcasts. There is a direct correlation between the communities that consider PWD as outcasts and illiteracy and marginalization. These are communities with the highest percentage of illiteracy. If sign language is introduced and made mandatory in every village in this country, then we will restore human dignity across all other spectrums.

The Temporary Speaker (Sen. Mumma): Sen. Thang'wa, proceed.

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Sen. Thangw'a: Thank you very much, Madam Temporary Speaker, for this opportunity to also add my weight in supporting this Bill. I also thank Sen. (Prof) Kamar and Sen. Crystal Asige for seeing it fit to bring to the Floor of this House this Bill that requires that sign language be introduced in schools.

Madam Temporary Speaker, when I was a Member of the County Assembly (MCA), there was a friend of mine who was visually impaired; a nominated MCA. Every time, he could tell us that if Jesus was to come to his town and he hears that he is healing people, he would run away in the other direction. This is because he was comfortable with the way he was. Therefore, by bringing this Bill, we are not feeling sorry for anybody. What we are doing as a House is to give everyone an opportunity as given by the Constitution.

We should start from this House. Our standing Orders allow English, Kiswahili and Kenyan Sign Language as the official languages. We should have an interpreter in this House. All the Standing Orders of the 47 county assemblies allow three languages that is English, Kiswahili and Kenyan Sign Language.

We should also emphasise that the county assembly should provide the interpreters so that those people who cannot speak or are hard in hearing can be following what is happening in the county assemblies.

At least for us, we are lucky that we are able to go live and we have an interpreter on television. However, county assemblies do not go live on their debates. For you to follow what is happening at the county assemblies, you have to attend physically. By providing interpreters in those county assemblies anybody who understands the sign language is deaf, or is hard in hearing will be able to follow.

Madam Temporary Speaker, this Bill is about inclusivity because it will remove communication barriers across the spectrum.

Sometimes, you are with somebody who is deaf and you cannot communicate beyond just saying "hi". Somebody would want to share their stories. However, since we cannot understand him, we are not able to communicate with such a person. If this was in school when we were in primary and high school, it would be very easy to communicate with anybody. We will be able to have a conversation with a deaf person.

Madam Temporary Speaker, I do not know whether you know that the reason why they say the Chinese are very creative is because they use the chopsticks. I do not know if you have ever tried to eat using the chopsticks; just lifting a grain of rice, a potato or anything. You will realise that it requires some art. It brings about critical thinking.

That is what the sign language does. It brings about critical thinking because the moment you are talking with your hand and gestures and speaking without sound, it encourages critical thinking. Our children will be critical thinkers immediately, once this sign language is introduced in primary schools.

Madam Temporary Speaker, this Bill will provide career opportunities because TSC will have to employ all over the country people who can speak using sign language. They will have employment opportunities as teachers. You do not have to be deaf to understand the sign language, but you get an opportunity to learn and understand it.

When we have international conferences such as the Africa Climate Summit that we just had, I always see so many people speaking in sign language. Somebody just lost that opportunity because he could not speak the sign language.

I support the Senator, the Queen of the North, by bringing that aspect of that if you cannot speak English, Kenyans think you are dumb. If you cannot speak good Kiswahili, everybody thinks that you should just not speak Kiswahili. People even say “*Kiswahili changu ni kibaya*,” but nobody talks about their English. To remove this barrier, everybody will have an opportunity to speak with a language that every other person can understand. We remove those barriers and stigma that if you cannot speak in English--- By the way, if you speak in sign language, you are seen as more human than anybody who is speaking any other language.

Madam Temporary Speaker, I support this Bill. It has come at the right time and I ask my fellow colleagues to support it so that we can create an opportunity for everyone when it comes to matters communication.

Thank you very much.

The Temporary Speaker (Sen. Mumma): Sen. Osotsi, you may have the Floor.

Sen. Osotsi: Thank you, Madam Temporary Speaker, for this opportunity to also express my views on this very important Bill, which is long overdue. I want to start by congratulation Sen. (Prof) Kamar for this very important Bill that is before us.

As it has been said, this Bill was actually passed in the last Senate, but it lapsed in the National Assembly. Therefore, we have to reprocess it. May be it is an opportunity for us to address this problem. The issue of Senate passing Bills which go to the National Assembly, stay there, then eventually, lapse and likewise. Bills that are passed by the National Assembly, come to this side and then lapse. I think it is an issue that both Houses must sit down so that the efforts of the Members of the Senate or the National Assembly are not wasted because of petty disputes between the two Houses.

Madam Temporary Speaker, going to the substance of this Bill, this Bill is very timely. As you are aware, it is about Article 7(3)(b) of the Constitution which provides the use and promotion of sign language as one of the languages in this country. Therefore, it will help us actualize this particular Article of the Constitution. We also talk about Article 54 and 56 of the Constitution on the rights of marginalized persons, particularly, PWDs. This Bill will go along way in actualising the provision of the Constitution in relation to marginalised persons or PWDS.

Though we talk about sign languages, many of us think that sign language is just one language across the board. When I was doing research on this Bill, I was surprised to find out that there are over 300 sign languages globally. This makes me think that maybe we need to harmonize sign languages so that we have one language across the world. This is so that we do not have an American version of sign language, British version and French version; we have one language. We must have an easy way in which this category of people are able to communicate with each other.

At the same time, sign language is just like any other language. It has grammar and rules of grammar. It is actually a language on its own which can be interpreted differently depending on where you come from. I think global efforts should be put around developing a uniform sign language so that we can have an international standard

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around this. We also look at sign language as a form of communication between people who have speech or hearing impairments.

Madam Temporary Speaker, sign language can also be used by people who do not have this challenge. For example, if you are from different languages maybe this can be an opportunity for you to communicate among yourself without having to learn another foreign language. So, if you look at it, it applies in both cases.

Most importantly, this Bill has tried to address all aspects of the application of sign language. It has talked about having it applied in education by having a curriculum on sign language. This will help in promoting the quality of education among people with this challenge.

In a normal environment, they are disadvantaged. So, by having a curriculum in place for these people, they will learn in a better way and maximize their potential unlike learning in an environment where we do not have a curriculum in place.

Coming from the technology world, I know a number of my colleagues have not talked about it, but it has also been reflected in the Bill. It is about the use of sign languages in telecommunication.

This is very important because, in this digital era, it is critical that we integrate sign language into our technologies. For example, in the Kenyan environment where almost 85 per cent of people use mobile phones, telecommunication network providers must provide access to their network to persons with hearing challenges or deaf people.

Recently I saw Safaricom trying in this area by recruiting trainers or teachers. However, I think that more can be done looking at what happens in other countries. In the USA, for example, we have a substantive law that deals with technology and hearing impairment. What we call the Hearing Aid Compatibility Act ensures that the technologies in place, especially in telecommunication are all aligned to ensure that persons with hearing impairment can access these services.

It is also important to ensure the integration of sign language in healthcare. I think that it is important for doctors and health personnel to be trained in sign language so that they can manage deaf patients better, get information from deaf patients. The deaf patients can then communicate effectively with the persons providing healthcare to them.

I know my colleagues have talked about education in terms of teachers. We have a serious problem in the development of teaching resources in special education in this country. Just last week, I visited the TSC headquarters with some teachers from my county who have stagnated in one grade for so many years.

There is a particular case of a teacher who had even served as a principal of a school for four years only to be told, “you need to go back to the classroom because you have not been upgraded to this.” These are challenges that demotivate teachers pursuing this kind of specialization. Therefore, it leads to further discrimination against people with disabilities. So, this is one area that needs to be looked into.

Madam Temporary Speaker, at the same time I think that all teachers must undergo sign language training so that they can communicate effectively with the learners regardless of having disability or not.

My view is that we need to come up with a policy to ensure that as part of the process of training teachers, they must be taken through sign language training so that

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they understand different categories of their students, including those who are naturally fit and those who have these hearing disabilities.

This is a very progressive Bill. Kenya now joins the rest of the 41 countries in the world that have integrated sign language into their laws. I know that we have it in our Constitution, but now we are going to have an Act of Parliament to operationalize what Article 7 of the Constitution requires us to do.

This Bill is very progressive for this country. It will now officially make Kenya have three national languages - English, Kiswahili and Kenya Sign Language.

I support.

The Temporary Speaker (Sen. Mumma): Since there is no one else to contribute. I would ask the Mover to reply.

Sen. (Prof) Kamar: Thank you, Madam Temporary Speaker. May I begin by thanking all Members who have contributed to this Bill. We have Sen. (Dr.) Khalwale who seconded, Sen. Wambua, Sen. Cherarkey, Sen. Mwaruma, Sen. Faki, Sen. Seki, Sen. Lemaltian, Sen. Thangw'a, and Sen. Osotsi. I thank each one of them for supporting the Bill.

This Bill as was summarized by Sen. Osotsi is progressive and will move us further. Several issues have been touched and we will strengthen them at Committee Stage.

Kenya will be one of the first countries to have their sign language. As was mentioned by one of our colleagues, we have the American Sign Language and the British Sign Language.

We called ours the Kenyan Sign Language because the others have been labelled and they have very slight differences in the signage. So, we wanted to have our own which might be an indigenous African sign language that will be enjoyed by other countries.

Now that we are beyond the integration of the East African Community (EAC) and going for African Continental Integration, it is important that as we pass this Bill, we sell it to Members of Parliament (MPs) from other countries.

This is not going to be new for Kenya's MPs to do. We did that for the Climate Change Bill. We initiated it in the 10th Parliament and it started spreading like wildfire in the partner states of the African Union (AU). So, it is possible that we shall sell this and it will be a very nice product from Kenya.

I am happy that most Members who have contributed, support that we should actually teach sign language as our third language so that we operationalise what is in the Constitution.

Madam Temporary Speaker, if that is a third language, we know very well---

The Temporary Speaker (Sen. Mumma): Sen. (Prof.) Kamar, how far are you? We want to interrupt.

Sen. (Prof.) Kamar: Three minutes, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Okay, it is granted. Please proceed.

Sen. (Prof.) Kamar: Madam Temporary Speaker, it is very important that we train our children. I said earlier that when children are very young, they can learn Spanish, English, Luhya and all other language without even mixing them. Therefore,

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teaching them sign language is very important, more so because of the interactions they have with these children.

I am also very happy that most Members have supported that we make it a course in the training institutions so that even beyond devolving Kenya Institute of Special Education (KISE)--- We do not have to devolve KISE--- we can devolve a chapter on sign language to every Teachers Training College (TTC). When that is done, every training institution will be able to do that.

Madam Temporary Speaker, I guess when we come to the Committee of the Whole Stage, if there will be any other addition from any Members, we will welcome them. Otherwise, I thank each and every Member who has contributed. I thank Sen. Crystal Asige and in particular, again thank Sen. Musuruve who was the author of this Bill in the last Parliament. I am the one who moved the Bill with her, but she was the champion. I appreciate her and everybody.

Thank you, Madam Temporary Deputy Speaker. I beg to move.

The Temporary Speaker (Sen. Mumma): Sen. (Prof.) Kamar, would you wish to defer the voting?

Sen. (Prof.) Kamar: Yes, I wish to move and defer the voting to another day. Thank you.

The Temporary Speaker (Sen. Mumma): It is so deferred.

(Putting of the Question on the Bill Deferred)

Hon. Senators, the Senator for Mombasa, Sen. Faki rose on a point of order earlier today to move a Motion of Adjournment on a matter of urgent national importance. I now call upon Sen. Faki to move the Motion.

MOTION OF ADJOURNEMENT UNDER STANDING ORDER NO. 37

INSECURITY SITUATION IN LAMU COUNTY

Sen. Faki: Bi. Spika Wa Muda, nimesimama kwa Hoja ya nidhamu kuambatana na Kanuni Nambari 37 ya Bunge la Seneti kuomba kwamba Bunge lihairishe ratiba yake ili kujadili swala ambalo ni la muhimu na lina umuhimu kwa taifa, ambalo ni hali ya usalama katika Kaunti ya Lamu ambayo imesababishwa na matokeo ya hivi majuzi ya mashambulizi ya majangili Al Shabaab.

Bi. Spika wa Muda, kwanza kabisa ningependa kusema kwamba japo kuwa maswala haya yanatendeka Lamu, mjadala au maelezo yangu hayahusiani kwa vyovyote na siasa za Lamu. Ni muhimu ieleweke kwamba hatuzungumzii siasa za Lamu hapa. Tunazungumzia maswala ambayo yanatendeka Lamu lakini yanaleta athari katika nchi mzima kwa jumla na hususan Kaunti ya Mombasa.

Kwa muda wa kama miezi miwili hadi sasa, tumeweza kuzika askari kama kumi wa jeshi letu katika Kaunti ya Mombasa. Juma tatu zilizopita, tarehe 11 tulimzika kijana

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mmoja wa miaka 22. Mwingine alizikwa sehemu za Tiribe katika Kaunti ya Kwale na pia alikuwa wa umri huo huo.

Kumekuwa na ongezeko la visa vya mashambulizi ya kundi la kigaidi la Al shabaab katika eneo la Lamu. Itaeleweka kwamba Kenya ilikwenda Somalia mnamo mwaka wa 2011, mwezi wa kumi ili kuzuia kundi hili la Al shabaab kuweza kufanya mashambulizi katika nchi ya Kenya. Lengo lilikuwa kuweka *buffer zone* kati ya mpaka wa Somalia na wa Kenya ili mashambulizi yasiweze kufanyika Kenya. Shambulizi lililokuwa limefanyika Lamu wakati huo ni kuwa mtalii mmoja aliuwawa na bibi yake kutekwa nyara na majangili hao.

Ijapokuwa lengo hili la kuwapeleka wanajeshi wetu Somalia lilikuwa ni nzuri, lakini muda uliopita imeonekana kwamba sasa tumeweza kulegeza kamba na majangili hao wameweza kuingia mpaka katika Kaunti ya Lamu wanapofanya mashambulizi kadri ya wanavyotaka. Kwa sasa imekuwa karibu kila wiki kuna visa vya mashambulizi kama haya. Kuna vijiji ambavyo vimefanywa mahame katika sehemu fulani za Lamu nah hii imesababishwa na majangili hao.

Mheshimiwa Spika wa Muda, ijapokuwa lengo hapo mwanzo lilikuwa ni nzuri, kwamba iweze kuleta amani katika sehemu ya kusini ya Somalia hususan mpaka wa Kenya na Somalia katika Kaunti za Garissa, Mandera na kwingineko mpaka Lamu, kwa sasa imekuwa ni taabu kwa Kaunti hizi zetu kwa sababu mashambulizi yanafanyika karibu kila wiki.

Tulipata mafanikio fulani kwanza jeshi letu lilipokwenda Somalia kwa sababu liliweza kudhibithisha au kusawazisha Somalia na kukawa na usalama ili kuruhusu nchi kujijenga. Vile vile, ilisaidia kuongeza maeneo ambayo yalikuwa yanamilikiwa na Serikali ya Somalia. Sasa tunayo serikali kamili katika nchi ya Somalia. Pia tunaweza kukomboa miji kadhaa wa kadha ikiwemo Mogadishu na mji wa Kismayu ambayo ndiyo bandari kubwa ya Somalia. Katika mji wa Kismayu, kuna bandari kubwa ambayo ni kama mji mkubwa katika eneo la kusini la Somalia ambapo biashara nyingi zinafanyika.

Mafanikio haya pia yameweza kuzibwa na zile hasara ambazo tumeweza kupata katika nchi hiyo. Tukiangalia, Juba valley ni sehemu inayolindwa na askari wa Kenya ambao wako katika jeshi la AMISOM yaani African Union Mission in Somalia. Eneo hilo ni kubwa na ndio *headquarters* ya kundi hili la kigaidi.

Tumeweza kuona kwamba kila mwaka wameweza kufanya mashambulizi. Tuliweza kuona mashambulizi yaliofanyika katika Chuo Kikuu cha Garissa, watu wengi waliuliwa katika quarry na sehemu zingine. Pia tuliona vile basi zinazosafirisha abiri kwenda Garissa na kwingine vile zilishambuliwa na majadili hao. Ile kambi ya jeshi katika eneo la El Adde ilishambuliwa mwaka 2016 na karibu askari 200 wakapoteza maisha yao. Kwa hivyo, ni swala ambalo limekuwa donda sugu kwetu sisi watu wa Kenya.

Pia tumeona kwamba kila siku zinapoenda, hakuna mpango wowote wa Serikali kueleza ni lini wataweza kuondoka Somalia kwa sababu Somalia sasa ni nchi kamili. Ni serikali ambayo ina jeshi na polisi wa kutosha. Hata kuna wakati waliweza kujaribu kuvunja uhusiano wa kibalozi na nchi ya Kenya. Hatuoni sababu gani sisi tusilinde mipaka yetu badala ya kwenda katika nchi ya mtu na kukaa huko ilhali tunashambuliwa

hapa kwetu na hatuwezi kujilinda. Watu wengi wamepoteza maisha ambayo yangeweza kulindwa.

Hivi majuzi, Bibi ya Mbunge wa Eneo Bunge katika Kaunti ya Lamu, alipoteza maisha na yeye mwenyewe kujeruhiwa vibaya katika shambulizi la hao majangili.

Kaunti zetu, kama Kaunti ya Lamu inafanya biashara kubwa na Mombasa. Mazao mengi yanatoka Lamu kuja kuuzwa Mombasa na kuna vitu ambavyo vinatoka Mombasa na kuuzwa katika Kaunti ya Lamu. Kwa mfano, mchele, mafuta ya kupikia na vinginevyo. Mashambulizi haya yanalemaza biashara baina ya Kaunti ya Mombasa na Kaunti ya Lamu.

Vile Vile, wakulima wameweza kutatizwa na mashambulizi kama haya. Kwa hivyo, kauli zetu hizo tatu zinashindwa kutekeleza mipango yake ya maendeleo kwa sababu ya mashambulizi ya mara kwa mara.

Mwezi wa jana au wa nane, wanajeshi wetu katika Somalia walipambana na Al shabaab huko ndani ya Somalia na wakapoteza askari wawili. Wale askari wa Somalia hawangezika kule Somalia, bali waliletwa kuzikwa hapa nchini Kenya. Walizikwa siku ya Ijumaa na Waziri wa Ulinzi, Mheshimiwa Duale alihudhuria mazishi hayo yaliyofanyika hapa Kenya. Askari wa Somalia wanazikwa nchi ya Kenya ina maana kwamba kule kuna sehemu zingine kundi la Al Shabaab ndio serikali ikiwa wanaweza kuzuia watu wasizikwe kwao.

Bi. Spika wa Muda, imekuwa tatizo kubwa kwa sababu tunapoteza vijana wadogo sana. Kijana wa miaka 22 aliyepata kazi mwaka uliopita, anapelekwa mstari wa mbele na anapoteza maisha yake. Labda, wazazi walikuwa wamewekeza, kwa sababu siku hizi kupata kazi ya jeshi si kwenda tu uwanjani na kuajiriwa. Ni lazima mapeni yatembe na sio chini ya laki moja, mbili au tatu. Kwa hivyo, laki tatu zinalipwa lakini baada ya mwaka mmoja, askari anapoteza maisha yake.

Lazima Serikali watupe mwongozo ni lini wataondoka Somalia. Bila ya hiyo, tutaendelea kupoteza wanajeshi na vijana wetu na pia usalama utaendelea kudorora. Hii inasababisha watu kutoishi maisha yao ya kawaida katika maeneo yale.

Bi. Spika wa Muda, ningepomba kukoma hapo na kusema kwamba ni muhimu Serikali itoe mwelekeo wa kuondoka nchini Somalia ili turejee kwa mipaka yetu na tuweze kulinda nchi yetu. Hatuwezi kulinda nchi yetu tukiwa nchi nyingine. Tulinde nchi yetu tukiwa ndani ya nchi yetu.

Ningemwomba Seneta wa Lamu aje kuniunga mkono.

Sen. Githuku: Asante, Bi. Spika wa Muda, kwa kunipa fursa ya kuchangia Hoja hii muhimu inayohusiana na usalama katika nchi yetu na hususan kaunti yangu ya Lamu. Nashukuru Sen. Faki kwa kuleta Hoja hii ambayo inaguzia usalama wa nchi.

Kama Seneta wa Lamu, kaunti iliyoathirika sana na mambo ya usalama, ningependa kutoa risala zangu za rambirambi kwa maofisa wetu wa usalama ambao usiku wa kuamkia leo, walipoteza maisha yao wakiwa katika harakati za kulinda nchi hii. Ndege waliyokuwa wakisafiria wakifanya *surveillance* ilipata matatizo ikiwa juu ya anga na hatimaye, hao wanajeshi wawili waliaga dunia.

Hawa ni watu ninaowajua kwa sababu Jumatano iliyopita, nilisafiri na ile ndege pamoja na Wabunge wengine, tukielekea Lamu Mashariki ili kutathmini hali ilivyo ya usalama. Ni jambo la kuhuzinisha sana wakati watu na maofisa wetu wanaendelea

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kupoteza maisha. Tuko na imani kubwa na Serikali hii na tunataka iangalie hali ilivyo ili isaidie jambo hili na kutegua kitendawili hiki.

Bi. Spika wa Muda, napongeza maofisa wa usalama kwa sababu hao ni vijana wetu waliojitolea hali na mali kulinda nchi yetu. Katika mchakato wa kulinda hii nchi yetu, unapata pia wao wanaangamia. Wananchi wangu pia hawajawachwa nyuma. Mwezi uliopita, tulipoteza mama, mke wa Mwakilishi wa Wadi ya Hindi. Hilo ni jambo limehuzunisha sana kaunti yangu ya Lamu.

Miezi miwili iliyopita, kuna watu walichomewa nyumba zao sehemu za Juhudi, Salama na Witho. Hao wananchi wamekuwa *Internally Displaced Persons (IDPs)* katika kaunti yangu ya Lamu. Hili jambo linahuzunisha sana ikizingatiwa kwamba tuko na Serikali inayofaa itulinde kwa mujibu wa Katiba na sheria za nchi hii.

Bi. Spika wa Muda, ninatoa wito kwa Serikali iweze kulinda wananchi pamoja na mali yao. Ninaunga mkono mikakati rasmi ya kupeana suluhu ya kudumu ya kusaidia wakaazi wa Lamu. Kuna barabara Serikali imesema itatengeneza za kutenganisha wananchi na sehemu ya Boni Forest. Ninaunga hili jambo mkono pia. Serikali ifanye jambo hili la busara na kwa haraka zaidi ili tuweze kuokoa maisha ya wananchi wetu wa Jamhuri ya Kenya na pia, maofisa wetu wa usalama.

Nikimalizia, ningependa Serikali inunue vyombo vya kisasa vinayoweza kujua mahali *landmines* ziko zinazosababisha wanajeshi wetu kupoteza maisha yao. Bi. Spika wa Muda, ninaunga mkono Hoja hii ili tuweze kuongelea jambo hili.

Asante.

(Question proposed)

The Temporary Speaker (Sen. Mumma): We will now contribute for not more than five minutes each. Sen. Ali Roba.

Sen. Ali Roba: Thank you, Madam Temporary Speaker. I rise to support the Motion on the security situation in Lamu County. I would like to expound this issue further in order to give the context within which we can discuss the existential threat facing the populations of Lamu, Mandera, Wajir and Garissa counties that results into terror activities within our borders.

In the recent three or four months, there have been frequent and severe occurrence of terror incidents, especially in Lamu and Mandera counties. Sometimes, the spillover affects many sectors beyond the threat of lives of the population of these counties. In the past, the Al Shabaab terrorists were almost able to pit Kenyans against each other, by targeting only non-Muslims.

Madam Temporary Speaker, this did not see the light of the day thanks to the Kenyan population as well as the Government of Kenya. While they were making those statements in Kenya, they were killing Muslims wantonly in Somalia. They were blowing up hotels, restaurants and social events in areas where only Muslims were doing business. Which means the intention then was to pit Kenyans against each other on the line of religion where Kenyans will start fighting each other on the basis of Muslims and Christians.

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Madam Temporary Speaker, it is very important to give context to this issue so that we understand what is happening inside Somalia. Right now, the Government of Somalia has put it as priority number one to eradicate al-Shabaab out of Somalia. Sadly, many countries spearheaded by Kenya went into Somalia to try and help them build peaceful transition into a formal government. However, countries like Ethiopia have taken a very strategic decision where the security forces were deployed along the border between Somalia and Ethiopia. Our Kenyan forces were deployed over 250 kms deep inside Somalia leaving the line along our border completely unpatrolled by security officers. What is happening in Somalia is pushing al-Shabab into and along our border because this is safe haven. The almost over 1000km borderline between us and Somalia is where they are thriving unchallenged and are able to cross, cause havoc and go back as it is happening right now.

Madam Temporary Speaker, as I conclude, this requires a martial plan by the Government of Kenya in order to liberate the northern Kenya region including Lamu County from the hands of terror that is causing economical alienation.

The education sector is dead. We are not able to attract professionals to work in our region. Private sector investment cannot come. Kenyans have developed a mentality of stigma saying that that region is good for nothing.

It is about time the Government of Kenya develops a martial plan to liberate Lamu, Mandera, Wajir and Garissa counties from the hands of terror.

The Temporary Speaker (Sen. Mumma): Sen. Madzayo, please proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bi. Spika wa Muda kwa kunipa nafasi hii. Kwanza, natoa rambirambi zangu kwa wale wote waliopoteza maisha yao wakati wakifanya kazi ya kulinda nchi na kuangalia hali ya vile mipaka yetu inavyoendelea hapo juzi na jana na wakapatikana na hasara na kupoteza maisha yao katika ajali ya ndege.

Pili, ninawapatia kongole wale maafisa wetu wa jeshi kwa kazi ngumu wanayoifanya. Ijapokuwa wanapitia mitihani mengi, wanaweza kuketi pale na kuona kwamba wameweza kutetea nchi yetu. Hususan pale sehemu za Kaunti ya Lamu.

Kaunti ya Lamu ni mahali ambapo jamii zote za Kenya zinaishi. Panatakikawa kuangaliwa vizuri kwa sababu ni pahali ambapo panaleta uchumi mkubwa sana kwa upande wa utalii. Tumeona ya kwamba Kaunti ya Lamu imeachiliwa mbali. Sijui pengine ni kwa sababu hivi sasa Serikali iliyoingia haijali maslahi ya watu wa Kaunti ya Lamu. Visa kama hivi havikutendeka wakati wa Serikali ile nyingine.

Bi. Spika wa Muda, naunga mambo ya usalama katika Kaunti ya Lamu. Kaunti ya Lamu ni mahali ambapo lazima paangaliwe kisawasawa kwa sababu imetengwa kana kwamba wako watu wengine wanaishi katika kisiwa na wengine nje ya kisiwa. Wale wanaoishi nje ya kisiwa ndio wanapata taabu zaidi hususan pande za magharibi ya Kaunti ya Lamu ambapo kuna Boni Forest. Majangili huwa wanatokea wakipiga watu ambao wameketi katika mashamba yao kwa miaka mingi na kuwaua. Imekuwa sasa hakuna mtu ambaye ana uhakika ya kwamba anaweza kulala leo na akaona kesho. Kwa hivyo, lazima Serikali izingatie mambo ya usalama kuona ya kwamba watu wa Lamu wametetewa sawasawa.

Badala ya kutetea watu katika maeneo kama yale, sasa hivi Serikali inagongana wenyewe kwa wenyewe. Mawaziri wanaongea tofauti. Pia, yule *Economic Advisor* naye anaongea vile. Sasa unashindwa, je, watachukuwa wakati gani kuangalia zile sehemu zinaendelea namna gani kwa usalama. Wakiwa kitu kimoja, wataona ya kwamba maisha ya watu wa Lamu yameweza kutetewa vilivyo.

Hivi sasa, tuko katika hali ya kupigana na hali ya uchumi. Kule kwingine watu wanakufa. Watu hawana chakula na inafaa wapelekewe chakula katika maeneo ambayo yako na shida zaidi kama vile Lamu. Ni sehemu ambayo iko na shida nyingi na inatakiwa msaada upelekwe kule. Lakini, hivi sasa chakula chenye hakiwezi kushuka chini. Hali ya maisha imekuwa ngumu. Kwa hivyo, watu wa Lamu wanaishi katika hali ngumu zaidi.

Saa zingine, sio vizuri kuona ya kwamba maeneo fulani kama yale ya Witu yameachiliwa tu hivi. Majangili wanaweza kuingia na kupiga na kuuwa Wakenya na kwenda zao.

Hatujasikia hata siku moja kuwa Serikali imeweza kushika al-Shabab mmoja wakasema kuwa huyu alikuwa akiongoza hao watu wa kuuwa Wakenya ndani ya Lamu.

Serikali iaamuke; isilale. Iweze kulinda watu wake na kuona ya kwamba haki imetendeka kwa watu wa Lamu.

The Temporary Speaker (Sen. Mumma): Sen. Wamatingi, you may proceed.

Sorry, Sen, Wamatinga.

Sen. Wamatinga: Thank you, Madam Temporary Speaker. I was just about to correct you, but you realized that I am Sen. Wamatinga.

I rise, in support of this Motion. I come from Nyeri County specifically, Mathira Constituency, where we tend to be honest and truthful men.

In 2014, exactly one year after the election, we had the same incidents happening in Lamu. Needless to say, the current Governor was the Governor then.

It is in our memory that after he was arrested, the matter stopped. I want to join my colleagues to condemn violence being perpetrated in Lamu against one specific community.

This is ethnic profiling. We must say it the way it is. It is indeed very unfortunate that one lady, who I happen to know, lost her family in 2014. Now she has lost two of her sons who were left.

There is a common denominator. We must face it and say it the way it is. In some of the violence that we saw being blamed on al-Shabaab, some people have taken advantage of the same ethnic profiling and systematically eliminated a particular community.

It was the same thing in 2014. Incidentally, the then Governor was re-elected and is the governor.

The Temporary Speaker (Sen. Mumma): Just hold on, Sen. Wamatinga.

What is your point of order, Sen. Faki?

Sen. Faki: Madam Temporary Speaker, I do not wish to interrupt my brother, Sen. Wamatinga, but he should not make allegations which he cannot substantiate.

Nobody has mentioned any governor. The Senator for Lamu never mentioned any governor in his contribution to the debate. So, he should not mention a person who

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cannot be called here to defend himself. If he has evidence that he is involved, let him bring a substantive Motion. He shall be debated here and the Governor will be given an opportunity to defend himself. He should not throw allegations on somebody who cannot come to this House to defend himself. He should ignore those remarks.

The Temporary Speaker (Sen. Mumma): Sen. Wamatinga, as you allege anything, please, proceed to substantiate. Otherwise, do not raise it on the Floor of the House.

Sen. Wamatinga: Thank you, Madam Temporary Speaker. I was pointing out the coincidence. We are in a free country where, as leaders, we ought to point out the facts as they are.

We know in this country, be it banditry or cattle rustling, most of the crimes that we see being committed, most of the violence that we see being meted out, it is indeed driven by political leaders.

Madam Temporary Speaker, I said I come from Mathira Constituency, where we are truthful and honest people. It is important that we point and call it out the way it is. We must interrogate the coincidence---

The Temporary Speaker (Sen. Mumma): Sen. Wamatinga, kindly substantiate that the problems in Lamu County are politically instigated, if that is your assertion.

Sen. Wamatinga: Thank you, Madam Temporary Speaker. It would be impossible to do that within the next five minutes.

The Temporary Speaker (Sen. Mumma): In which case, please, withdraw.

Sen. Wamatinga: Madam Temporary Speaker, I am saying it is important that as political leaders, we take it upon ourselves that the problem we have in this country is---

The Temporary Speaker (Sen. Mumma): Sen. Wamatinga, please, withdraw if you have not substantiated.

Sen. Wamatinga: Madam Temporary Speaker, given opportunity, I will lay documents in this House, that in 2014, we had the same problem and somebody was arrested. Give me a chance to come with the documents tomorrow, showing that one year after election, we had the same problem and we have the same problem again. Coincidentally, it is the same Governor who was the Governor then. I will be more than prepared to do that tomorrow.

The Temporary Speaker (Sen. Mumma): Please, submit the evidence to the allegation.

Sen. Wamatinga: Well guided, Madam Temporary Speaker. As I go on, it is very important that as a leadership in this country, we stop sharing blame where it does not belong. It is important that we condemn with the heaviest terms, a life lost or violence committed to any Kenyan in any part of this country. For so long, we have fought the menace of violence and terrorism. We lost many Kenyans through the bomb blast. We must say it the way it is.

As leaders, we have the capacity to stop this virus but we lack political goodwill. I thank Cabinet Secretary, Hon. Kindiki who toured the same place just the other day with the Senator for Lamu County.

As I conclude, I take this opportunity to pass my condolences to the galant soldiers who lost their lives as they were doing their work. The Government is doing a lot to control but we, in leadership, must also say it the way it is.

Madam Temporary Speaker, I support.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Ogola.

Sen. Ogola: Madam Temporary Speaker, thank you for the opportunity to contribute to this Motion by the Senator for Mombasa County.

I wish to begin by saying that Kenyan lives matter. The lives of all people matter, whether they are shareholders or not.

I can see my friend smiling. I hope he is amongst the major shareholders in this country.

However, coming to back to the Motion, it is very unfortunate that people keep losing their lives in this country and over issues that really do not concern them.

I am a Member of the 1998 Bomb Blast *Ad Hoc* Committee. It is unfortunate that 25 years since the American Embassy was bombed, Kenyans are still looking for compensation for the lives lost and for the injuries caused. It is important to note that this happened and it caught Kenyans unawares. Some Kenyans were just going to their places of work, doing their daily duties, a number of them were travelling on the road while others were in nearby buildings.

However, on one special day in August, 1998, Kenyans lost over 200 lives in the American Embassy Bomb Blast and thousands of them were injured. Here, we are still looking at the compensation of these Kenyans.

Madam Temporary Speaker, coming back to Lamu County, it is unfortunate that we keep on losing lives. As my colleagues have said, just the other day, the gallant soldiers lost their lives in the course of duty. Ordinary Kenyans also lost their lives.

Sometimes back I remember a former Permanent Secretary (PS) for Lands lost her life along with her staff when they were travelling to Lamu County because of a terror attack. There might be a correlation between some people and their activities with these terror activities. It is always said that the terrorists use people who live far away from their areas to plan for these attacks. In Lamu, there is the large, diverse Boni Forest which they probably use as a hideout.

This must stop because in these areas, other than Lamu and Mandera counties, as Sen. Ali Roba has said, professionals cannot work there. Kenyans cannot get the services that they deserve.

Just the other day, we saw a group of teachers camping at the Teachers Service Commission (TSC) requesting to be transferred because their working environment is not conducive but the TSC was not able to transfer them. These are teachers who have been posted to those areas. They are ready to do their work, but the Government must also protect them so that they are able to teach our children in a conducive atmosphere.

Other than the schools, in most of these places, our people cannot access healthcare and markets. They cannot lead their daily lives. Kenyan lives matter and so the Government must go out to protect our people. If there are any suspicious activities or connections that fuel these terror attacks, the Government must look into that. I say this with a lot of confidence because the Government has an intelligence wing that is able to

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forestall a number of these activities. The whole country must be protected from terror attacks not only Lamu. We are still dealing with the 1998 Bomb blast. We had the Garissa University Terror attack and we---

(Sen. Ogola's microphone was switched off)

Sen. Chute: Thank you, Madam Temporary Speaker. I rise to support this Motion by Sen. Faki.

I would like to address this issue in two ways. First, is the issue of Lamu County. As you are aware, I am the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration. The issue of Lamu is very dangerous. What is happening is that the al-Shabaab is getting through to Lamu youth and recruiting them because there is an issue between the communities living in Lamu and the communities who have lived there and have just been brought some time back. They came in the 1960s.

The problem is the issue of land. The youths are complaining that their land has been grabbed. This is what is making al-Shabab recruit the youth, which is dangerous. The Government should take swift action to arrest these issues. If possible, they should bring the communities together and urge them to coexist. If they do not co-exist, then the problem will persist. This problem is not confined to Lamu County. It can spill over to Mombasa and Malindi.

In the last Lamu County incidence, we lost three youth who were in the military from Marsabit County. In total, we have lost almost 10 lives since this issue of Lamu County started. As you are aware, we had the al-Qaeda incidence in 1998 and 25 years down the line, nobody has been compensated.

Our Government introduced a new system where the Kenya Defence Force joined the African Union Mission to Somalia (AMISOM) for a peace keeping mission in Somalia.

Today, you are safer in Mogadishu than being in Lamu, Wajir and Garissa counties.

(Applause)

The question we must ask ourselves is whether it is the Government policy to support AMISOM and send our military forces to Somalia while we are not secure in Kenya. Are we supposed to secure Somalia or our country, Kenya? You could be more secure in Somalia than in Kenya.

The question we should ask this Government is; strategically, is it in our interest to be in Somalia today? It is not. This Government should tell us the number of officers we have lost since the 1998 al Qaeda Bombing. Also, we have lost many teachers and civilians through terror attacks. At whose benefit is the loss? It is time we tell the hardworking Cabinet Secretary for Interior and National Administration, Hon. Kindiki Kithure, and the Government to reconsider bringing our forces back.

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As Sen. Ali Roba has said, we need to secure our borders. Why are we 260 kilometers inside Somalia---

(Sen. Chute's microphone was switched off)

The Temporary Speaker (Sen. Mumma): Sen. Wambua, proceed.

Sen. Wambua: Thank you, Madam Temporary Speaker. I rise to support this Motion.

I would like to thank Sen. Faki and Sen. (Prof.) Kamar for putting the interest of their people and their property ahead of any other consideration.

Nonetheless, with your permission, I will correct the Senator for Lamu. He has done well in defending the interests of the people of Lamu County. He has no business alluding to a government that is doing a great job. You have a duty to hold the feet of the people who have the responsibility of securing your people on the fire until normalcy returns in Lamu. So far, you have done a good job.

I like the mantra of the American Army. The American Army exists to serve the American people, defend the nation, protect vital national interests and fulfill the national military responsibilities. In other words, the officers in the American Army are recruited to fight, kill or die for the nation.

Madam Temporary Speaker, earlier in the week or last week, we lost five gallant soldiers in Lamu. Today, an unidentified number of Army officers have been killed in a plane crash in Lamu. When you look at the profiles of the soldiers that we have lost, it is the face of Kenya. Kenya is being massacred in Lamu County.

Government 101 states that; the responsibilities of any government, including the Kenya Kwanza Government, is to provide leadership, maintain law and order and - it should be underlined - to provide national security. A government that cannot protect its citizens anywhere has no business being in office.

This Motion is not about Lamu County any more than it is about Mandera, Wajir, Garissa, Mombasa, Marsabit or even Kitui counties. This Motion is about an existential threat to the nation called Kenya, as we know it.

Lamu just happens to be the latest epicenter of terror attacks. They say the officers being killed there are from all over Kenya. The people living in Lamu County come from all over the country. Kitui, Machakos and Makueni counties have contributed a big share of the population of the people in Lamu. Therefore, when Lamu is under attack, Kitui, Makueni, Machakos, Kakamega and Turkana are under attack.

An attack on Lamu is an attack on Kenya. It must prick this Government to rise from its deep sleep and act on the terror being visited on the citizens of Kenya in Lamu.

Madam Temporary Speaker, I repeat the words of my colleague, Sen. Chute, that we have no business in Somalia. If we cannot secure Lamu, Mandera and the grazing fields of Kitui County, we have no business securing Mogadishu. We must recall our soldiers to come and provide security and protect national interests in this country.

I support.

The Temporary Speaker (Sen. Mumma): Sen. Korir, you may have the Floor.

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Sen. Korir: Thank you very much, Madam Temporary Speaker. Allow me to thank Sen. Faki for coming up with this Motion. It is very emotive in the sense that it has really affected our country.

I confirm that this is an issue that is not only affecting Lamu County. As has been stated by a number of colleagues, it is of national importance. I confirm that some of the officers also come from Bomet County and various parts of this country.

This issue has led to a number of families losing their loved ones and leaving some of the households without fathers. Despite the fact that they have died in the line of duty, there are a number of issues that I feel that these people have been left behind. Despite the fact that the Government has been sending them to protect the nation, I would want to know the essence of sending the military to these other countries including Somalia.

Secondly, I would want to know what is the budget of that particular Ministry because of the accident that happened yesterday. Though I cannot tell, I believe that the plane that they were using was not in the right condition. These are some of the things that have been affecting these soldiers.

Not only that, there are also a number of machineries that these al-Shabaab are using. I would want to know if the Government is capable of purchasing these types of machinery that can assist our people wherever they are offering these services. This is because they go there to try and offer security but the types of machinery they use are questionable.

Sometimes you find a team of forty or fifty destroyed within a second by the types of machinery that these people are having. I would want to know from the relevant committees that we have in the Senate and in the National Assembly that deal with issues of security, how far they have gone with these issues and the decisions they have taken in light of many Kenyans losing their lives.

These are very young soldiers. Sometimes they just come fresh from college having gone through thorough training and they just lose lives within a month. This is something that is no longer a joke. It is not something that we not only need to discuss in this House but need to see action being taken by the Government. It is high time that we, as Members of Parliament, provided details and ensure that it is funded, if we are supposed to continue providing security to other countries.

Taking the lives of Kenyans to other countries without proper machinery and having in place the organisation they are to follow, is not something we need to be discussing here year-in, year-out. This is something that is serious. I urge the Committee in charge of security to sit down and relook at this issue so that we can have it addressed once and for all.

I am dissatisfied with how we are handling them and even the way we address the issues after they are affected. There are a number of them who are lying in hospitals right now, who are affected by these issues. Nobody is bothering about them or their families. It is not just a matter of discussing for the sake of doing so but we need to do a serious---

(Sen. Korir's microphone was switched off)

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The Temporary Speaker (Sen. Mumma): Proceed, Sen. Lomenen.

Sen. Lomenen: Thank you, Madam Temporary Speaker, for this important Motion. I support it.

First, before I say anything, I want to send a message of condolences to the bereaved people of Lamu who have lost their loved ones.

Without talking much, I want to say that the security personnel, department, and the Security Council in this nation are supposed to work hard and make serious decisions.

The Temporary Speaker (Sen. Mumma): Senator, let me interrupt you for a second.

Hon. Senators, pursuant to Standing Order No.34(2)(a), I wish to direct that this session be extended to adjourn at 6:45 p.m. so that we can allow everybody scheduled to speak.

Sen. Lomenen: Thank you, Madam Temporary Speaker, for the opportunity that you have given us. This is a serious issue. If I were the President of this nation or the Cabinet Secretary for Defence, I would have given Kenyans enough time to discuss the security issue in Kenya.

It is true that the role of Government is to protect the lives of people and their property. If people continue to lose lives and property, they will go back to the state of nature where they do not respect the Government or the law because their lives have been threatened.

I support my colleagues who have said that we do not have business with these other states. Our business is to protect the lives and properties of Kenyan citizens.

This is not enough. We are taking the Kenya Defence Forces (KDF) to Somalia. My county, Turkana, borders Ethiopia, Southern Sudan and Uganda. For your information, there is no KDF that is in the Uganda border. As we talk, there is a rule that no Kenyan pastoralist should live in Uganda, which is serious.

I just came from Turkana this morning. As we speak, there is a dispute between Southern Sudan and Kenyans at Nadapal. The forces that are there are very few.

I was in Kainuk yesterday. If it were not for KDF who are working hard and committed to their work, Kainuk would not be there. The only nurse in that health centre was killed. A class 6 child was also killed. The child was not a KDF or a soldier but was just in school uniform. It is very painful.

I cannot be in this House when I keep on losing officers who are supposed to protect lives and property. I lose doctors and nurses who are supposed to save people's lives. I also lose children, women and elders. It is not in order.

We should take this issue seriously. There are officers in Lang'ata Barracks, Kahawa Barracks and all over resting while others are suffering.

Only 20 or 70 officers are in the borders yet others are in Somalia. Why do they earn a salary? They are supposed to protect our territories. Let them be in the territory instead of protecting these other states, so that we believe that Kenyans are protected. We cannot lose the lives of our officers at the expense of other States. This State is superior. We have given this Government power to protect us.

Thank you, Madam Temporary Speaker.

I support this Motion.

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The Temporary Speaker (Sen. Mumma): Hon. Senators, we have six more speakers left. I request that everybody to take just about two-and-a-half minutes to give everybody a chance. That is all we have.

Proceed, Sen. Shakilla Abdalla.

Sen. Shakilla Abdalla: Asante Bi. Spika wa Muda, nimesimama kuunga mkono hii Hoja ya leo ya maswala ya *security*.

Bi. Spika wa Muda, uchumi wetu Lamu unategemea utalii na uvuvi. Ni masikitiko sana kuona Serikali ikija kutulaumu kila leo kwa maswala ya kigaidi. Juzi, tumetishwa na Mawaziri waliokuja Lamu waliposema kwamba wavuvi wetu hawafai kwenda baharini bila vitambulisho. Kitambulisho kikipotea ni shida sana kukipata, hususan sisi watu wa Lamu tulio karibu na mipaka.

Afadhali Serikali ingesema itapeana vitambulisho spesheli kwa wavuvi, ili kikipotea kinaweza kubadilishwa, kuliko kitambulisho cha kawaida kikipotea baharini. Sisi ni wachache na pale kwetu Lamu tumetengwa. Hivi sasa, tunasikitika kuona malumbano yanayoendelea Lamu baina ya viongozi.

Bi. Spika wa Muda, ikiwa kuna kiongozi anajua kitu chochote, anajua njia ya kufuata na ya kupeleka ripoti ili hatua ichukuliwe. Lakini, mambo ya malumbano kwenye majukwaa yanazidisha utata, hekaheka na wasiwasi sana kwa wananchi. Tunawaomba viongozi wanaolumbana kutoka Lamu waache hayo mambo na wafanye kazi. Wamechaguliwa na wananchi kuwahudumia. Hawajachaguliwa kulumbana.

Serikali ijaribu kuleta amani na kuchunga mipaka yetu kwa sababu tuko karibu na mipaka na shida ikija inatupata sisi, huku tukilaumiwa na huku tunauwawa na magaidi ila tumeishi kwa amani miaka mingi. Sisi kama viongozi wa Lamu tunataka Serikali idhibiti mipaka ya Lamu na Somalia; na ijaribu kuona kama watawandoa wale majeshi wako Somalia ili tuone kama hii shida itapungua.

Bi. Spika wa Muda, hii shida imezidi tangu majeshi yetu yaende kule Somalia.

(The microphone went off)

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. I support this Motion and I will make two observations.

As a country, we should not be cowards fearing terror. The issue of terrorism is cross-cutting as well as a global one and Kenya is part of it. I agree that it is no longer tenable for our troops to be 260 kms in Somalia. They should come and be along the border. We also need to do an audit because the last regime alleged to have built a wall between Kenya and Somalia. Those are the questions we should be asking how far that went.

Madam Temporary Speaker, secondly, the leadership of areas like Lamu and Northern Kenya should be honest. We have intelligence reports that “some of the leadership hire this terror group to profile people ethnically in Lamu and most of the Northern part of Kenya.” That is why there were teachers demonstrating at the Teachers Service Commission (TSC) because they are not natives of that region. Therefore, the

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leadership of that area must be honest and cooperate with the Government so that we fight terror to the deserving level.

Thirdly, I heard the Senate Minority Leader alluding that there is a disjointed Cabinet. There is no such thing. Hon. (Prof.) Kithure Kindiki has been in Lamu a number of times and yesterday, he was in Northern Kenya as well. He has worked to ensure that there is homeland security. The Defence Cabinet Minister as well.

I confirm that the country is safe. While we empathise and sympathize with the Kenyans that have lost their lives, the Government is always focussed. That is why there are enormous resources in terms of modernizing the fight against terror. Therefore, let us not be cowards and run away from fighting terrorism in this country. I thank you.

The Temporary Speaker (Sen. Mumma): Sen. Sifuna.

Sen. Sifuna: Madam Temporary Speaker, this is a very emotional discussion we are having this afternoon.

Like my colleagues have done, I begin by saluting all our forces; those who continually serve every morning, evening and night to make sure that our country remains safe. I also offer my heartfelt condolences to those who have lost their loved ones in the armed forces.

One of the issues is that the Kenya Defence Forces (KDF) is usually very cagey with information on casualties such that we do not even know how to celebrate these heroes. I was surprised some of my colleagues have been throwing about numbers of the casualties from the plane crash that was reported today by the KDF. However, looking at that statement, it did not allude to any numbers. So, I do not know what information they have, but that is part of the problem.

Madam Temporary Speaker, I had sought to bring this matter before the Senate on 26th June, 2023. At that particular moment in time, in the months of May and June alone, we had had about 20 casualties. We had lost 20 people in attacks in Mandera, Wajir, Garissa and Lamu counties. The fear that we have is that these attacks, while some of them might sound to be happening very far off from where we live, it is only a matter of time before some of these things are seen in our urban areas.

Of course, indeed, here in Nairobi City County, we have suffered the brunt of these terror activities. Everybody remembers the Westgate and Dusit Terrorist attacks. We have to come out strongly and say that we shall not cower as Kenyans, but we must continue to insist that our Government does what is right.

The questions we are asking ourselves is: What are the strategic intelligence or operational failures that have led to this increase in terror attacks? This is because we had experienced some degree of lull towards the last days of the regime of Uhuru Kenyatta. We want to know if our armed forces are properly equipped with enough armour and what the state of morale is. For instance, when was the last time we saw the Commander-in-Chief visiting with our troops just to give them morale?

We do not want to hear how many times Prof. Kindiki has been there. I wish we had the same clarity and specificity that we used to get from the Ministry of Interior and National Administration about how they are going to deal with demonstrators. We used to be told minute details, including what time the police would deploy and what heavy

equipment will be used against the protesters. We want to see the same clarity from this Government.

The Temporary Speaker (Sen. Mumma): Sen. Montet Betty, please, proceed.

Sen. Montet Betty: Thank you, Madam Temporary Speaker. At least, I will get a few minutes. I send my sincere condolences to the Commander of the Kenya Air Force and the families of the gallant soldiers who lost their lives last night, and indeed, also to all our soldiers who have died in these terror attacks especially around Lamu County and in the country.

This issue is very emotive and it is sad that we continue to lose our young men and women in uniform and also other Kenyans like we have done in Lamu County lately. I urge the Government to look at where we are going wrong. What is this that we are not doing right that we cannot manage these terror attacks? I am sure if the Government puts things in order and decides to put an end to these terror attacks, Kenya is known to be good enough in what we do and it will come to an end.

I send my condolences to our loved ones and wish their families well during this time of sorrow.

The Temporary Speaker (Sen. Mumma): Sen. Murgor, please proceed

Sen. Murgor: Thank you, Madam Temporary Speaker. I join my colleagues to support the Motion. We sympathise with our people that have lost their loved ones. My opinion on being in Somalia; take the example of United States of America (USA) today. USA is in Saudi Arabia and in Afghanistan not having any business there but to take terrorists that would be planning to attack USA interests head on.

I believe that for Kenya to be safe, it is not really to be in the country alone, but also to strategize and tackle the enemy at a distance so that they are not near home with their plans. Kenya should see what equipment they need to be able to tackle the enemy.

Madam Temporary Speaker, many times, the Cabinet Secretary for the Ministry of Interior and Administration of National Government has promised equipment that would tackle the kind of bombings that these people plant in the ground. I honestly believe that that should be the way so that, the enemy is defeated even though they are planning. They should be defeated in those plans rather than running away from them and coming to defend from home. It is because we will be caught at the door, if we do that.

The other thing is to be proactive where there is insecurity such as Lamu, some parts of Pokot and Turkana and so on, so that there is a proper---

(Sen. Murgor's microphone went off)

The Temporary Speaker (Sen. Mumma): Sen. Kibwana, proceed.

Sen. Kibwana: Asante, Bi. Spika wa Muda. Langu ni kutoa pole kwa watu wa Kaunti ya Lamu waliofiwa. Ni masikitiko makubwa kupoteza ndugu zetu na hao ndugu, wako na familia. Wako na watoto, ni baba, kaka na pia ndugu za watu.

Tunaomba Serikali ifanye vyovyote vile kusuluhisha na kuweka usalama upande huo, ili maisha na kazi za watu wetu wengine kama wavuvi ziendelee.

Lamu inajulikana kama mji wa tourism. Tunaomba Serikali iingilie kati ili watu wawe huru kufanya kazi zao bila uoga au tashwishi. Lakini ninaomba tu Wakenya na Serikali isilete ukabila, siasa au jambo lolote la kuvuruga zaidi.

Wale wanajeshi wetu waliopelekwa Somalia warudi Kenya ili waongoze katika kutunza usalama. Tuangalie nyumbani kwanza kwa sababu mcheza kwao hutuzwa. Usalama kwanza uanze kwenu. Kama kwenu hakuna usalama, ya nini kulinda usalama katika nchi nyingine? Tunaomba Serikali ilete usalama wote Kenya kwanza, tuwe na nafasi, watu wote wawe huru kufanya kazi zao, halafu ndio tupeane usalama upande mwingine.

Bi Spika wa Muda, ninatoa pole zangu na pia kuomba Serikali isaidie katika mazishi ya waliouawa. Ninaomba pia Serikali iwasaidie wajane na watoto walioachwa nyuma wasomeshwe.

Asante kwa kunipa nafasi.

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, there are no more requests. It is now 6:42 p.m., time to adjourn the Senate. Therefore, the Senate stands adjourned until tomorrow, Wednesday, 28th September, 2023, at 9:30 a.m.

The Senate rose at 6:42 p.m.