NOTICE OF MOTION

Date 1st October 2013
Member of Parliament: Hon. Sabina Chege
Contribution She Made On: Adoption of Report On Vetting Of TSC Nominees

She gave notice of the following Motion:-

- THAT, pursuant to Section 8 of the Teachers Service Commission Act and provisions of Standing Order No.45, this House adopts the Report of the Departmental Committee on Education, Research and Technology on Vetting of Nominees to the Teachers Service Commission: Mr. Kiraguwa Magochi as the Chairman; Mr. Albert Fred Ekirapa; Ms. Jacinta A. Kapiyo; Mr. William A. Makubo; Mr. James Nkoroi; and Mr. Mwijuma Mwinyipembe as members.

Date 3rd October 2013
Member of Parliament: Hon. Gladys Nyasuna
Contribution She Made On: Establishment Of Select Committee On Road Safety

She gave notice of the following Motion:-

- THAT, aware that there has been an increase in fatal road accidents in the country in recent past, including the most recent cases of the accident which occurred at Ntulele area along the Nairobi-Narok Road, where 42 persons lost their lives and others left debilitated; furthermore aware that since January 2013 to 19th September 2013, there has been a total of 4501 road accidents, with 1841 of them being classified as fatal and in total 2293 persons have lost their lives due to these road accidents; concerned that there are reported increases in the failure of road users to adhere to traffic rules, the laxity in enforcing the provisions of Legal Notice No. 161 of 2003, popularly known as the “Michuki Rules” and the Traffic (Amendment) Act of 2012, and the lack of any legislation or policy on motorcycles and bodaboda operations; noting that there has not been a national study on the possible manufacturers’ defaults, particularly on locally assembled public transport vehicles, this House resolves that the National Transport and Safety Authority do conduct safety training, testing and licensing of all bodabodas and motorcycles, and further resolves to establish a Select Committee on Road Safety to investigate, inquire into and make recommendations to the House, including recommendations on proposed legislation within one hundred and twenty (120) days on
i. The root causes of the rising cases of road carnage, including motor-cycle accidents;

ii. The failure in enforcement mechanism of the existing traffic related statute and regulatory;

iii. The process of training and licensing of public transport, including licensing of drivers, public transport vehicles and motor cycles;

iv. Any correlation between the rise in road accidents and manufacturers’ defaults; and further, that the Committee comprises of the following Members:

1. The Hon. Gladys Wanga, MP - Chairperson
2. The Hon. Priscilla Nyokabi, MP
3. The Hon. Rosalinda Soipan Tuya, MP
4. The Hon. Fatuma Ibrahim, MP
5. The Hon. Eng. Mahamud Mohamed Maalim, MP
6. The Hon. John Mbadi, MP
7. The Hon. Mary Emase, MP
8. The Hon. Eng. Vincent Musyoka, MP
9. The Hon. Andrew Toboso, MP
10. The Hon. Asman Kamama, MP
11. The Hon. Kabando wa Kabando, MP
12. The Hon. Nicholas Gumbo, MP
13. The Hon. Mishi Juma, MP
14. The Hon. Ben Mutura, MP
15. The Hon. Dennitah Ghati, MP

Date 9th October 2013
Member of Parliament: Hon. Gladys Nyasuna
Contribution She Made On: Establishment Of Select Committee On Road Safety

➢ She pointed out that in fact, the section that has been quoted by the Member reads “the Committee on Transport, Public Works and Housing that will deal with transport, roads, public works, construction and maintenance of roads, rails and buildings, air, seaports and housing” but added that nothing was said expressly about roadsafety.

➢ She pointed out that by moving that Motion, she urged Members of the Transport, Public Works and Housing Committee to listen because she will be canvassing before the House that roadsafety was a matter that went beyond
a single Committee of the House. She pointed out that road safety was a major priority and many lives were being lost.

- She suggested that this was not the work of a single Committee and that the Motion was not judgment on the performance of any single Committee of this House and added that while those numbers might look like mere statistics, but they were not mere statistics and the reality that those numbers did not just mean 3,000 who are in the air, these numbers meant people's wives, husbands, fathers, mothers and children.

- She stated that peoples' lives changed forever from these accidents adding that in this decade of action on road safety as declared by the United Nations that is, 2011 to 2020, the House has a moral obligation to come out strongly and speak on the matter of road safety. We must have a radical departure from the past and it could be business as usual.

- She pointed out that the Motion provided a platform for the realization of the resolution on the Decade of Action on Road Safety calls upon member states to implement road safety activities, particularly in areas of road safety management, road infrastructure, vehicles safety, road user behavior, road safety education and post-crash responses.

- She further stated that if the country was ever to meet the Vision 2030, they must deal with the issue of road safety and we must deal with it decisively. Comparative estimated costs of road accidents if one looked at the various countries, as a percentage of the gross national products of these countries, you will find Ethiopia at 0.8 per cent, South Africa at 2.3 percent, Zambia at 2.7 per cent and Kenya almost at 5 per cent of our gross national product being wasted on road accidents.

- She noted that these numbers were very high and a major area of concern, while having the road accident conversation, is that of motorcycles as we popularly know them as bodabodas. The bodabodas are a major youth enterprise in this country. In Homa Bay County, we have 15,000 of them and not driven by just 15,000 young men. You will find that they share these motorbikes even three of them. It is estimated that those young men support up to six other members.

- She stated that as the senate they have an obligation as a House to look at how best to support that youth enterprise. In Kenya, we have an estimated national fleet of motorcycles at 600,000. It is estimated that 1.6 million Kenyans depend on the motorcycle industry with an additional of 100,000
depending on repairs and the sustenance issues for those motorcycles adding that that was therefore, a massive industry.

- She further noted that the countries young men, however, lack safety training and equipment to save their lives and the lives of their passengers. This industry is increasingly becoming a fatality zone. That is why we find a designated area for bodaboda accident victims in many of our hospitals. We must act. She stated that riders continue to hang helmets on the motorcycles, perhaps, oblivious of the safety advantages of the helmets if they were worn. The majority of our young men who ride on those motorcycles - and Members of this House will agree with me - do not have licences. This is because of the prohibitive cost of training and licensing of our young men. For example, for one to have a driving licence as a motorcycle rider, you have to go to a driving school and it will cost you between Kshs5,000 and Kshs7,000.

- She stated that her Motion sought a resolution of the House to have the National Transport and Safety Authority (NTSA) conduct a two-day training for bodaboda riders across the country or in every constituency. On the third day, this Motion seeks a resolution of the House that these riders be tested and those who pass the test should be licensed.

- She noted that the NTSA had the mandate to do this. The Authority has the mandate to establish systems, do training, test and license. Even as we look at this Motion, and this is why I thank you for giving me this opportunity to move it before Members actually contribute to it and decide whether they should reject it or pass it and added that for the timing of those trainings, this Motion was not urging the Government or anybody to do this. This Motion seeks a resolution of this House to have NTSA do these trainings which are its mandate. In terms of timing, we say that they should do this beginning November so that when approaching December when we there are many fatalities, we have our young men trained.

- She noted many questions remain unanswered on road accidents. Those questions, in the opinion of the Mover, transcend the mandate of a single Committee of this House. Questions of enforcement and whether the police has sufficiently pulled their weight are a preserve of the Departmental Committee on Administration and National Security. Questions on infrastructure, transport and the ones we have read fall under the Departmental Committee on Transport, Public Works and Housing. Availability of adequate laws and legislation might be taken up by the Departmental Committee on Justice and Legal Affairs.
She further stated that the massive health impact created by those accidents can be correctly canvassed by the Departmental Committee on Health of this House. The cost to the economy as a result of the accidents in Kenya - I had said 5 per cent - is a preserve of the Departmental Committee on Finance, Planning and Trade. This is, therefore, a multi-faceted and complex matter of national priority. The Select Committee would like to look at these issues thoroughly and in a detailed manner and in consultation with all the committees that are involved.

She pointed out that in this decade of action on road safety this House needed a faceon road safety. Issues of road accidents cannot be reduced to tuff wars between which committee and which committee of this House adding that the country had no shortage of laws because we have them in abundance.

She noted that there was is the Traffic Act of 2012, the “Michuki Rules” and other regulations like the ones recently released by the Cabinet Secretary and the was long but the elephant in the room that the House needed to tackle practically and decisively wasthe issue of enforcement. Enforcement will compel our drivers to comply with the rules and regulations that we have. Effective enforcement will lead to rapid reduction in the accidents that occur. Enforcement will also have a long-lasting effect on driver’s behavior. Research has just shown this.

She suggested that in seeking solutions of enforcement, this Select Committee, if adopted, must have a candid discussion with the public. It must have a candid discussion with the public and other stakeholders on our current enforcement mechanisms. Difficult questions must be asked. Must the police remain the enforcing agency despite the massive and cancerous corruption that has bedeviled that force? Must the police remain the enforcing agency as our people continue to exchange their lives with bribes.

She questioned why the police remained the enforcing agency when the people continued to die in insecurity zones adding that not a single week passed in this House without a Member raising matters of insecurity in their areas and further questioned whether there was a need for policemen with guns to enforce traffic.

She also interrogated why the police continued to be the enforcing agency despite the serious lack of accountability and poor public perception and deliberated on why the police continued as the enforcing agency while they lined their pockets as the blood of innocent children, pregnant
mothers, fathers and grandparents continue to flow on tarmac roads, she stated that Kenyans needed the answers to those questions.

- She noted that countries like Ghana has traffic wardens that were separate from the police service and questioned whether that would be the way this country was to be run. She noted that manufacturing defects continue to be our major issue in this country and we do not even have the statistics giving the example of the recent accident by stating the top of the bus that rolled at Ntulele came off when it rolled once which begged the question of whether the bus was substandard.

---

**Date 9th October 2013**

**Member of Parliament: Hon. Priscilla Nyokabi**

**Contribution She Made On: Establishment Of Select Committee On Road Safety**

- She second the Motion, to set up of an ad hoc Committee of to look into the issue of road safety adding that the in Ntulele accident as a case study, the bus had 77 passengers even thought it was supposed to have 60 passengers. And furthermore the bus was travelling at night.

- She noted that the bus did not meet the Kenya Bureau of Standard’s (KEBS) certification requirements and also questioned whether KEBS was competent enough to continue certifying some of the vehicles that use our roads.

- She referred hon. Members to the Daily Nation of 9th October, 2013, page 22 where there was a story about nine people that had been killed in road accidents in Uasin Gishu and Kwale counties and stated that it was time for this House to speak on the matter of road safety. We are the peoples’ representatives.

- She stated that the first duty of the committee would be is to ensure that people stay alive adding that road safety is a big problem in this country. Therefore, this House needs to take action. She stated that the proposed Committee will, in 120 days, look at the five pillars around which road safety is organized. The first pillar is road safety management. We acknowledge the presence of the National Transport and Safety Authority (NTSA) but there is a problem with enforcement of the law adding that it was time for the House to show that the John Michuki rules can be brought back and given life. During the period that we used the Michuki Rules, the number of accidents came down significantly.
She pointed out that the other pillar is safer roads. We need to look at safe vehicles. We have the eight-year rule in place but we have no rules at all on protection of children. We are in a country where all fathers think that it is a good idea to put children on the front seat as they drive. We are in a country where people carry their children in vehicles without protection. We are in a country where we just recently buried school children. One of the biggest hazards in this country is going to school as a child. We have absolutely no protection mechanisms for children as they use our roads.

She noted that looking at the statistics of pedestrian deaths in this country, you will see that most of those who lose their lives are school-going children. Therefore, we need to look into this issue. We need to look into the issue of education. We are in a country where road sign plates are stolen and sold as scrap metal. Educating road users is crucial. More importantly, looking at the Ntulele accident and many other accidents that have happened in this country, it is clear that there are shortcomings in our post-crash responses. Our emergency treatment and healthcare need to work. The proposed Committee should map out the black-spot areas of our highways and suggest appropriate emergency response mechanisms in those areas. This is already happening in the Northern Corridor. It should happen across the country.

She quoted the statistic that have 2 percent of the road vehicle population in Africa but we contribute 16 per cent of the road traffic accidents in the continent. Kenya is, of course, leading in road traffic accidents in Africa. In Europe, they have 8 per cent deaths and 16 per cent population of vehicles. Many countries are now moving to “vision zero accidents”. We are urging this House to make Kenya a safe country for road users. We should have a “vision zero accidents” in this country. That can only happen if we set up the proposed Committee after adopting this Motion and move to a situation similar to that of Nigeria.

She further stated that the Committee that will be set up will, in 120 days, spend a lot of time looking into the aspect of the 83 per cent of human error that contributes to accidents in this country. Recently, there was a wellness clinic for drivers. Ironically, one of eight drivers who came for the wellness clinic was drunk. We have to be concerned about such issues. Our roads continue to have drunk drivers. Our roads continue to have speeding cars. Our roads continue to have problems that we need to deal with. On the issue of motorcycles, we need sufficient data, so that this House can be able to take necessary measures to address the problem. That is why, in looking
at solutions, we found out that there was no way other than looking into the issue of creating a committee to delve deeper into these issues.

- She cautioned that the issue was not the place to save costs and that was not the time to say that we are saving costs by opposing the creation of a committee like this one. We will save costs today and then tomorrow and the day after tomorrow, accidents will continue to happen on our roads. Therefore, since we are already elected and we are here, I urge the House to allow the Committee to be established. Once given the mandate, the Committee will spend time looking into these issues. It will put energy into road safety measures.

- She pointed out that on 17th November 2013, the Committee will participate in activities related to the lives of victims. It will join the global actors in the UN decade of road safety. We will not ask for any extension of time. In the next 120 days, we will ensure that we have safer roads. This House will have given its word and directed its efforts towards dealing with matters affecting the country. We are guided by the new Constitution, specifically on the right to life, which should concern leaders like the ones seated here. We should all be concerned by loss of lives, noting that many of the people we are losing on the roads are aged between 15 years and 29 years.

- She noted that in her county, there were alcohol problems. Many of our young men have been taken away by alcohol. The boy child has gone to alcohol. The sad part is that amongst the remaining ones, those who buy motorcycles and use them on our roads, actually give themselves another death wish. So, it is time for us to speak out and act. As I conclude, I would like to caution the Departmental Committee responsible for transport that, as they seek to tell the House that they are also looking into these issues, the blame on the next accident will be put squarely on them. If debate on this Motion does not proceed to enable the House adopt the measures that it should adopt, we will blame the Departmental Committee responsible for transport.
Departmental Committee on Transport, Public Works and Housing the committee Hon Wanga was proposing would be doing the same work.

- She stated that the country had lost so many lives of the young, old, very important persons and the very humble, not only through road accidents but even through air crashes and ferry accidents. These are things which need to be addressed by the National Transport and Safety Authority. As a person, I think empowering this Authority so that it can handle these issues with the seriousness and the intensity it deserves will be very crucial. She cautioned that those ad hoc committees to be formed were not the best and questioned the rationale behind them.
PETITIONS

Date 23rd October 2013
Member of Parliament: Hon. Rachel Shebesh
Contribution She Made On: Compensation To Victims Of 7th August Bomb Blast

She presented a Petition on behalf of the victims of the 7th August, 1998 bomb blast in Nairobi, Kenya that read as follows:

“We, the undersigned, the 7th August, 1998 Bomb Blast Victims Association, draw the attention of the House to the following: That on 7th August, 1998, the Al Qaeda staged a terrorist attack directed at the American Embassy that was within the Central Business District. It was the Kenyan citizens who mainly bore the brunt of this attack that led to the deaths of over 200 people and left more than 5,000 people injured. As a result of the bomb blast, Mr. Charles Njonjo was appointed to head a commission, which received some donations of money from well wishers, which was subsequently distributed to the families of the victims to cover burial expenses and to survivors in accordance with their degree of injuries sustained. The USAID provided medical and educational support up to 2002 when they withdrew their support. The victims have never received any assistance from the Government of Kenya to date. On 7th August, 2008, the then Prime Minister attended the Bomb Blast commemoration and promised to form a committee in the Kenya Government and the association to meet with the US Ambassador and his team to see the way forward, but this was never to be. On 28th November, 2011, Judge John Bates, a US District Judge, ordered compensation to be paid to the Americans and their employees, but kept mum on the Kenyan victims. We hereby confirm that efforts in terms of letters addressed to the relevant persons and Ministries and oral representations to the concerned parties have been made about the matter addressed, but no adequate response has been received.

We confirm that the issues in respect of which the Petition is made are no pending before any court of law, constitutional or legal body. Therefore, your humble petitioner prays that Parliament, through the Committee on Justice and Legal Affairs, looks into the welfare of the bomb blast victims and summons the Office of the Attorney-General and the US Embassy to devise a way forward concerning the issue of compensation, make any other order or direction that it will deem fit in the circumstances of the case. Your petitioners will forever pray.”

She pointed out that she wanted to give two or three clarifications on this matter. One is that after the bomb blast, which happened 15 years ago, there was an attempt by the Government then to look into the plight of the victims. About 243 Kenyans died. Twelve Americans died in the bomb blast; one was of Ethiopian origin and another one was of unknown origin. USAID, in collaboration with the US Embassy, started a programme of
medical assistance as well as school fees assistance, but after 2002, this programme was abruptly, and without notice, stopped by the USAID. As I speak, many families who were affected by the bomb blast continue to seek medical services. The US Government gave US$45 million to the Kenya Government but this money did not go in any way to compensate the victims or those who had been left by those who died. This money, all Kenyans know, went into the repair of the Co-operative Building, Red Cross, AMREF, Operation Recovery as it was called at that time, Amani Counselling and to doctors who did a very good job at that time; no money went directly to help the victims, many of whom got injuries that led to disabilities, to continue with their lives.

Therefore, we are praying, following a resolution by the US Congress, which was passed in 2007 and was brought to the Floor of Congress by Jesse Jackson Junior, supported by other Congress Members, that after the 11th September, 2001 the US Government agreed to pay compensation to the victims of the bomb blast in their country, but the East African bomb blast victims of 1998 had never been compensated. Through a resolution of the House, they agreed that as the September 11th bomb blast victims were being compensated, the bomb blast victims of the US Embassy blast, which happened at the US embassies in Kenya and Tanzania, also be compensated. This is the only avenue, this being the House that represents the people of Kenya and the bomb blast victims, that we can pursue the resolution made by the US Congress.

She pointed out that some of the stories that she listened to of those bomb blast victims were sad and they were obligated, as a legislative House, to do more than pity and listen. She called on the Members to do more in our legislative power about this Petition and humbly requested that the Petition be received by this House and by the Justice and Legal Affairs Committee and the relevant action be taken.
Date 1st October 2013
Member of Parliament: Hon. Amina Abdalla
Contribution She Made On: Approval of Changes To Membership Of Select Committee

- She called on the leadership of the House, both the Whip and the Leader of Minority Party to sit together and deal with the issue as there were Members who were not in any Committee.

Date 24th October 2013
Member of Parliament: Hon. Amina Abdalla

- She pointed out that the Member for Baringo South, pursuant to Standing Order No.44(2)(c) had requested for a Statement from my Departmental Committee regarding the constant flooding in lakes, for example, Baringo, Bogoria, Nakuru and Victoria. She stated that some of the dwellings including schools, dispensaries and homes were submerged around Lake Baringo and Lake Bogoria. She wanted the Committee to inquire into and find out the position of the relevant Ministry on flooding and the action that has been taken to help the affected persons.

- She pointed out that in their interaction with the Ministry, they responded as follows:

  That the recent flooding of some of the lakes in the country and in particular the areas surrounding Lake Baringo and Lake Bogoria have been as a result of sustained heavy rain during the months of March to August. It is the view of the Ministry that the catchment area around Lake Baringo has experienced increased rainfall during this period resulting into an increase in the water levels in this area.

  The Ministry informed us that the areas that were most affected by flooding are Rugus, Kiserian, Sokoti, Ngambo, Salabani, Misoya, Kambi Samaki, Lokoruk, Koitokwitan and Kamolin which surround Lake Bogoria. The Ministry informed the Committee that the areas most affected have experienced partial submerging and this has resulted in the displacement of individuals. The Ministry also provided us with the numbers of those who have been affected. They have told us that the affected households total to 3,782, resulting in a population of 4,068. The reasons given by the Ministry for the flooding are:-
i. Flash floods from the catchment area due to land degradation
ii. Increased rainfall since 2010
iii. Possible decreased evaporation rate due to moderately cool temperatures within the area;
iv. Decreased depth as a result of siltation; and,
v. Increased human activity in the flood-prone areas.

She pointed out that it was the view of the Ministry that land degradation in the area had accelerated siltation, which had been considered as a major cause of the lake’s expansion. For instance, available records show that at the foot of Turgen Hills, the soil erosion rate is as high as 209 metric tonnes per hectare per year. In order to control and prevent floods, the Ministry of Environment, Water and Mineral Resources, in collaboration with other stakeholders, has prioritized the following recommended activities:

a) All the swampy areas surrounding the lakes be reclaimed and conserved to serve as siltation traps;
b) Alternative livelihoods be identified for residences bordering the lake and promotion of conservation within the sub-catchment area of Lake Baringo;
c) Appropriate farming methods be applied in the catchment area; and,
d) People settled in the flood-prone areas need to be relocated to higher ground.

She added that in addition to these preventive measures, the following actions have been taken to curb future flooding:

i. Continuous monitoring of lake levels and river flows in Perkerra, Molo and Endao Rivers, whose output would be used for early warning systems;
ii. Rehabilitation of the automatic water level recorder at AGS2E203 on River Molo;
iii. Finalisation of the Sub-catchment Management Plan developed by Perkerra Water Resource Users Association to address the problems in management of the catchment area;
iv. Implementation of the Molo Water Resource Users Association management plan for Rongai River, which is a tribute to Molo River; and,
v. An early warning system for floods be established at Kabarnet Sub-Office.

She pointed out that Lake Nakuru had also not been spared, and the roads to the park were inaccessible due to flooding during the period that the Ministry officials went to assess the situation. Once again, it is the issue of the water resource users’ management plans that are not being implemented. The
Ministry has taken the following measures to avoid the predicament encountered by the persons living around Lakes Bogoria and Baringo:—

i. Continuous monitoring of lake water levels and flooding in Njoro and Makali Rivers  

ii. Rehabilitation of the automatic water level recorder at Njoro River; and  

iii. Full implementation of the Sub-catchment Management Plan for Njoro, Makali and Ndereti Water Users

Date 24th October 2013  
Member of Parliament: Hon. Amina Abdalla  
Contribution She Made On: Encroachment Of Kitui South Game Reserve

➤ She stated that the Statement was pursuant to a request by hon. Rachael Nyamai, the Member for Kitui South Constituency. In her request, the hon. Member urged the Committee to inquire into and report on the following:

i. Reasons for encroachment of Kitui South National Park by people from Galole Constituency;  

ii. Whether any measures have been taken to recover the land, and what timelines allocated for the exercise are; and,  

iii. The correct location of Polling Station No.19 as determined by the Independent Electoral and Boundaries Commission (IEBC).

➤ She noted that third part of the request did not fall under the mandate of our Committee because our Committee is not responsible for the location of polling stations and therefore the committee answers focused on the purported encroachment of Kitui South Game Reserve by residents of Galole Constituency.

➤ She stated that the response from the Ministry indicated that Kitui South Game Reserve was gazetted through Legal Notice 106 and stated:

Kitui South Game Reserve was gazetted through Legal Notice No.186 on 7th September, 1979. It covers an area of 1,183 square kilometres. The Ministry of Environment, Water and Mineral Resources, through the Kenya Wildlife Service (KWS) had contracted a consultant to undertake a border survey of the reserve in 2007. The Survey Plan FR345/45 indicated that the reserve is under L.R.27798. The same was expected to be adopted by Kitui County Council to enable the processing of the title. This has, however, not happened. The Ministry, therefore, wishes to confirm that Kitui South Game Reserve has not yet received a valid title deed. The Ministry informed us that they were not aware of encroachment by anybody in the reserve but they were sending a team to confirm whether there was any encroachment.
moving forward the legitimization of the reserve, the Ministry will send a team to support the County Council of Kitui to acquire ownership documents to the reserve.

Date 24th October 2013
Member of Parliament: Hon. Rachel Nyamai
Contribution She Made On: Encroachment Of Kitui South Game Reserve

➢ She appreciated that the Chair of the committee had taken time to find out a few details on when this was gazetted but stated that she was shocked by the fact that she says or the Committee says that the investigations have brought out facts--- she was not convinced at all when they say that the reason why they are not taking action is because they do not have legal documents to show that this is a game reserve. I am worried and I feel, first of all, I should have been invited to give the story behind the Statement that I read in this House. That has been repeated in different versions by Members of Parliament from Kitui County.

➢ She pointed out that she thought that this matter was not taken seriously because the Statement was received by the hon. Member for Galole who I have pointed in this House has interest. You ruled that the hon. Member for Galole and I be invited so that we can discuss this matter. I feel that the response which we have received today does not satisfy me as a person. I am sure that it is a shock to the people of Kitui South who are aware that the Ministry of Environment, Water and Mineral Resources and the Kenya Wildlife Service (KWS) have been guarding the South Kitui Game Reserve.

➢ She questioned whether the response from the Chair was that that is not gazetted as a game reserve and further pointed out that I would like to point out to this House again that South Kitui Game Reserve was a matter of Kitui County but it is a concern to the world now because of the fact we have had media reports of terrorists saying that they passed through or they were rested in South Kitui Game Reserve.

➢ She stated that she was uncomfortable with what she had received and informed the House that she was not satisfied and she felt that it was important that the matter be revisited. She did not expect a four-minute Statement in response to this matter. I am not satisfied with this Statement and I would like to revisit the same and possibly extend this Statement to the Departmental Committee on Administration and National Security.
She responded to the following question by hon. Gathogo who had sought a Ministerial Statement regarding the destruction of crops by animals in various parts of the country. She pointed out that in her request, she noted that agriculture is the only source of livelihood for most Kenyans and was concerned about the recurrent invasions of farms and destruction of crops in most parts of the country.

She pointed out that the committee had invited the Cabinet to respond to the question raised and in her response the Cabinet Secretary responded as follows:

That she is aware that there are many cases of destruction of crops by animals in many parts of the country and that the following strategies of mitigating the same are being addressed by KWS:

i. The KWS sensitizes the communities on measures of mitigating dangers caused by wildlife and how the same can be handled as they occur.

ii. In consultation with communities, the KWS is erecting barriers such as electric fences, mounts and stone walls to keep wildlife away from human settlements and farms. Currently, the KWS has erected 1,154 kilometres of electric fence throughout the country.

iii. The KWS has an elite mobile squad of 45 rangers headed by a senior warden, which usually responds to support residents in areas where there is human-wildlife conflict.

iv. The KWS has an elaborate community support programme that reaches out to communities who interact with wildlife. Some of their projects include provision of water, health centres, and education and enterprise projects.

v. Regarding the specific issue of hippos within the Ruiru Constituency, the Cabinet

She further stated that the secretary informed the Committee that her Ministry, through the KWS has been sending teams of rangers to attend to the problem of animals by driving them back to the waters. The Ministry, through the KWS, has a special unit there that deals with the problem of animals. On the issue of compensation, as I said when responding to the question from hon. Mwadime, there is currently no legal ground upon which compensation of crops can

She pointed out that the Wildlife Conservation Act, Cap.376 of 1989 was amended to outlaw compensation of crops, wildlife and other related farm infrastructure.
Date 3rd September 2013
Member of Parliament: Hon. Esther Gathogo
Contribution She Made On: Destruction Of Crops By Wildlife

- She pointed out that she was not satisfied with the committees’ response as they did not offer any solution and yet the farmers in the Ruiru area continued to suffer because of the Wildlife.

- She further stated that it was unfortunate that when wildlife was killed immediate action was taken and the offenders apprehended but when humans were killed the government response was wanting and the people were not compensated.

- She also pointed out that the committee had failed to address the issue of the dam, where she pointed out the government despite many pleas had failed to fence the dam and it had led to the death of a young boy a few days before that.

Date 10th October 2013
Member of Parliament: Hon. Millie Odhiambo
Contribution She Made On: Business Commencing 15th To 17th October, 2013

- She questioned the majority Leaders remark to pass the Media Council Bill in whatever form adding that regardless of the short timelines there was a need to ask the relevant Committee and Members to put in a lot more time so that we did not pass the Bill in whatever form.

- She pointed out that there was a need for Members to attend sittings as there were a number of Private members Bills but there were no Members for the first reading and added that she was really getting concerned because that was a Bill that sought to protect victims of crime and questioned why it was not being given priority

Date 10th October 2013
Member of Parliament: Hon. Sabina Chege
Contribution She Made On: Illegal Management Of Schools By BoGs

- She responded to Hon. Kamande's requested a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology with regard to illegal management of schools by Boards of Governors (BoGs) whose terms of office have expired in the following way:

That the Basic Education Act, 2013, came into effect on 25th January, 2013, thereby repealing the Education Act, Cap. 211, revised in 1980. Section55 of the Basic Education Act, No.14 of 2013, establishes the board of management
for basic education institutions and confers the powers to appoint the board of management members for the basic education institutions to the County Education Board, under Section 56 of the Act.

That previously under the repeal of the Education Act, Cap.211, the Minister in charge of Education was mandated to nominate the board of governors. It is critical to note that the establishment of the County Education Boards was to be preceded by the establishment of the National Education Board. Section 5 of the Basic Education Board Act, 2013, establishes the National Education Board with the mandate to oversee the establishment of the County Education Board which will act as its agent as per Section 17 (1) and (2). Basically, it is the responsibility of the County Education Board to appoint the boards of management for the basic education institutions in the country.

She further pointed out that in the meantime, before the coming to force of the County Education Board, Section 101(2) of the Basic Education Act, 2013, provides for transition period while regulations in force prior to the repeal of the Education Cap.211 remain in force until new regulations are gazetted to guide on the nomination process or are revoked by rules and regulations made under this Act.

Consequently, the affected schools and colleges were directed through a circular to continue using the executive committees of the expired boards or interim management committee for the case of the newly established schools to transact business while awaiting the establishment and inauguration of County Educations Boards that will be responsible for appointment of the members of board of management.

- She stated that, once the County Education Boards were put in place, those institutions whose boards of management have expired will be required to channel their requests for formal appointment. It is for these reasons that the concerns were communicated to the management of basic education institutions through a circular attached here, by the then Permanent Secretary through the respective County Directors of Education, with copies to Dos and County Governors on how boards of governors in respective institutions have to operate.

- She concluded that, the Cabinet Secretary provided a circular attached here also directed all counties to initiate the process of establishing County Education Boards. Therefore, I wish to clarify those counties that have completed establishing their County Education Boards can go ahead and facilitate the appointment of boards of management for schools whose term has expired, in accordance with Section 56 (1) which clarifies that the appointing authority is the County Education Board.
Date 16th October 2013
Member of Parliament: Hon. Dr. Christine Ombaka
Contribution She Made On: Suspension Of Students From South Eastern University College

- She presented a report on expulsion of students from South Eastern Kenya University that was in response to a question that was asked by hon. David Kangongo Bowen on why the five students were expelled from that university.

- She stated that on behalf of the Chairperson of the Departmental Committee on Education, Research and Technology, I present the report. South Eastern Kenya University is a fully fledged public university that was established through award of the Charter on 1st March, 2013, by the former President, His Excellency Mwai Kibaki. The university has had several problems one of them being water. Water shortage was reported on the evening of Saturday 27th October, 2012, leading to students’ unrest and disturbance on the morning of Sunday 28th October 2012. As a result, some students overturned and disturbed water storage tanks.

- She further stated that the said that they had caused damage in the Kitchen and looted food items and drinks in the kitchen, stores and students centre. The damage caused by the students was assessed to be KShs. 6,891,371.50. After carefully assessing the situation, the university college academic board made a decision to close the university in the afternoon of Sunday, 28th 2012, to avoid further destruction of university property and also to give the university management adequate time to repair the damaged property. A special meeting of the university council was convened on 31st October 2012, to discuss the students’ disturbance and a report was to be forwarded to the Ministry. Prior to the disturbance on Sunday, 28th October, 2012, the students had elected new students leaders on Wednesday, 25th October, 2012.

- She pointed out that according to the students’ organization constitution, the newly elected leaders were to be sworn-in and take over office a week after announcement of the results and go through the induction programme but during induction and handing over, the outgoing students’ leaders briefed the incoming students’ leaders on the status of the various issues affecting the students’ welfare and the level of engagement with the university management. Other than the water shortage that was reported on the night of 27th and 28th October, 2012, the students had not presented any other grievances to the university management. So, the students did not have any adequate leadership at that time.
REQUESTS FOR STATEMENTS

Date 3rd October 2013
Member of Parliament: Hon. Soipan Tuya
Contribution She Made On: Non-Allocation Of Bursary Funds To Kenyan Students In Makerere University

➢ She requested the a Statement from the Chairman of the Departmental Committee on Education, Research and Technology concerning allocation of bursary funds to Kenyan students in Makerere University pursuant to Standing Order No. 44(2)(c).

➢ She pointed out that information availed to her by one of the many Kenyan students in that university is to the effect that for one year now a group of Kenyan students has been pursuing their applications for bursaries in vain. This follows a proposal or an application submitted to the relevant Education Officers – a proposal which was duly acknowledged and followed with a promise by the said officers to act on the students’ request within a week and that was in September of last year.

➢ She added that it is also alleged that there is a sum of Kshs 6.8 millions supposedly earmarked for a bursary kitty for needy students in Makerere but which has not been expended for the last two years or at least not for the intended purpose. The reason given for withholding of these monies is lack of approval from the Ministry of Education, the consequence of which 96 needy students and, therefore, would-be beneficiaries of the said monies have since missed their examinations. Most of them are staying at home losing out on their opportunities as a result of delays in the disbursement of these funds.

➢ She requested that in its response, the Committee should after verification of the aforementioned issues, state what measures will be taken in the immediate to obtain the approval of the Education Ministry to ensure the needy students in Makerere who qualify for bursary assistance do not continue to suffer while money is stashed away in the university’s accounts.

Date 10th October 2013
Member of Parliament: Hon. Rose Nyamunga
Contribution She Made On: Multiple Sale of Land Parcels In The Country

➢ She requests for a Statement from the Chairperson of the Committee on Lands regarding rampant multiple sale of land parcels in the country. It has become difficult to buy land in the country particularly in Kisumu County for fear of multiple land sales to different people. In the Statement, the
Chairperson should state if the allegations that the Ministry of Lands officials are involved in these shady land deals are true and indicate actions taken against officers found culpable to date; state the measures that can be put in place to instill confidence amongst investors dealing in land in Kisumu County; and lastly state measures that can be put in place to safeguard women, in particular widows who inherit parcels of land from their late husbands who lack knowledge of procedure on land matters.

**Date 10th September 2013**
**Member of Parliament: Hon. Rachel Shebesh**
**Contribution She Made On: Investigations Into The Death Of Haji Lukindo**

- She requested for a clarification from the Leader of Majority to clarify whether he knows that it is very difficult when a diplomat is involved in what had become a norm in this country, which is child pornography to be arrested. We have cases especially here in Nairobi where people in the diplomatic corp cannot be arrested because of diplomatic immunity yet they have been directly connected with child pornography. She questioned how the government was supposed to protect our Kenyans if diplomats have more rights than the ordinary citizens

**Date 10th September 2013**
**Member of Parliament: Hon. Grace Kiptui**
**Contribution She Made On: Investigations Into The Death Of Haji Lukindo**

- She stated that the Kenya Government had failed in its duties to ensure that the diplomat, having committed a crime, could not leave the country. Whereas we are told that they are still pursuing the issue of bringing back that criminal to face the judicial system, what happens to that family? Is the Government sympathetic enough to ensure that if there are children going to school, they are given bursaries or enabled to study freely because of the problem they are facing? This is a very unique problem and maybe the leadership of the area from where the family comes should also look into the matter

**Date 10th September 2013**
**Member of Parliament: Hon. Dannitah Ghati**
**Contribution She Made On: Investigations Into The Death Of Haji Lukindo**

- She pointed out that while looking at the life that was lost and the widow who had been left behind. We have just been told that she was expecting. She has a family to feed. This is a poor Kenyan who has no one to run to. That is why I want the Leader of Majority to explain further. I am not satisfied that the Government is really serious about protecting the lives of its citizens in this country. If I was in New York, where I lived, and I did something like that, I would be quickly deported to this country. We have no reason to pardon such people and there are many other diplomats who come to this country and get
away with so many things, just becausethey have diplomatic immunity. This is not sufficient information from the Leader of Majority Party. We need further explanation on this issue.

**Date 10th October 2013**  
**Member of Parliament: Hon. Rachel Shebesh**  
**Contribution She Made On:** Non-Gazettement of Uwezo Fund

- She agreed with the Leader of the Majority Party that one needed to be candid whenever necessary and definitely, Uwezo Fund was launched with the names of County Women Representatives. We went round the counties and spoke about women representatives but, from what has come out, it is clear that we have no role in Uwezo Fund. Therefore, politically, I do not want to dig my own grave in the name of Uwezo Fund and therefore she sought clarification from the Chairman of the Committee and the Leader of Majority Party to come out clearly on this matter. Is it in order for the Government to make a political statement to the effect that Uwezo Fund will be administered through County Women Representatives only for the Gazette and pointed out that there was no role for County Women Representatives adding that that was detrimental to the Women Representatives

**Date 15th October 2013**  
**Member of Parliament: Hon. Alice Ng’ang’a**  
**Contribution She Made On:** Demolition Of Warehouses In Thika Town

- She requested for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding irregular demolitions. Demolition of some buildings and properties had taken place before the affected persons were given prior notice. A case in point was the recent demolition of warehouses belonging to some business people based in Thika Town. The demolition was conducted by the County Government and appeared to have targeted properties belonging to members of the Asian community. This was done without prior notice or any reasons given to the victims. This was done despite those business people having provided services and means of livelihood to over 2,000 people in that area.

- She added that the Chairperson should inquire into and report on the following:

  1. Reasons for the demotions, including information on whether notices were given;
  2. Any planned compensation for the loss of property that the owners incurred and for the livelihood loss for the employees;
  3. Three, measures put in place by the Government to ensure the security of investors, workers and properties, given the constitutional right given to the citizens of this country to live and invest in any region.

- She pointed out that that was a matter of national importance and, therefore, she wanted the Statement to be brought to the House very soon adding that
she understand that members of the Asian community were meeting to
decide whether to invest again in Thika and Kiambu County in general, citing
harassment.

- She noted that those people have been very good to us, and have stayed
there for a long time. There are committed to social responsibility. They
contribute to our economic growth. I am also worried about the people
who work in their factories. I would urge that we ventilate on this issue
because it has really affected the victims of the said demolitions. Right now,
they are not operational.

- She pointed out that there was nobody to protect them, especially because
some of them have just come in. In some counties, we have seen governors
asking investors to go and invest there, with the promise of being given free
land to carry out their investments. In our county, and especially in my
constituency, these people are already there but we are scaring them away.
They were no longer willing to invest because they are being harassed and
they cannot report to anybody. This development has made the residents of
Thika town very sad because they no longer go to work. They are wondering
who is next to be hit.

Date 16th October 2013
Member of Parliament: Hon. Rachel Shebesh
Contribution She Made On: Gang Fight at Dandora Dumpsite

- She sought a Statement from the Chairperson of the Departmental Committee
on Administration and National Security regarding the recent gang fight in
Dandora. Two gangs openly exchanged fire over the control of zones within
the Dandora dumpsite and it took five hours for the police to intervene, yet
the Kinyago Police Station is only five minutes’ walk away.

- She requested that in his Statement, the Chairperson should inquire and
report on;

1. The disciplinary measures being taken against the police officers who
watched the gangs fighting instead of enforcing the law;
2. The measures the police have taken to apprehend these gangs given
their notoriety in the area; and
3. The steps being taken by the Inspector General to strengthen and
improve the response of police officers to any emergency situation,
especially in Nairobi County.

Date 16th October 2013
Member of Parliament: Hon. Rachel Shebesh
Contribution She Made On: Killings of Clergymen in Coast
She pointed out that there had been a tendency by Members to discuss deliberations of Committees before the Committees have completed their investigations and before the report is tabled before this House and sought guidance from the Chair on this issue.

She stated that Members were new and didn’t know by now all the Standing Orders and their provisions but, most importantly, in relation to speaking on an issue of national concern. For example, the issue of Westgate Mall is of national concern. This is speaking conclusively on that matter when this House has not concluded its investigations and neither has a report been laid.

She stated that she was raising this matter because it is not only the Chair of the Departmental Committee on Administration and National Security who has spoken on an issue that I believe has not been concluded. I can quote many examples. I have quoted the case of Gladys Boss Shollei which is under investigation by the Committee and the matter was discussed substantially in a rally.

She pointed out that while it was good to raise awareness on an issue, she believed that this is not being done in order to raise profile but it is being done because Members are not aware that Standing Order No.86 does not allow us to speak to the media on an issue that has not been concluded and making conclusions when the report of the Committee has not been laid in this House. I seek guidance so that I don’t always fall prey to the media by raising issues that are serious and are before this House.

Date 16th October 2013
Member of Parliament: Hon. Millie Odhiambo
Contribution She Made On: Killings of Clergymen in Coast

She pointed out that in terms of the Members oversight role it was concurrent especially if you situate it within the doctrine of separation of powers. When the other arms are doing their work, we can proceed with ours. There is nothing that can stop us from doing that.

She reiterated Standing Order No.86 which stated that no member shall refer to the substance of the proceedings of a Select Committee. One thing that we forget when discussing this is the word “substance”. There is nothing that stops us from discussing so long as we do not go to the substance. If you can persuade the House that we are not going to the substance of the debate, it follows closely on the issue of sub judice.
She pointed out that it borrowed very largely from the doctrine of sub judice that if you do not go to the substance of what is being discussed then you can actually discuss and requested that while the Speaker was giving direction on this matter she should note the words, “substance of the debate” because Members were not stopped from discussing. We just cannot go to the substance. I know it will be tricky, but, yes, you can speak without going to the substance.

She stated her concerns about in relation to media coverage. I think we cannot gag the media. If we think there are ethical ways that the media should be reporting, it is incumbent upon us as a House to provide by law those ways in a manner that does not limit the constitutional right of both uses of social media and mainstream media.

She also requested for direction on the issue of the doctrine of “he who comes to equity must come with clean hands” and added that Members cannot abuse the rules and then come and seek protection and reiterated that whoever comes to equity must come with clean hands.

**Date 23rd October 2013**
**Member of Parliament: Hon. Halima Duri**
**Contribution She Made On: Unjustified Killing of People By KWS Personnel**

She requested a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding the killing of individuals by uniformed Kenya Wildlife Service (KWS) officers. This has happened many times. In the last two weeks in Tsavo West National Park, a KWS officer killed one herdsman by the name Musa Mahamud Haji Dame and four head of cattle, and ran away with the dead body of the herdsman, leaving the area residents anguished.

She stated that in the Statement the Chairperson should inquire into and report on the action to be taken against this and other such KWS officers who kill innocent people. This should stop in that area where people border the KWS, Tsavo West. When will the corpse of the herdsman be returned to his family for proper Islamic burial? Failure to return it, action should be taken against the officer or compensation to the family should be done immediately.

**Date 29th October 2013**
**Member of Parliament: Hon. Joyce Lay**
**Contribution She Made On: State Of Mining Sites and Welfare of Mine Workers**
She requested for a Statement from the Chairpersons of the Committees on Environment and Natural Resources and Labour and Social Welfare on the state and condition of the mining sites and the rights and welfare of the mine workers in the country.

She pointed out that in some mining sites in Kenya, workers were facing serious violation of human rights from the employers whereby they are physically abused, subjected to poor working conditions and even in some cases, there is late or no payment for services offered by the mine workers.

She stated that the Chairs of the two Departmental Committees, namely, the Committee on Environment and Natural Resources and Labour and Social Welfare should urgently inquire and report on the state and condition of mining sites in the country; two, violation of welfare and rights of workers in mining sites in the country, in particular Kasigau Mining Sites in Voi Constituency, Taita Taveta County and thirdly, the steps taken by the Government through the Ministry of Mining to operationalize the Mining Act, 2012.

Date 29th October 2013
Member of Parliament: Hon. Cecily Mbarire
Contribution She Made On: Withholding Of Form Four Certificates By Head Teachers

She requested for a statement from the Chairperson of the Committee on Education, Research and Technology, regarding the numerous Form Four leavers in the country who have been denied their Kenya Certificate of Secondary Education due to outstanding school fees. As a result, these students are unable to get admissions into institutions of higher learning, tertiary institutions or being recruited into the disciplined forces and many other job opportunities.

She further stated that the Government had on several occasions ordered the heads of schools to release these certificates stating that failure to clear school fees is not sufficient reason to withhold their certificates. In her statement, the Chairperson should inquire and report on:

1. The number of students countrywide affected by this practice of withholding of their certificates;
2. The immediate measures to be put in place to compel the head teachers to release these certificates to their respective students as a matter of urgency;
3. A long term policy which should be put in place by the Kenya National Examinations Council (KNEC) and the Ministry of Education, Science and
Technology to effectively protect students from this practice by the head teachers in future.

Date 29th October 2013  
Member of Parliament: Hon. Sabina Chege  
Contribution She Made On: Withholding Of Form Four Certificates By Head Teachers

- She pointed out that as a Committee, they raised that issue last week with the Chief Executive Officer (CEO) of the KNEC and he agreed that he was going to issue a circular to all primary and secondary school principals that they should not withhold certificates of the students due to non-payment of school fees.
MOTIONS

Date 2nd October 2013
Member of Parliament: Hon. Soipan Tuya
Contribution She Made On: Review Of Farm Gate Milk Prices For Smallholder Farmers

- She supported the Motion by saying that it is a very important and relevant Motion to Kenya at this time, when we are all talking about the need to enhance our GDP. Focusing on one of those very easily forgotten sectors is consolidating our efforts. As we know, milk is very important food and commercial product. The high cost of farm inputs facing small-scale milk producers comes out as a very strong deterrence to them in milk production. We know that besides being a product of commercial value, milk is also staple food for some communities, if not for many communities in Kenya.

- She stated that besides being of commercial value, milk is of nutritional value. It is, indeed, a very important food product and added that another perspective in supporting the Motion was looking at it from a gender perspective, women in this country are at the centre of food production in many respects. For example, in the agricultural sector, women are at the centre of food production yet they own none of the agricultural assets or even the products that come from their food production business.

- She further stated that Milk was very unique. It is the only product over which women in the rural areas have full control. They know how much milk should go out for sale and how much should remain at home to feed their children. I am looking at the Motion from that perspective, because milk sector is very important for economic empowerment of women. We know that women form a large percentage of the small-scale farmers focusing on milk production.

- She added that besides just reviewing the prices of milk, and in addition to value addition and improvement of the sector, we also need to ensure that prices of farm inputs are subsidized. We need to support small-scale farmers by providing them with milk coolers and the necessary education in order for them to improve their yield. As I said, it is a key contributor to enhancement of our GDP.

- Focusing on this sector means job creation and economic empowerment for women, the youth and the marginalized communities in this country, who focus on milk production. Talking of marginalized communities, it is common knowledge that pastoral communities have livestock farming as their economic mainstay and means of livelihood. These are people who are marginalized in many respects.
She supported the Motion brought by stating that doing so, she took notice of the fact that the majority of the Kenyans in dairy farming are small-scale farmers. As Kenyans, we know that most of our farms nowadays are small as a result of a lot of adjudication and sub-divisions. We find that most of the farmers concentrate on zero grazing among other activities to be able to meet their basic needs. Therefore, if our population relies mostly on milk production, then it is only important that they are properly remunerated to be able to get a fair return on the investment that they have made.

She stated that it was unfair that a farmer can be paid Kshs.27 per litre of milk considering the input he makes in order to get that one litre of milk. Really, there is no value addition but still we expect to be able to better the lives of our farmers.

Think these are some of the efforts that the Government is making. If the Government was to invest in such projects and farmers did not get a return on the investment, then the amount in such projects would be lost, since there would be no income for farmers.

The gap that existed between farmers and the Government was due to lack of regulations and laws which should be in place to protect and cushion the small-scale farmers in their business. You will see that farmers mostly sell their produce to the middlemen; it means that they cannot get a fair price for their produce.

She noted that if proper laws were in place, then farmers will be protected and will get proper earnings. I, therefore, say that this is the kind of a Motion that should be translated into a Bill in due course, so that we can get laws that will protect our farmers. This is important because the Constitution recognizes the fact that every person has a right to invest and work in a free market. We should encourage farmers, especially the women. I appreciate what Hon. Waititu was saying, that we can really bring up this aspect of our economy.

It would be a great idea if we were to have the laws and regulations that will cater for dairy farming. This is a Motion that is very important to the lives of Kenyans. This is the way we should go as the fathers and mothers of the nation and as the Republic of Kenya.
She supported the Motion by stating that she felt that there were some gaps that need to address and she wished to move the amendment as follows:-

THAT, the Motion be amended by deleting all the words after the word “House” and inserting thereof the words “resolves that the Government should urgently review the farm gate price to Kshs45 per litre and review the price from time to time to reflect the cost of production”.

She pointed out that many Motions have been read in this House and many hon. Member speak of “urging the Government”. I feel it is time that hon. Members spoke of “resolves” instead of “urges”, so that we can see how far or how serious the Government can take the implementation of the Bills originating from the resolutions of this House.

She pointed out that regard to the price, she felt that a lot had been left hanging. We have not spoken about the price that we expect for farmers’ produce. Although we cannot really conclude that this is the price to be, it should be reviewed from time to time. I wish to put Kshs45 at the current price in our supermarkets. A litre of milk costs Kshs90. Therefore, there is a big gap between the farmer and the businessmen.

She pointed out that in her county, research was done and it shows that about 3.1 billion litres are produced in a year. That is the volume of milk that is sold not even at Kshs27. Sometimes, we even give it for free because there is no market. The co-operatives societies have continued to buy milk at Kshs18 to Kshs20. That is very frustrating to the farmers.

**Date 2nd October 2013**

**Member of Parliament: Hon. Joyce Lay**

**Contribution She Made On: Review of Farm Gate Milk Prices for Smallholder Farmers**

She supported the Motion as amended by stating that it was high time the Government stepped in to defend the farmers. We know that farmers have been suffering in the hands of middlemen for a long time. It is high time something was done in order for the farmers to get the full profits of their produce. I speak as a Member of Parliament for Taita Taveta County because that problem has been going on there for a while. My suggestion to the Government is this: We have two major leading companies that enjoy the monopoly of milk business.

She proposed to have them devolve that business to every county. We are talking about adding value to the milk. They should have a packaging and processing plant in every county because this will enable our youth to get jobs in the county. Right now, the additional price will be transferred to the end consumer and so the milk on the shelves will be very expensive. In order not to transfer the additional price on the milk on the shelves, the best thing is to have packaging and processing plants in each and every county.
- She added that she was speaking on behalf of the farmers because she saw that problem in our county and I stepped in. We helped them put up a 20,000 litres cooling plant. We have also registered them as a co-operative society and we can see a change. Most of them now can pay school fees and even access loans. We have gone to the extent of training them on how to manufacture and use biogas so that they do not pay money for electricity.

- She also suggested that there should have a campaign that every household should have a dairy cow. This will help alleviate poverty in our county. Through the Uwezo Fund, it is important that we go out there and encourage our youth and women to have dairy cows in their homesteads. We also need to have a law that will control the middlemen.

- She stated that as far as milk is concerned, they really put our farmers down. They get milk at a very low price and in turn sell it at a very high price. The Dairy Board needs to bring a Bill here after this so that the law is implemented on the ground.

**Date 2nd October 2013**  
**Member of Parliament: Hon. Rose Mitaru**  
**Contribution She Made On: Review Of Farm Gate Milk Prices For Smallholder Farmers**

- She supported the motion by stating that the nation needed to understand that it was not just the nutritive value of milk that we are looking for. We are also looking at the economy and food production. Kenya has a diversity of climate. In Embu County where I come from, we have a lot of milk that goes for less than Kshs20 a litre. There were other areas in my county which do not have milk at all and people buy milk at Kshs50 a litre.

- She pointed out that Kenyans were now buying milk from supermarkets at Kshs60 for half a litre and yet, our farmers are stranded with their milk which they are selling at Kshs20 a litre. She stated that she was supporting this Motion 100 per cent because I know it is going to help not just my county, but the whole of Kenya. The cost of buying a cow for milk production is about Kshs200,000. If you look at how much money a farmer gets from that cow, it is very little. Let us consider the farmer, the poorest of the farmers in the rural areas, so that we can balance the cost. The consumption of milk should be encouraged.

**Date 2nd October 2013**  
**Member of Parliament: Hon. Rachel Nyamai**  
**Contribution She Made On: Establishment Of National Unified Identification System**

She sought to move the following Motion:-
THAT, aware that the process of obtaining national identification documents such as birth certificates and national identification cards is long and complex due to the different centres of processing such documentation; deeply concerned that there is a multiplicity of identification documents in registration of IDs, birth certificates, passports, elector's cards, driving licenses, NHIF and NSSF cards yet there is a proposed simplified way of doing the same; noting that the Government is embracing new ICT measures in line with Vision 2030, this House urges the Government to spearhead the establishment of a national unified identification system that harmonizes all personal bio data.

- She pointed out that she was moving this Motion bearing in mind the background of where we stand today as a country and what has happened in this country. Also, I wish to remind my colleagues what happened at the Westgate Mall. The issue of a unified identification system has a bearing on this. However, before I got there, the history of identification is as old as mankind. Going back to the times of Babylon when slaves were the tools of trade, the rulers then would come up with a system of identifying their slaves as tools of trade.

- She added that over time, various countries have come up with various reasons for having identification cards. Back here, every Kenyan knows about an identification card which is synonymous to being Kenyan. Of course, it gives a person his identification. Without going far away, even in this House, for me to address this sitting, it is an identification that I have been given by Parliament which helps me to get a chance to contribute.

- She noted that in the newspapers, IEBC said that 6 million Kenyans did not vote because they did not have identification cards. When Form IV leavers book their exams, they go through pain because of birth certificates. When you are registering a company in this country, what you go through in terms of various documents that are required is not easy. What has happened in this country in terms of identification card, passports, NSSF number, PIN, electors card et cetera is that, technology has gone to a level where all this information can be put in one small chip. It is a simple card that we are using for an ATM machine or the card we are using here in Parliament. It contains all the information about every Kenyan we have in this country.

- She cautioned that if the country did not go in that direction the benefits to the country would be enormous. First and foremost, on the security side, today, our country has got such porous borders where you do not know who comes in and who leaves this country. However, with the unified integrated identification system, it will be possible at any point in time to know who has come to this country and how one has left this country. That way, even our security forces and security organs will be able to manage our security issues far much better than they are doing today.
She stated that with such a system, it will not be possible for people to walk in and walk out just like the way the terrorists walked into this country and caused mayhem at Westgate Mall. So, among the many reasons why we should have a system of consolidated identification--- We should not talk about the cost involved. That is because today, when you go to get an identification card, it costs money. You get a passport tomorrow, it costs money. You go to get NHIF card, it costs money. You pointed out that one card will eliminate the cost of carrying all those other cards. But, however, from the security perspective, and added want to emphasize the following: This country will move a very big step towards ensuring that we are secure. We shall know what is happening around the country at any point in time. She have been told that security in Nairobi City was going to improve. Some CCTV cameras have been installed, and we are very happy about that. But in as much as cameras have been installed, as long as there is no centralized place where that information will be cross-checked once it has been taken by the cameras, it will not be of much use to this country.

She called on the Members to make sure that, not only will we cut our costs in terms of having that identification document, but we shall have one centralized information system where our security can be pegged. I am saying that because I know we have been trying to establish a forensic laboratory in this country for a long time. However, it is one thing to invest in such an expensive venture and it is another thing to have the information which we require. The information which the forensic laboratory will require will be available if we establish an integrated national identification system.

Date 2nd October 2013
Member of Parliament: Hon. Anna Nyokabi Gathecha
Contribution She Made On: Establishment Of National Unified Identification System

She supported the motion by stating that in light of the recent events in this country and, in particular, the Westgate Mall incident--- If we had one identification system or bio-data which is composed, we would have been able to identify some of the people who carried out that terrorist attack. They are able to sneak into the country because they can purchase a national ID card from anywhere. We are aware that there was a gentleman who was caught with 50 IDs in the last two days, which he wanted to go and sell to other aliens. In this country, we have chiefs who register deaths. That information is contained in massive books that are at every chief's office in this country. This country is moving towards Vision 2030 and we are saying that we are a digital economy. If that is the case, we need to start harmonizing all that bio-data. We have all our photographs in our national IDs, but we are not able to get any criminal who engage in any criminal activity with that information. That is because we are unable to centralize that data. If we had one central system of identification of bio-data collection, we
would be able to not only identify our criminals, but we would also be able to identify the ethnicity of a person when he or she goes to open a bank account.

- She added that currently there were people coming into this country. They are able to go anywhere, buy a birth certificate and get any document they want. The authorities are notable to verify all the data because it is scattered all over the place. Once we centralize, a simple query will tell us where a person was born and who his ancestors are. That is important information for us, as a country, in order for us to also engage the particular technology that will allow us to advance as a nation.

- She pointed out that a unified and harmonized bio-data system from which we can get all the necessary information about an individual. We can even integrate the information in our healthcare system such that even when one goes to hospital with a National Hospital Insurance Fund (NHIF) card, the authorities can tell which part of the country that person comes from. Such a card will not only allow us to collect such information, but it will also help us, as a people, within the banking system. We will be able to collect information for loans.

- She stated that the suggestions would enable us to process whatever information we require in order for us to pursue our particular development agenda. She added that the motion was timely, but it is also essential. It is important that this country starts looking for different ways of doing things because we are dealing with very sophisticated criminals. If we are not able to collect such information, we will have problems. We have CCTV systems all over the place but they are not intelligent enough to tell that persons coming in through our border entry points are wanted terrorists. We are not able to identify them once their photos are taken and yet, we take their photos at our airports and other main entry points. We should be able to integrate all these systems, so that we can be able to identify wanted criminals and arrest them at the points of entry. Such a system will not only help us in ensuring our national security, but will also help us in every economic activity that requires us to be IT savvy.

Date 3rd October 2013
Member of Parliament: Hon. Alice Wahome
Contribution She Made On: Adoption of Report on Vetting of TSC Nominees

- She opposed the report in its entirety by stating that the Committee has made three key recommendations one being, the Committee is urging that the entire list be thrown out for the reasons that some names were sneaked in and considering the Communication to this House was is an issue that needs to be relooked at.
She pointed out that her position was that the entire list was brought to the Speaker by His Excellency and therefore, to that extent, the Committee may have erred. It made an error in its finding.

She further pointed out that recommendation No.2 states thus: “Fresh selection panel be constituted as per the Teachers Service Commission Act.” It is talking about a fresh selection panel. If we pass this, it means that a fresh selection panel shall be constituted and yet that is contrary to Section 8. I want hon. Members to be humble by reflecting and looking at that section. As we move forward, I hope this House shall not be embarrassed by recommending what this House is not able to recommend within the law.

She added that if the National Assembly rejects all the names or some of them, it is the mandate of the President to bring a new list. They have usurped the authority and the mandate of the Act by ordering a fresh panel. Therefore, this recommendation cannot be allowed because if we allow it, then it will be against the law.

Date 3rd October 2013
Member of Parliament: Hon. Mary Seneta
Contribution She Made On: Adoption Of Report On Vetting Of TSC Nominees

She pointed out that she wanted to bring to the attention of this House, the provisions of Standing Order No.216(5)(a). The functions of Departmental Committees are to investigate, inquire into, report on all matters relating to their mandates and management activities, administration, operation and estimates of the assigned Ministries and departments. Another mandate of Departmental Committees is to study, assess and analyze the relative success of Ministries and departments. The Committee on Education, Research and Technology, in which I sit, investigated the process. We inquired into the process and looked at the success of the Commission we want to form and felt, out of our observations, that the process was flawed.

She stated that the issue was not about regions and was not about counties. It is not about the President. I want to inform one of my colleagues, for whom I have a lot of respect; that this is not about the President. It is about a process that was flawed. As a Committee, we feel that we cannot allow these processes to be ignored in a country we want to improve.

Date 3rd October 2013
Member of Parliament: Hon. Mary Seneta
Contribution She Made On: Adoption Of Report On Vetting Of TSC Nominees
She supported the motion that the school had gone up to a mean grade of seven but because of the teachers’ strike, it dropped to a mean grade of six. This drop was attributed to the teachers’ strike. The Teachers Service Commission (TSC) is such an important institution in this country and the Departmental Committee on Education, Research and Technology has made such substantial arguments that the opposes are actually struggling to find points.

Date 3rd October 2013
Member of Parliament: Hon. Dr. Christine Ombaka
Contribution She Made On: Adoption Of Report On Vetting Of TSC Nominees

- She supported it because, as we have emphasized since we started debating this Motion, the process was flawed. What is the process that was flawed? A process is a step-by-step way of doing something in order to come up with a product. So, all that was done was wrong and questionable. It was never transparent. It was totally biased. It starts with who the interviewer interviewing those who turned up to be interviewed is. The interviewer turned out to be a candidate. That, in itself, makes the process very wrong. That was the beginning of the process.

- She pointed out that if the first step of a process is wrong, the process gets flawed all the way to the end. That is the first mistake. An interviewer becomes a candidate to be interviewed, when he had already interacted with the interviewers. He was very familiar to the interviewers. He knew the kind of questions that were coming. He was a friend to the interviewers. What do you expect? The strangest of things is that an interviewer became a candidate, and that candidate became number one. That was a failure in the first step of that process.

- After the names of the successful candidates were forwarded to the appointing authority, another name was sneaked into the list. It is number 16, with 44.4 marks. That name was initially not there. That is another flaw. The name was not the correct one, and that makes it very funny. I am jumping to the last point because everybody now knows that the whole process was flawed. We have highlighted here that people with disabilities were not considered. When we know---

- She stated that there were also two persons with disabilities in that interview. Thirdly, there was a person living with disability, who was not considered. That is a flawed process. So, why were the two not thought of, when giving us the list of those who should be nominated? I do not want to labor this point because we have talked about it so much. However, the process was biased. It would be shameful for us, as hon. Members, to approve a wrong process and claim to be doing the right thing.
She stated that as a Committee, they had met several times over this matter. We vowed that we would not be influenced by our ethnic backgrounds or by our party affiliations, or by the geographical areas we come from. As a Committee, we met several times over this matter. The Committee vowed when we were meeting several times over this that we will not be influenced by ethnic backgrounds, party affiliations and geographical areas. We were in the Committee as people interested in supporting the country and coming up with a right product and appealed to the whole House to give it a chance.

Date 3rd October 2013  
Member of Parliament: Hon. Soipan Tuya  
Contribution She Made On: Adoption Of Report On Vetting Of TSC Nominees

She pointed out that the Departmental Committee on Education, Research and Technology has made a very conscientious decision which is what we swore as Members of this House on the day we came in. I have heard on several occasions Members being encouraged in a presidential system to vote with their conscience and to make decisions with their conscience. I think this is an exemplary example that we are getting from the Departmental Committee on Education, Research and Technology. It is also making a decision where in future this House shall not be taken for granted.

She stated that the House would be voting against a flawed process. We are not voting against any Member who went for the interview. I think the report of the Committee is very clear that these members are eligible to reapply and go through a process which is full proof and I think that is what we are saying. What is clear again from the report of this Committee is that the selection panel misled the President and we are not voting against the President by voting in support of the Motion.

She pointed out that it was in support of the Committee’s recommendation that the selection panel had to be overhauled in its entirety because they clearly misled the Executive in arriving at this decision and added that the other thing which is very glaring in this process is that we are killing the spirit of transparency in the institution that is the Teachers Service Commission (TSC). It is comical that the youngest member nominee in this list is 53 years old. Where are the youth of this country who can serve and make sure that we have a clear institutional memory within TSC to make sure that the education sector is well grounded.
She noted that the process was arbitrary, ridden with impunity and a process where Parliament is being taken for granted and being taken as a rubber stamping institution and that is what we are voting against. I believe I am the last speaker to contribute to this Motion and I support one hundred per cent.

**Date 16th October 2013**
**Member of Parliament: Hon. Cecilia Ng’etich**
**Contribution She Made On: Establishment Of National Unified Identification System**

- She supported the Motion that a unified identification system that harmonizes all bio-data be established and added that it was not something that was unique because in the USA they had established a similar system and they give everybody in the USA a social security number. Through this number one can access one's bio-data just by the click of the mouse. This is possible in Kenya because even our banks are all interlinked. You can withdraw money from anywhere in Kenya, Uganda and elsewhere abroad. This is impossible; it just will take the willingness of the Government of the day to actualize this.

- She pointed out that With this system in place it will be easier to have replacements. Many a times we lose IDs and we need to replace them. However, because of lack of this system it becomes difficult to get a new ID or a birth certificate. We need to have this unified system; it is mainly to keep data. We may not be able to have one identification document adding that they might be reduced to three or four of them. I am saying that because we may need identification for a minor and identification for an adult. In the USA, for example, when you get a Driver’s License (DL) before you attain the age of 21 years, your photo is put in a landscape position in the DL. When you attain the age of 21 years your photo is put in a portrait position. We will still have a number of identifications, for example a passport on its own, IDs for the adults and IDs for the minors.

- She stated that the Motion had come up because of, among many other things, the tedious exercise of getting this document. I will give an example of the birth certificate. Now that maternity fee has been waived, I am happy and hoping that all mothers who are expecting will actually use these facilities. So, my suggestion is that instead of the hospitals issuing notification they should issue the certificate there and then. Maybe for those who will be born out of hospitals, because it happens, we have trained midwives who sometimes assist the mothers in the rural areas, the county and ward administrators can issue notifications, and then you can just take it to the nearest office and obtain a birth certificate.

- She compared the proposed systems to marriages are conducted by priests and pastors they give a marriage certificate that is a legal document. This is usually a booklet obtained from the Attorney-General’s office and your account for it. You send the returns and there cannot be any duplication. So, I
think if we borrow a leaf from this then the idea of having to go and look for a birth certificate can actually be eased.

- She added that in the past, for example two years ago when, the Kenya National Examinations Council (KNEC) introduced the idea that for you to register for Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE) examinations you must have a birth certificate. Many of our rural students did not have this document, and because of a number of parents being illiterate, they sent their teenage children to get the document; we had cases of officers and other conmen and con-women taking advantage of the youths in the name of: “I will assist you get a birth certificate in a day in exchange of certain favors” and you all know what kind of favors these can be. So, I want to say that it is really disturbing; if this document issued early it will really be very good, and will then save the parents trouble and also the children from being victims of circumstances.

**Date 23rd October 2013**
**Member of Parliament: Hon. Halima Duri**
**Contribution She Made On: Construction Of Multi-Dams To Harvest Flood Water**

- She supported the motion by stating that water scarcity also affected Tana River County and at one point in time, Tana River County suffers from floods, during which people lose domestic animals and lives. At another point in time, people suffer from drought.

- Construction of deeper boreholes will assist both livestock and the people living in Tana River County as well as in other parts of the country where people are always affected by drought. Another thing that the Departmental Committee on Environment and Natural Resources should discourage is the cutting of indigenous trees in those areas. Cutting of indigenous trees will have a devastating impact on the environment. Tana River is a country where people always suffer from floods or drought. The people of Tana River County today cannot even sustain their own lives as far as food is concerned. During the droughts, people suffer from famine and lack of water. If big dams are constructed there, they can even be used for irrigation, thus enabling people in such areas to produce their own food.

- Drought in Tana River County has become the order of the day. Therefore, the Government should find ways of helping the people in Tana River as well as those in other parts of the country. There should be ways of safeguarding the lives of domestic animals and human beings. The lives of human beings and domestic animals are at risk during such times. Today Tana River has no face because people cannot sustain themselves due to drought.

- She supported the Motion and urged that what is proposed therein be implemented immediately, if possible. The digital Government and the national disaster response team should go out there to assist the people to ensure that they do not lose their lives to drought and hunger.
Date 23rd October 2013
Member of Parliament: Hon. Rachel Amolo
Contribution She Made On: Construction Of Multi-Dams To Harvest Flood Water

- She supported the Motion stating that they needed to construct multi-dams especially in Kakamega where we have a lot of rain. It rains every day. If only that water could be directed to a dam, it could help quite a number of people like our brothers in Balambala. There is enough water in Kakamega because it has rained since March. Every time I go home, I find it raining. It starts raining at 1.00 p.m. up to the following day. This is the case and yet we do not have a place to store that water. Come December, people will be starving in the same Kakamega because they did not harvest water which they can use for irrigation.

- She recommended the Government construct dams in the county or constituency. This is because we have enough water that can be used by many people in this country. We could even establish greenhouses if we had water. However, we experience drought sometimes which causes diseases that affect most of our people, especially women. Women are the ones who really suffer because they cover several kilometres looking for water. I can tell you that you cannot carry two jerry cans as a woman. You can only carry one on your head or on your back. That one jerry can of water is not enough for your children in the House.

- She further pointed out that in most cases the man was also there waiting to take a shower with the same jerry can of water. So, you waste a lot of time looking for water. We believe that women are very good managers. We could be busy doing other businesses that can change the economy of this country other than wasting time looking for water. She added that the Government should build these dams so that we can get electric power. If this is done, we will not rely on Masinga Dam and other dams that produce hydroelectric power. We have River Yala which passes through Kakamega and it is always full of water. We should find ways in which we can use this.

- She noted that water can be used to do irrigation so that we have enough food to feed our people. We can also save a lot of the money that we spend to buy water to educate our children. The water we buy sometimes is not safe. We are talking about Kakamega and Balambala and yet quite a number of houses here in Nairobi do not have water. What has happened? What are we doing here if we cannot have water in the capital city? How will water get to Balambala if we do not have water in this city? How will water get to Migori and yet we do not have water in the city? I do not have water in my House even as I stand in this House and I had to buy water this morning. It is very important for the Government to find out how we can educate our people so that they can harvest water. We keep on talking about this but our people do not know how to harvest water. It is high time that we created awareness on how to construct these dams and how our people can harvest water that can be used during the dry season. So, I urge the Government to...
construct these dams. It should look at Kakamega where there is plenty of water because it rains every day. That water can be piped to other areas so that Kenyans can use it wherever they are.

Date 23rd October 2013  
Member of Parliament: Hon. Danittah Ghati  
Contribution She Made On: Construction Of Multi-Dams To Harvest Flood Water

- She supported stating that it the right thing to do. It is not the first time we are talking about flooding in this country. We are all aware that when it floods, it really causes havoc in this country. School children waste a lot of time looking for water. There are no households there. In my county, only 28 per cent of households there have access to clean water. We have not really discussed this issue seriously.

- She added that in April this year, when there were floods in almost all parts of this country, people and animals died. This is not a small matter. There are areas in Nyatike Constituency where you cannot find clean water for drinking. This is because we have not put mechanisms in place. Migori County is next to the lake and yet, when it rains, we have problems in accessing water. Egypt is an arid country, but it has put in place mechanisms which have enabled it to irrigate its farms and, therefore, feed its people and even have extra to export. Egypt is feeding the world. It is simply because they have working mechanisms in place.

- She pointed out that there was the county government and the functions to do with water and the environment have been devolved to the county governments. We need to compel the county governments to ensure that they have a reservoir. They need to build dams which other constituencies can draw water from. We have been talking about the construction of dams and dykes along the rivers.

- She added that there was River Kuja in her county and when this river breaks it banks, families are displaced. I want to support this Motion because people and animals have died. We need to ensure that county governments train our people about harvesting water. Our people do not know how to harvest water. They largely depend on natural rain. When it does not rain in this country our people become poor. We need to be serious about the issue of flooding and water in this country.

- She further stated that in that country, one would see women carrying *vibuyus* and all manner of containers looking for water. They waste their energies which they could divert elsewhere or do meaningful things. We need to be serious about the issue of water because water is life. This is a matter that is addressed in Chapter Four of the Constitution under the Bill of Rights. We are not talking about something small; we are talking about a constitutional right of this country.
Date 23rd October 2013  
Member of Parliament: Hon. Rose Mitaru  
Contribution She Made On: Construction Of Multi-Dams To Harvest Flood Water

- She stated that in her constituency and part of Siakago Constituency, what women and children in schools go through is total suffering. We have dams and rivers that provide water and generate electricity to the whole of this country and added that although that was the case, they are the least recipient of that electricity and water in our constituency. Women have resulted to buying donkeys and looking for water everywhere.

- She noted that sometimes they take three hours a day in search of water. During the dry season, those people do almost nothing other than looking for water. The people who live near the dams that supply electricity to our hospitals, schools and the whole of Kenya fetch water from the dams. We have lost very many people and livestock because the crocodiles attack them. This is the case and yet the Kenya Wildlife Service Officers do not visit the areas to see what has happened and compensate the victims.

- She pointed out that she had been waiting to talk about water that is very pertinent to me and people in my county. I would not like to see relief food coming to our constituencies. The money used to buy that food should be used in water harvesting so that we produce enough food for this nation at the end of the day. This is because the water we lose every year to the Indian Ocean is enough to grow crops in this country throughout the year. So, I am very happy that the Mover of this Motion thought of water harvesting.

- She recommended the passing of a law in this House so that every Member of Parliament can come up with a report saying how many households have water in his or her constituency. We could set the year 2030 as the target when we can get water to everyone. However, this will not happen if an important Motion like this is passed but is not implemented. We have enough water in Kenya especially in the dry areas. We do not have to drill many boreholes that affect our underground water. We can harvest rainwater because it is enough.

- She further suggested that every Member in the House go to his or her constituency and look at the best way to harvest water. This House should know why our women are being killed by crocodiles while they fetch water from the dams. That is the case and yet the same water is used to supply electricity to the whole of this country. I am very serious on this matter but I do not know how to go about it. However, we must work as a team in this House to support our people so that they have enough food and clean water near their homes. They should not walk for ten kilometres to look for water that is used to generate electricity in this nation. People are dying out of hunger and malnutrition and their children carry dirty water in small bottle to drink in classrooms when it is very hot.
She concluded that research was needed to find the best approach and added that to reach that Vision 2030 would only be possible if some of these issues were addressed and added that we have lost very many people through hunger and malnutrition and yet we are losing a lot of water.

**Date 23rd October 2013**  
**Member of Parliament: Hon. Alice Chae**  
**Contribution She Made On: Construction Of Multi-Dams To Harvest Flood Water**

- She supported the Motion by stating that the area was highly populated yet scarcity of water is a norm and added that the situation continues the way it is for the next 15 years, women from Kisii will be going to Lake Victoria to collect water. They will then go for five kilometres into Lake Victoria to fetch water.

- She added that the country needs a lasting solution to the problem of water. When we have a lasting solution, that is the only time that we can be comfortable that our women have time to enjoy their lives in this planet. If there is lack of water, there is no way the woman is going to enjoy her life. She has to ensure that the family has water for domestic use and even for the animals.

- She stated that in Kisii, the Government was going to work a lot harder to come up with a lasting solution due to the hilly terrain. When it rains, we see the water and cry that there are floods. When there is no water, we are crying in Kisii. That is the time that we do not have vegetables and we have to go to Kisumu to look for *Omena*, so that our people can eat. If we harvest this water, many problems are going to be solved in the whole country including the Kisii region noting that about 80 per cent of our bodies are made of water. Therefore, we should ensure that water is available in every region of the country.

- She stated that parliament was debating this important Motion and I hope that we are going to make a follow up to ensure that its provisions are implemented. We should ensure that our people have peace and they can sleep well. This is a cry of the women and the children. When the woman is comfortable, then there will be a future in this country. For us to ensure that there is enough water in Kisii, the Eucalyptus trees along the rivers, which have caused the rivers to dry, should be done away with. I know there are also other regions which have done away with the planting of the Eucalyptus trees along the rivers because they consume a lot of water. There should be a serious policy to ensure that these trees are planted elsewhere.

- She called on Members to awareness in our people, so that they can know the trees which are environmentally friendly to be planted along the rivers.

**Date 23rd October 2013**  
**Member of Parliament: Hon. Hellen Chepkwony**
Contribution She Made On: Construction Of Multi-Dams To Harvest Flood Water

- She supported the Motion by stating that Dams were very useful in all areas and that if water was harvested there, they would will plant a lot of food in that area, for example, tomatoes and cabbages.

- She added that by creating dams in that area, we will ensure that people in that area get water throughout the year. They should not only depend on rainwater. So, if we construct dams in that area, we shall have food throughout the year and we shall not have any problems. Women walk long distances, for example, ten kilometres in search of water.

- She pointed out that by building dams in those areas, they will be able to do greenhouses for growing flowers, tomatoes and different types of fruits and vegetables. We can even export some of them. We will have employment opportunities for our youths if we can have dammed water which will be used for irrigation.

- She further stated that she supported the Motion very much and want to say that in other areas of the country, we need to build dams. You find that the water in Egypt and other countries of Africa comes from Kenya and we wonder why we are not able to practice irrigation. Is it because the Government does not want to implement water policies? We want to know that adding that we have these resources and nobody is utilising them. We find that in North Eastern Province people are fighting over water and when floods occur people are again crying for their lives. So, if there are dams built within those areas, you will not find people fighting over water.

- She pointed out that the Government needed to implement it and build dams within our arid and semi-arid areas so that our people can get employment. For example, during the dry season we find that we import food. It is really pitiful for such a country like Kenya to import food when we have these resources. We have land and water but we do not know how to use them. She further stated that Israel was a desert and irrigated their crops through irrigation and wondered why Kenya cannot adopt a similar irrigation system.

- She called on the Members to support the Motion and at the same time urge the Government to implement it. There is no need for us to pass this Motion here in Parliament and it is not implemented. If that is so, we will have wasted our time. So, we urge the Ministry concerned to make sure that this Motion is implemented so that our people will really work hard to get their food.

Date 23rd October 2013
Member of Parliament: Hon. Amina Abdalla
Contribution She Made On: State/Public Officers To Use Economy Class Air Travel
She supported the Motion by stating that it would help save taxpayers money and ensure that money allocated to Parliament is well spent in travel that is not only essential, but costeffective. She added that Parliament needed to invest in informing the other organs of the Government that if we, the persons who debate and allocate the money that they use in their Ministries, can travel Economy Class, who are they not to travel Economy Class in the short-term sector.

She stated that members of the Executive negotiating grants and loans with ambassadors who when they travel back to their countries, they travel Economy Class while us and our colleagues in the Executive not only travel Business Class, I hear there is a new trend where they are travelling First Class.

She pointed out that it was sad that after begging for support some programmes in our country, the money that we generate in our country, we spend it paying for Business Class tickets when the donors are using their money in travelling Economy Class so, it is not only money saving issue, but a value for money issue that we need to ensure the rest of the Government undertakes.

She further stated that there were international meetings that every Ministry knows that they will attend, but because it is lucrative and more expensive to buy a ticket from your preferred travel agent at the last minute, and this includes Parliament, there is a tendency of planning not to plan in order to give more money to your supplier.

She stated that there were many Ministries who know for sure that they will go to Geneva three times in a year, but they will not take the initiative to plan that travel early enough so that they can get the best fares at the right time. As we begin this process of ensuring that Ministries adhere to this Motion, I want us to not only move from accepting the use of the Economy Class tickets, but also to ensure that we get value for money and look at the reasoning behind why some of the travel budgets in some Ministries overshoot. Most likely, it will be because of poor planning yet they know well beforehand that they will be travelling at a certain period.

She further stated that the standards that they were going to use in determining whether an officer will travel Business or Economy Class should be those set by the UN.
Date 23rd October 2013  
Member of Parliament: Hon. Amina Abdalla  
Contribution She Made On: State/Public Officers To Use Economy Class Air Travel

She supported the motion but proposed the following amendment to the Motion:

“THAT, aware that the Government has limited financial resources; given the new governance structures that have occasioned devolution of funds; noting that public and State officers constitute a significant part of the Government; cognizant of the fact that the Government has to cater for their official duties, including transport and other facilitation within and outside the country; conscious of the need to reduce the burden on the taxpayer, this House resolves that all State and public officers, including officers of constitutional commissions, county governments, State corporations and departments with the exception of the President, Deputy President, the two Speakers of the National Parliament, the two Deputy Speakers of the National Parliament, the Chief Justice and the Deputy Chief Justice using air transport during official trips within the country should travel Economy Class and travel no higher than Business Class on international flights unless they meet their own cost for an upgrade, and that this decision takes effect immediately and all Accounting Officers take necessary action to implement that exception.”

She pointed out that the amendment was grounded on the doctrine of separation of powers. We have three arms of Government. We have the Judiciary, Legislature and the Executive. She added that if one looked at what the Motion was doing, it recognized the two heads of the Executive and only one head of the Legislature and one head of the Judiciary. If we want to put the Legislature at par with the Executive and Judiciary, then all measures towards the Executive should be pari passu with measures towards the Legislature. Therefore, if we recognize the President and the Deputy President, the equivalents in the Legislature are the Speaker and the Deputy Speaker. So, if we want to give cognizance to the doctrine of separation of powers, then I would suggest that we recognize not only our Speaker but also our Deputy Speaker and the same with the office of the Chief Justice and his deputy.

She pointed out that she also want to encourage that because we also honour our officers. When they travel we want to bestow on them the authority that they have as servants. The rest of us are servants of the country, and we can use Economy Class. Nonetheless, I would want to encourage Kenyans to recognize that.
Date 23rd October 2013
Member of Parliament: Hon. Rose Nyamunga
Contribution She Made On: State/Public Officers to Use Economy Class Air Travel

- She supported the Motion as amended and added that in most countries where people had seen a lot of progress it is because the changes which are being made are normally made from the front. If you look at Rwanda, there is a lot of cleanliness. For those who have gone to Rwanda, I believe that you will appreciate this. It is because the President of that country took it upon himself to do the cleaning every first weekend of every month.

- She stated that in her opinion she would have suggested and I know it was overtaken by numbers--- I would not have supported the amendment because in my view I think that if the President and the Deputy President--- I am not saying that because I do not respect the Presidency. I respect and appreciate the Presidency very highly, but in my view I think that if the President will take the issue of change in terms of economic development of this country; it will be upon the President himself, the Deputy and all the other arms of the Government to lead by example. In my view, they would have taken it upon themselves to go for the Economy Class. That way, it would have been very easy for everybody to see that they are leading from the front.

- She added that if one wanted changes, even in their family, and children to follow what you are doing you start as a parent and then it flows very easily downwards. Anyway, that has been overtaken and I would like to support the Motion and appreciate the hon. Member who brought it up.

- She pointed out that in Kenya, there was a lot of wastage and there was an urgent need to be more economical in the way we use things. Even in the rural areas the way we use CDF as Members of Parliament matters. It is from there that we will start seeing the prudent way of using our resources. There is a lot of wastage in every aspect of this country. There is wastage in every department and every public office.

- She pointed out that is that money could be used wisely, the country could benefit more. The money could be diverted and used properly. This money can be put in microfinance institutions to offer finances to the young people and women who cannot make ends meet or afford a single meal. Most of the big people who still want to use the Business Class or First Class when travelling are the same ones enjoying and yet the ones who voted for them continue to suffer.

- She also stated that if the Members wanted to stand out and be counted in this country as members of the Government, we should be very prudent in the way we use our resources and move forward in terms of developing and using our resources more wisely.
Date 23rd October 2013
Member of Parliament: Hon. Dr. Christine Ombaka
Contribution She Made On: State/ Public Officers to Use Economy Class Air Travel

- She supported the Motion but added that she wanted to highlight the fact that the country was poor and that many children below the age of five years die. This is because they lacked milk, medical care and so on adding that that was an indicator of a country that was so poor.

- She pointed out that when for every 1,000 children born 120 of them die before attaining the age of five years, that is a bad indicator for a nation like Kenya. Our country, therefore, falls under those countries that are impoverished, or countries that have never developed since independence.

- She alluded to a country that was divided into two very rich people on one hand and on the other we have very poor people. Riches are measured by how we treat ourselves. A person who is a senior member of the civil service will travel First Class. There are so many senior officers and many of them travel Business Class. So much money is wasted. Our planes have very comfortable seats that one can easily travel Economy Class. The senior members should learn to travel using Economy Class because they are just as good as Business Class.

- She stated that Business Class should be left to tourists or persons travelling for their own personal business. As long as you are an employed member or you are a Member of Parliament or a State officer, I think Economy Class is comfortable and nobody should complain.

Date 23rd October 2013
Member of Parliament: Hon. Alice Wahome
Contribution She Made On: State/ Public Officers to Use Economy Class Air Travel

- She supported the Motion by stating that it was a very thoughtful of him to bring it, she pointed out that in the budget-making process, most of the Committees of this House were faced by Government Departments seeking for increased funding for their activities and added that even after lobbying the Budget and Appropriations Committee, they could not manage to provide even a shilling.

- She reiterated an issue raised earlier on the fact that there were districts which did not have vehicles; where they have vehicles, they do not have
spareparts; and, where they have spare parts, they do not have fuel. I recall the Inspector General of Police (IGP) pleading for more funding. Therefore, if we are cutting down on unnecessary expenditure to provide fuel to our security agencies and hospitals, and provide pharmaceuticals for children, then we should do so.

- She pointed out that like her colleagues, the situation should have been foreseen by the Cabinet Secretary, Treasury; because he is operating on a very limited Budget. I am really thankful that some of the hon. Members who spoke before me suggested ways of ensuring that implementation of this Motion, once it is passed, is followed up to the later. We really need to put this into action and ensure that it happens.

- She pointed out that the standard sitting allowance for ordinary directors of boards and authorities has been Kshs20,000. Commissioners’ rate is at that level. This rate is for those who are not full-time commissioners. Full-time commissioners earn salaries. So, it is not reasonable that they pay themselves a sitting allowance of Kshs80,000.

- She stated that there was a lot of wastage in the country and further stated that when the Members travelled they stayed in hotels and that was another area they needed to must address with a view to ensuring that we have a standard regulation capping the amount of money payable to hotels per night, and in which hotels we should stay because some people are doing business with Government money. I know that some people pay themselves per diem at the rate of US$400 or 400 Sterling Pounds per day for accommodation. If every travel on Business Class is rated that way, we will use between US$300 and US$400 per night. So, you can see how much money we are using when we could easily accommodate a public officer with Kshs10,000 or US$100 in a suitable and comfortable hotel.

- She noted that there was a lot they needed to do as a House, in respect of their mandate of oversight and added that they needed to must look further to see where this wastage is going. Hon. Members have not complained. We have been travelling Economy Class. I came back last night on Economy Class. I even managed to catch a few hours of sleep on that seat. I do not see why all State officers and other public officers should not use the same.

- She further pointed out that there was a category of public offices who did not understand that the House is the third arm of the Government. If hon. Members had shown the way by opting to travel Economy Class, how have we been allowing other officers of the same category to travel Business Class? Sometimes you will see officers who did not have designations as senior as those of Members of Parliament travelling Business Class.

Date 29th October 2013
Member of Parliament: Hon. Dr. Joyce Laboso
Contribution She Made On: Adoption of PIC Special Report On Supply Of Maize

- She supported the report saying that was done in a very comprehensive manner and if those sorts of reports will come from this House, the public will have a different image of this House. She stated that many a times we hear negative statements made about hon. Members of Parliament. This is one report that will help redeem our image and we hope that other Members or Committees would emulate what has come out of this Committee.

- She commended the committee by stating that they had been honest in their report and added if one visited the NCPB now, they would find that they do not have even chairs and tables because when some companies see them get some little money, they go for their share. It is really sad to note that people can be so callous or unfeeling not to realize that it was immoral or it is not right to treat Kenyans that way.

- She noted that it was taxpayers who continued to be ripped off by this terrible saga. When you see the kind of groups that have been involved in this saga, I agree with Members that more serious work needs to be done. I want to encourage the PIC as you have rightfully done and that is why I am recommending--- We are not saying that you are going to carry out full forensic investigations yourselves.

- She stated that if one was making a referral to the bodies that have been given that task. We are saying that let the Ethics and Anti-Corruption Commission (EACC) do the work that they are paid to do and the Committee had given them timelines on when it expects them to give a report.

- She urged the Government, not to be involved in such scandals, we must really come out clean and work like our President has been saying. If anybody wants to do business and you are a Cabinet Secretary, you better resign from that ministerial position, go out there and do business. You should do real business and not monkey business like the one that M/s Erad was involved in.

- She further pointed out that if they talk about a country which has never exported any maize. To go and say that they are importing from that country when they do not even have enough to feed their own people, is the height of impunity. She stated that all these banks come out and look like they are rosy and working in the best interest of Kenyans but they are part of the cahoots or groups that are trying to fleece our country.
Bills

Date 1st October 2013
Member of Parliament: Hon. Florence Kajuju
Contribution she made on: The Insurance (Amendment) Bill

- She noted that the Hon. Member to pick out Tanzania as one of the states that we should really slow down on in terms of the implementation of the Insurance Bill. We are East Africans and we signed the East African Treaty. Tanzania is a partner state as we speak and added that if we signed the East African Community Protocol then Tanzania must come on board. It is on board.

- She further noted that it was for the hon. Member to pick out Tanzania and say that they are not opening their markets. I do not know if he has attempted to go to that market and he has been stopped from exercising his free market movement.

- She stated that as the Chairperson of the committee concerned with East African integration she had made several visits to Tanzania and Arusha specifically but had never received any complaint or question from the hon. Member that Tanzania is not complying with that protocol. As we speak, we can only take that to be a prejudice on the part of the Member, which is not proper.

- She stated that she had seen in the preamble of the Bill that the Committee on Finance, Planning and Trade consulted various stakeholders which include the PriceWaterhouseCoopers and the national Treasury among others. The way forward is that they should have more consultations because the stakeholders do not end up with the three institutions that I have indicated. If they had consulted the Ministry of the East African Affairs, Commerce and Tourism, the Members would have understood, more importantly, the Committee on Regional Integration.

- She added that there were some very good amendments that had been made in that Bill and added that there were cases where accidents had happened and claimants have gone to court to seek redress. Judgments have been given in favor of these victims, but it is always a problem executing the judgment against the insurance companies. It has become common practice where victims are awarded judgments after accidents and the insurance companies wind up. We have seen this with various insurance companies. The victims are left with nothing and nobody to turn to.

- She pointed out that they hold judgments in their favor, but then they have nobody to turn to. What makes me happy about these amendments is that under Section 67C, the Bill introduces the Policy Holders Compensation Fund, what I understand this to mean is that, when accidents occur and the insurance company ends up under statutory management; it means the policy...
holder can assist the victim to get compensation. To that extent, I find this to be a very good amendment that will not leave our people suffering or at the mercy of a judgment that they cannot execute.

- She pointed out that the other provision that she find really encouraging in this amendment is Section 197A of the principal Act. It has been argued by my colleagues that we should slowdown in the integration process in as far as one of the partner states is concerned. The mission of the East African Community (EAC) is to deepen and to widen the EAC integration.

- She pointed out that what that meant was that they should widen the political, economic, social and cultural integration so that we are able to better the lives of the EAC partner states. Hon. Deputy Speaker, there was a protocol that was signed by the partner states; Rwanda, Kenya, Tanzania, Uganda and Burundi. We have seen some of the countries being quite fast in the integration process. There are others that have not been as quick as the other partner states. But I do not think the best way is to condemn these countries.

- She indicated that there was a need to have the letter of the law, what could be lacking is the spirit of the law. We need to look at it as a country and as East Africa and see where our brothers are failing and we probethem, so that we move at the same pace. It is, therefore, proper for this amendment to be done to include the EAC states and to bring them on board so that we can move forward as East African states because the motto of EAC is to become one people under one destiny.

- She believed that this is good law and it will help us in the course of our business and added that she had also seen Section 204 of the principal Act. As we are aware, the prosecutorial powers are no longer vested in the office of the Attorney-General (AG). This amendment seeks to bring out or to delete the provision of the AG and to replace it therefore, with the office of the Director of Public Prosecutions; which is quite right as the AG can no longer prosecute criminal processes. It can only be done by the Director of Public Prosecutions (DPP). This Bill also seeks to bring the Insurance Act in tandem with the Constitution as it was promulgated in August, 2010.

- She stated that it was good because the Insurance Act came into being before the new Constitution. Therefore, this is a good amendment in its entirety. I beg this Committee that in future, they need to hold more consultations so that each one of us can move on the same path. I think it is important for the Committee to consider the stakeholders. In this case, I refer to policy holders and how they will get to understand the insurance law.

- She pointed out that that was because most of the policyholders ended up taking a cover and they execute it by way of signing documents. But at the end of the day, most of them do not understand what exactly the policy holds for them and so, if there was a way – I will think about it and see how I can engage the Committee on Finance, Planning and Trade – we can bring on
board the issue of sensitization into this Bill. I think we are going to protect policy holders who are taking up policies and then they are not able to understand. I am a live to the fact that ignorance has no defense in law. But with the new Constitution that has expanded the rights of the people, I think it is important we take up that issue as the House and be able to lead our people in the right way.

Date 1st October 2013
Member of Parliament: Hon. Mary Emaase Otucho
Contribution she made on: The Insurance (Amendment) Bill

- She supported the amendments and in particular Section 68(A) that proposes to give more power to the Insurance Regulatory Authority so that it can continuously assess the management of these insurance companies. Members have said here and it is common knowledge that most of the policyholders have actually lost their claims in the past or they have not been compensated because most of these companies went down. More often than not the reasons for this are poor management and incompetence which eventually culminates into fraud. So, by ensuring that the Authority is given powers to carry out the assessments on issues of professionalism, moral suitability---

- She further stated that the amendment sought to protect not only the policyholder but also the insurer himself and added that that was a very good amendment. She also touched by the amendment on the period for compensation because by reducing the period for submitting the final accounts to the Commissioner of Insurance from four months to three months, we will ensure that there is timely compensation.

- Most policy holders went through stress in the past when they were involved in accident and added that the amendment would go a long way in ensuring that there is compliance and that the policyholders get their money on time. She stated that that was also our concern as a Committee; that Kenyan residents are not being given the same treatment in some of the East African Community partner states. That is why we are proposing in our Committee an amendment that apart from just saying “to the East Africa and partner states”, we are saying “East Africa partner states that will comply or that will reciprocate” because if they are not reciprocating, then why should we reciprocate in Kenya? We are concerned that there should be free trade but we should get the same from the other partner states.

- She added that the purpose of the East African Treaty is to widen and deepen integration. That is the same thing that we are doing. That is why we are having sports for East African countries but there should be reciprocation.
Date 9th October 2013  
Member of Parliament: Hon. Sunjeev Birdi  
Contribution she made on: The Insurance (Amendment) Bill

- She defined insurance as like a blanket that will cover you during the rainy season and during a storm. If you have a business and you do not have insurance, you are doomed. If you are a human being of whatever age, you need to have insurance. Nowadays even children have insurance because you do not know what is going to happen.

- She noted that the Bill touches on supervision and proper management in this particular sector. Why do I stress “proper supervision”? It is because we live in a society where fraud is at its highest peak. So, we have to take care of ourselves from fraudsters. Sometimes I find it strange when I see a motor vehicle on the road without insurance. How exactly do you do that? Not only are you putting your vehicle in risk but also the people who are in it.

- She pointed out that if a business is not insured today, let us be assured that if something happens to it tomorrow, the businessman will lose everything. Therefore, I support this Bill because by opening borders to the East African Community (EAC), we are actually sending a signal to businessmen within the EAC. We are telling them: “Come and work in our country. Come and increase the trade in our country. You will be safe in Kenya.”

- She noted because that because trade was impossible without protection to investment. Apart from that, this Bill also touches on the moral suitability of the people running this particular sector. We should not be having “cowboys” going about their business and just trying to take money from others fraudulently. That is something which has to come to a stop.

Date 9th October 2013  
Member of Parliament: Hon. Priscilla Nyokabi  
Contribution she made on: The Insurance (Amendment) Bill

- She supported the amendments and asked the Committee and especially the insurance industry to look at the question of road accidents. One of the reasons our insurance companies cannot make profit is really because of the number of accidents we have. Last year, they spent Kshs14 billion on claims. In 2012 they spent Kshs16 billion. We really need to understand why they are spending so much money in these claims. We must ensure that they make profit so that we have minimal citizens insured. We are still asking schools to insure their premises. I am happy and would like to support the efforts by the Chairman of the Committee.

Date 9th October 2013  
Member of Parliament: Hon. Anna Nyokabi Gathecha  
Contribution she made on: The Insurance (Amendment) Bill
She supported the amendments to the insurance law we all know, insurance is vital and important to the economy of Kenya and that of any developing country. If you look at the number of people employed in the insurance industry and the bit that is distributed in the insurance industry when individuals take up insurance, it distributes the relative risk that is involved in their undertaking in business.

She noted that that allowed companies and organizations to start their business knowing that they will not go under because there is some sort of support behind them. Should a catastrophe occur, they will have the assurance. Insurance should be made affordable to everybody. When we allow the risk to be distributed evenly and over a larger area, we will be able to protect very many industries and allow many more businesses to enter into the economy and make a difference with regard to the development of this country which is essential.

She pointed out that there are many young people who remained unemployed and they cannot be absorbed in Government or other jobs. They need to enter into business where they will be employed by other business people or companies. They could also start their own companies.

**Date 10th October 2013**
**Member of Parliament: Hon. Mary Wambui**
**Contribution she made on: The Tax Appeals Tribunal Bill**

She supported the Bill by stating that the taxpayers were going to be happy and the country would provide confidence to investors. We will show that we are ready to reform our country. For those who have appeals, instead of them going to the court they will face the Tribunal and it will take them a shorter period. If they go to the courts, it will take two months. As for the young people who are interested in business and face problems, it will be easier for them to seek redress through this Tribunal.

**Date 15th October 2013**
**Member of Parliament: Hon. Florence Kajuju**
**Contribution She Made On: The Tax Appeals Tribunal Bill**

She supported the Bill but by stating that Section 9 of the Bill was good because it recognized the power of the Chairperson to make the proceedings of the Tribunal orderly and expeditious but it also recognized devolution because that was the time we have gone into the counties.

She pointed out that there should be devolution in every centre of power. Every centre of any institution that had been set up by the Government should recognize devolution. We also recognize the issue of access to justice.
But my concern is in as far as this Clause is concerned. Section 9 (2) (b) states: “The Chairperson shall determine the place at which a panel may sit.”

She stated that it was her prayer to the Committee go further and make provisions for registries to be set up. That is because much as what we have in the Bill shows that the penal or the tribunal can sit at any place or at any county that the Chair might decide; there is a process through which a matter should go before it comes before the Tribunal.

She noted that there must be a registry where a dispute is filed or a case is filed before it reaches the Tribunal. So, my concern is that this Bill and that Clause in particular should provide for registries so that any person whose rights have been infringed can easily access the registry and be able to file the case before the Chair gives directions on when the case will be heard. That is because we have to recognize the fact that, expeditious trial of any matter was very important and that is why we talk about justice delayed is justice denied. She pointed out that not every Kenyan may be able to reach the Central Registry probably in Nairobi to be able to file their disputes.

She other concern is that under Clause 29 of the Bill, it provides for the publication of the decisions and the reasons of the Tribunal. It states that once those decisions have been filed, they can then be applied by any person because they are an authority by themselves. But what is lacking in that provision - Section 29 (9) - is that under any law in Kenya, there must be a provision for a reasonable time within which any decision can be made.

She pointed out that a decision that has been made by any court of competent jurisdiction - and the Tribunal in this case will be a court - must be publicized within a reasonable time. So, if I was a party in a suit and I was not present when a decision of tribunal was being made, then by publicizing that decision and the reasons thereof, then judicial notice will be taken that I have gotten the knowledge. But without providing for the reasonable time within which that act has be conducted, this particular provision is bound to be abused.

She that Section 29 (9) is amended in a way that there is provision for reasonable time, may be, 14 days within which any tribunal must publish its decisions and the reasons the speaker, and appreciated the Bill because among other things that had punished Kenyans, especially when it came to judgments and decisions of the courts, is when a body like Kenya Revenue Authority makes a decision against a person, then they do not have an option of getting a stay of the proceedings before their rights are addressed.

She further stated that Section 18 of this Bill gives the Chairperson and the Tribunal the power to order a stay of execution. We refer to it as a stay of implementation of the decision of anybody before an appeal. She pointed out that the Bill was good to the extent that it allowed a person whose rights had been infringed to obtain a stay pending the hearing of an appeal before the Tribunal. We also find that the membership of the Tribunal is supposed to be between 15 to 20.
She stated that had included the 15 to 20 so that the Tribunal is able to sit because it is supposed to sit in panels of three. So, at any given time, you will have different panels sitting at particular places. To that level, I appreciate the number of persons that will be elected to this Tribunal, so that they are able to deal with matters expeditiously as envisaged in the Bill.

She concluded that it was a proper Bill and it gave Kenyans the opportunity also to settle matters out of court as the system was an adversarial system of justice, we also appreciate that matters can be settled out of court with the consent of the parties. This is properly provided for in this Bill. Therefore, with the concerns that are raised in this Bill, I believe that it is a good Bill and it is implementable. She however questioned whether they had looked at that Clause 29(10) that gave the Tribunal the power to withhold certain confidential information and whether it may not be in breach of the Constitution itself. I will leave it to you people to deal with it in the Committee.
COMMITTEE OF THE WHOLE HOUSE

Date 17th October 2013  
Member of Parliament: Hon. Wanjiku Miua  
Contribution She Made On: The Insurance (Amendment) Bill

- She commented on Clause 6(7) about the requirement of an auditor who will not comply with the requirement. I think we should also put a jail term. When one thinks of going to jail he or she will be careful. When they are doing all these transactions money is very easily stolen. When these auditors are dealing with insurance companies they are dealing with huge amounts of money. The penalty should not be that little. The penalty should be a one year jail term or Kshsh1 million fine or both, if they misappropriate money.

Date 17th October 2013  
Member of Parliament: Hon. Florence Kajuju  
Contribution She Made On: The Matrimonial Bill

- She seconded the Matrimonial Property Bill by noting that there had been many matrimonial disputes which were settled under the Married Women Property Act of 1882 adding that those were laws that we inherited from our forefathers.

- She noted that Parliament now had the capacity now to rectify the situation and domesticate a law that can apply to our people, so that we have home-grown laws instead of having laws that have been practiced for such a long time and have not been domesticated.

- She noted that Clause 2 of the Bill defined every term that was used in the Bill. Regarding most of the statutes that we have in Kenya today, there has been some conflicts because there has not been clear definition of the terms that have been used in those statutes. However, this particular Bill, under Clause 2, defines what contribution in marriage is. Especially, when it comes to non-monetary contribution, the courts are notable to quantify exactly what non-monetary contribution is. In this Bill, non-monetary contribution has been defined. I would like to cite as an example, the issue of companionship. This is also being considered as contribution. If I may inform the House, this includes provision of conjugal rights. So, where a partner provides conjugal rights, it is regarded as part of the contribution in a marriage.

- She also called on members to note that domestic work and management of the matrimonial home. In our present-day society, most married women do not have gainful employment. So, they would be left at home to take care of their children and the man when he gets home. The woman of the house would remove the man’s court and serve him with food. That is
all management. Therefore, in defining “contribution”, this Bill has included the management of the husband when he gets home.

- The Bill also defines family business. We have seen conflicts, especially when partners have had to separate. Therefore, each of them pulls aside the little property that they have managed to acquire. Of great importance is the definition of “matrimonial home”. At times there has been conflict between the parties of the marriage regarding the matrimonial home. If a property has been leased, some people may not regard it as a matrimonial home. Matrimonial home is the premises that the man has given to the family to live in as their home. So, whether it is owned jointly or owned severally or owned separately or it is leased, as long as the parties occupy and utilise that premises, then it will be regarded as the matrimonial home in the event of a dispute.

- She further stated that there were have the natural meaning of “spouse”, which means “husband and wife”. Another very important provision in this Bill is Clause 3, which provides that in the case of Muslims, marriage disputes will be governed by Islamic law. Therefore, for those who profess to the Islamic faith, disposition of matters regarding any property acquired in the course of marriage will be governed by Islamic law. So, there is no dispute between the Christian faith and the Islamic faith vis-a-vis the law in as far as matrimonial property is concerned.

- She noted that according to this Bill, a married woman shall have equal rights to property as the man. Once you acquire and administer property together, it is taken to mean that you have equal rights over the property and, therefore, any person can move and seek for declaration of their rights in the event of a dispute.

- She noted that any property that is acquired before marriage by either party, that property shall be regarded as belonging to the party that had acquired it. This provision, therefore, preserves the rights of a party before marriage. In this Bill, there is also provision for prenuptial agreement. So, if you have a property and you intend to enter into a marriage relationship, you can enter into a prenuptial agreement. That is an agreement between the parties getting into marriage, in which each party declares the property he or she owns.

- The agreement will provide that the property that each party owns will remain his or her property even after entering into the marriage contract. This is a good provision because even after marriage, if a party acquires property within that marriage, he or she can seek to have that property as a separate property within the marriage. This gives partners in a marriage a free hand to acquire property separately from the property that we call “matrimonial property”.

She also noted that the Bill also addressed the issue of polygamous marriages and how to deal with the property acquired in such union. If a man and the first wife acquired property before he takes another wife, the property that was acquired within the first union between the first wife and him will be taken to belong to the first wife and him. So, if the man decides to get another wife and he acquires property with her, the property acquired thereafter with the other wife is regarded to belong to the other wife and the man. So, there is a leeway that ensures that a man is not necessarily stopped from entering into another union. If you decide to get another wife, this law does not stop you from owning property with that other partner.

She stated that in the Bill, there is also the issue of improvement of property. If a man had a parcel of land and he gets married, and he improves this property with the wife; the contribution, in terms of the development of that property will be taken to be for both parties. If it was just a parcel of land that was not developed, and you develop it jointly, it will mean that the other party to the marriage has acquired a beneficial interest in that property. So, this is a good Bill since it seeks to duly protect the interests of the parties to a marriage.

She stated that the law will also apply in a customary marriage when there is dispute relating to divorce or dissolution of marriage. In the event that the parties to a marriage want to dissolve the marriage, the interest in the matrimonial property can be protected before the parties enter into either legal dispute or resolution of the situation. In my life as an advocate, I have come across situations where families have been evicted from their matrimonial homes because the man or the woman had taken a mortgage against the property and failed to repay the loan or he or she dealt with the property in a manner that does not befit the status of the union.

She pointed out that the Matrimonial Property Act protects the matrimonial home as defined such that either spouse cannot seek mortgage of a matrimonial home or lease the matrimonial home without the written and informed consent of both spouses. The rationale of this provision is to protect the family. We know the family unit is a sensitive institution. It would be extremely unfair for one of the spouses to go out and get mortgage or lease out property which is a matrimonial home.

She noted that the consent is necessary to enable the parties live in harmony. The other provision is that the Chief Justice has the capacity to make regulations under Section 18. The Civil Procedure Act under Section 81 allows the Chief Justice to make rules and regulations that determine the practice or procedure under this Act. The importance of that provision is that where there--- Not everything can be put into a Bill or an Act. There are some regulations, for example, how a case should be taken to court, the process to be followed, the court in which the matter will be filed and so on. Those rules, according to this Bill can be written by the Chief Justice under Section 81 of the Civil Procedure Act to give effect to the
Matrimonial Property Bill. Also, upon this Bill coming into effect, the Married Women Property Act of 1882 will now cease to operate in the laws of the land. It is my humble submission that this is a good Bill. I seek that the House supports it. It is high time we moved to the next level. I, therefore, second this Bill.

Date 17th October 2013  
Member of Parliament: Hon. Dr. Naomi Shaban  
Contribution She Made On: The Matrimonial Property Bill

- She noted that the opportunity to contribute to this very important Bill which once it becomes law can sort out the mess that we have in this country. More often than not in a polygamous arrangement the first wife has always been the one who has suffered. We have had destitute families. The first wife is the one who would come in when the husband has nothing. They work together. She makes him comfortable. He makes some money and they acquire some property. They suffer together, but once he has arrived he does so alone and he leaves the wife behind. Once they bring in somebody else, the first wife can even be thrown out.

- She further noted that that had happened to so many families. As a result, we end up having court cases and destitute families in situations where women have worked very hard to assist their spouses to be where they are.

- She appreciated that time has come for us to put this thing in the past. This Matrimonial Property Bill, once it goes through, it is going to stabilize our families and make sure that our families are going to realize what they have sought over the years. It is important that the constitutional requirement of Article 45, equality of matrimonial property has got to be observed. Whereas even when in a polygamous setup a second or third wife have come in and they work together with the husband, usually when the newer wife comes in they take precedence and they become more important. They are prioritized over the other ones.

Date 17th October 2013  
Member of Parliament: Hon. Fathiya Ali  
Contribution She Made On: The Matrimonial Property Bill

- She supported the Bill by stating that she considered the Bill highly and added that it was very progressive in terms of mitigating and strengthening the distribution of matrimonial property and other assets. She noted that the Bill recognized the contribution of both spouses and particularly women's traditional areas like home management, child care, farm work including protecting the assets of the family.

- She pointed out that historically these were areas that never received any recognition. I am happy today that the efforts of women who have contributed greatly to the property and assets of their families are now recognized and reiterated that in Kenya over 50 per cent of women, in fact, over 70 per cent
are not working, but they are building in the resources of their men. She noted that they have been suffering and most times they have been disinherited some of them ending up in serious circumstances and that Bill would protect this kind of scenario.

She noted that the Bill recognized the contribution of both the husband and wife. It will nurture and promote hard work between both spouses. If you are not benefitting from a property or asset you are likely not to invest heavily in that. However, because this Bill recognizes the contribution of both spouses, I believe it will nurture and reward hard work and families will be richer because of working hard. Although this Bill might not benefit Muslim spouses, it is a general Bill which might allow any spouse of any religion to utilize this law when it becomes law and to be applied where one feels it is enabling. We need to open that opportunity in the Bill to allow any aggrieved group to benefit from this general provision.

She also noted that the Bill recognized the contribution and hard work of all spouses. It is my feeling that it will reduce the escalating levels of separations and divorces and everybody will look forward to protect their matrimonial property because they are both recognized and the efforts are rewarded. I consider this Bill very progressive. I also believe that the hon. Members here are also progressive.

She called on the male Members to support the Bill so that it protects matrimonial property of all families. This will benefit even the children. It will reduce the number of vulnerable persons who have been disinherited from their matrimonial property, particularly women who now live in the slums. With their property documents they will be able to protect the property of their families and no one will disinherit or exclude them from benefiting from the property left behind by their spouses.