NOTICE OF MOTIONS

Date 10\textsuperscript{th} October 2013
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On:Audit Of Employees Of Defunct Local Authorities By Transition Authority

- She gave the following Notice Motion to the Department of Devolution and Planning;-
  - THAT, aware that Section 7(2) of the Transition to Devolved Government Act requires the Transition Authority to carry out an audit of the existing human resource of the Government and local authorities and advise on deployment to either level of Government; further aware that Section 57 of the Urban Areas and Cities Act provides that every person who, immediately before the commencement of the Act was an officer, agent or member of staff appointed, seconded or otherwise employed by a local authority shall, on the commencement of the Act be seconded or otherwise deployed as may be provided by law; concerned that failure to absorb bona fide employees of the defunct local authorities will deprive them of their rightful means of livelihood contrary to the spirit of the Bill of Rights as contained in Chapter Four of the Constitution of Kenya and the principles of devolution; the Senate urges the Transition Authority to urgently finalize the audit of employees of the defunct local authorities and put in place the necessary framework for their absorption as employees of the respective counties.

Date 31\textsuperscript{st} October 2013
Member of Parliament: Sen. Liza Chelule
Contribution She Made On: Provision Of Cheap Credit To Farmers By AFC

- She gave the following Notice Motion
  - THAT, aware that agriculture is the backbone of the Kenyan economy and one of the avenues through which poverty reduction can be achieved; concerned that the Agricultural Finance Corporation (AFC) is charging high interest rates on loans and imposing heavy penalties on loan defaulters; the Senate urges the National Government to provide cheap credit to farmers by reducing the current interest rates charged by the Corporation from 10 per cent to 3 per cent and abolish the penalties imposed on loan defaulters.

STATEMENTS
Date 10th October 2013
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: Government Efforts To Enhance Security Following The 2012 Baragoi Massacre

- She sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the unfortunate tragedy that befell police officers and residents of Baragoi in November, 2012 after an operation to recover stolen livestock that left over 40 police officers and police reservists dead and a number of police firearms were also stolen. She requested that in the Statement, the Chairperson should:-

  a. Outline the steps that the Government has taken to recover the stolen Government firearms currently in the hands of civilians.
  b. Explain the efforts the Government has put in place to ensure peace and security is restored in the area and to avert such unfortunate incidents in future.
  c. Has compensation been given to the fallen soldiers and the Kenya Police reservists who died in line of duty?
  d. How many families have been displaced since the massacre?
  e. How many more incidents have taken place? How many lives and livestock have been lost? How many livestock have been recovered since the massacre.

Date 23rd October 2013
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: Increased Insecurity In Baragoi

- She inquired whether apart from the peace committees and the continuous efforts that the Government has used in the past, are there any new ways that the Cabinet Secretary and his team were looking into to see to it that cattle raids can be curbed.

- She noted that the cows that were stolen among the pastoralists are the only source of livelihood or mainstay of those people and added that it was not right to state that there is no mechanism for compensation, yet the sole mandate of the Government is to provide security for the people and its citizens.
➢ She further inquired what the cabinet secretary meant by So, we need to know what they mean by saying there was no mechanism for compensation and, also, whether they take responsibility for failing to provide security for the people of West Pokot and Turkana counties?

Date 24th October 2013
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Dismissal Of The Chief Registrar Of The Judiciary

➢ She sought a Statement from the Chairperson of the Standing Committee on Legal Affairs and Human Rights on the dismissal of the Chief Registrar of the Judiciary. Pursuant to Standing Order No.43(2)(c), she requested for a Statement from the Chairperson of the Standing Committee on Justice and Legal Affairs on the ongoing crisis at the Judicial Service Commission (JSC) and the circumstances under which the Chief Registrar, Mrs. Gladys Boss Shollei, was sacked by the Commission. The Statement should also explain the Government’s position on the dismissal and the way forward for stability in the JSC.
MOTIONS

Date 1st October, 2013
Member of Senate: Sen. Janet Ong’era
Contribution She Made On: Transfer Of All KeRRA Functions To County Governments

- She supported the Motion by stating that rural roads form such an important cog of any development in the rural areas and without those roads being in good condition, people will not be able to transport any services to the basic unit of the county Government.

- She pointed out that the intervention is at the village level and the national Government to transfer these services, and especially to ensure that they have sufficient funds so that KeRRA can be able to operate at the county level there was no way somebody at the national level can be able to plan and determine for the people in the rural areas.

- She further stated that the county governments were best placed to be able to determine and prioritize which roads should be developed but not the people at the national Government. She warned that the reason why they did not want to transfer these services was because of the culture of kitu kidogo and the 10 per cent commissions that many engineers at the national level continue enjoying with the contractors.

- She reiterated that all services should be transferred to the counties but services cannot just be transferred in a vacuum and counties must be supported with adequate funding so that they can carry out these services and added that restricting resources to the national government would reduce county governments into employment bureaus.

- She stated that the counties should be given enough money and resources so that they can carry out capital developments at the county level so as to ensure positive growth and at the end of five years, an audit carried out in the county governments to establish what developments they are able to do can be positive.

Date 1st October, 2013
Member of Senate: Sen. Daisy Kanainza
Contribution She Made On: Transfer Of All KeRRA Functions To County Governments
She supported the Motion and clarified that the work of the Kenya Rural Roads Authority (KeRRA) was to give guidance in the maintenance and construction of roads and questioned whether it was in their mandate to do this yet there was a county government in place.

She further stated that this had given many challenges to county governments because the citizens would ask why the county government was not able to repair a pothole and that was because of the confusion that KeRRA had brought about.

She pointed out that they were upgrading and introducing another class of roads just to make sure that the county government did not perform its role and added that she supported the Motion because it would bring equality and an opportunity for all the counties to benefit from the funds meant for construction of rural roads.

She pointed out that county governments had even budgeted for the construction of roads but they have been denied the opportunity to do so and therefore if the Motion was passed and implemented, all the counties were going to get equal opportunities.

**Date 1st October, 2013**
**Member of Senate: Sen. Mshenga Mvita**
**Contribution She Made On: Establishment of A Fund To Compensate Village Elders**

She supported the motion stating that the village elders played an important role in society and added that they too needed security in line with the new devolved structure that offered security to even the marginalized.

She further pointed out that there was a need to stop the spiraling insecurity in the country adding that there were insufficient police to ensure security and using the village elders to help with security would be prudent especially in the villages.

She pointed out that in Mombasa, the young people were turning to the Mombasa Republican Council (MRC) and were responsible for a lot of the society’s ills and to ensure they are not completely lost, there was a need to include the village elders to help them out and these elders be given a token for their services.
She suggested they be given a small monetary compensation of about Kshs2,000, per month and this would go a long way in helping to sort out the insecurity and crime incidents at the village level.

She stated that by giving the elders different roles and compensating them, a lot of the incidents in the local villages and towns would go down as they would take a more proactive role in guiding the young people away from crime.

**Date 1\(^{st}\) October, 2013**  
**Member of Senate: Sen. Daisy Kanainza**  
**Contribution She Made On:** Establishment Of A Fund To Compensate Village Elders

She supported the motion by stating that in appreciating devolution, it was important to also appreciate the village elders since they are the people at the grassroots level. She added that they play a big role as mediators in case of a dispute in the family or community and before people go to the chief’s office, they first run to the village elder.

She pointed out that the village elders were still held in high esteem in the villages and their input is still respected and valued and as such it would be important for the government to realize and support them.

She stated that currently there was a lot of indiscipline in the village, including the misbehaving by children and she attributed this to lack of guidance and added that that was because the village elders have not been involved.

She also stated that the village elders had deep knowledge in traditional law on what happens in our society and what is supposed to be done for example the traditional ceremonies and events and with the onset of the digital era it is important to have the elders as custodians of culture.

She pointed out that the village elders were also good in the coordination of various activities in the communities by giving direction and advice, and even convening meetings and therefore was important for us to motivate them and those funds will assist them do their job.

**Date 1\(^{st}\) October, 2013**  
**Member of Senate: Sen. Catherine Mukite**  
**Contribution She Made On:** Revenue Allocation To Counties Report
She supported the report of the Committee on the Turkana County Estimates that were altered and this was brought to the attention of the Controller of Budget. This report was submitted to the Finance, Commerce and Economic Affairs Committee and we looked at it. She added that in the committees visits to the counties, they found out that counties were facing many challenges.

She pointed out that one of the challenges was lack of capacity. Most counties did not understand how to prepare budgets and Turkana County, therefore, was not unique. She added that when they had a meeting with the Controller of Budget, she told them that they had rejected many county budgets since they had not been properly prepared and therefore, they did not conform to what the Controller of Budget had set out for them to do. The other issue is that the Integrated Financial Management Information System (IFMIS) was not in place.

She stated that not all counties were connected and in most counties, the servers were down, connectivity was not really there and that posed a major challenge.

She called on the Members to refer to page 14 which she pointed out was contradictory to the provisions on page 13. She further stated that page 13 set out that the budget that was prepared by the County Assembly and what they had approved but a look at the variance or the alterations that were made, for instance, with regard to Transport, Roads, Housing and Public Works, this was reduced by Kshs7,700,000.

She further pointed out that a look at the County Assembly Budget, revealed that this was increased by Kshs449,663,498 and under the Office of the Governor, the County Assembly had approved Kshs425 million. However, this was reduced to Kshs175 million. Under Finance and Planning the budget approved was Kshs1,380,000,000, but this was reduced to Kshs1,000,000,000. The variance is Kshs380 million considering that there was lack of capacity by the county government in preparation of the budget.

She stated that the PFM Act 2012 stipulates that the county assemblies shall consider the county governments’ budget estimates with a view of approving them with or without amendments. She suggested that the problem was that the due process was not followed and when the county executive felt that it did not agree with what the county assembly had done, it should have made alterations and referred back or made consultations so that the amendments made are in agreement and added that that was where they erred.
She stated that they had spoken to both the executive and the county assembly. We have tried to advise them to improve their relationship because, at the end of the day, the county assembly has to oversee the budgets. From time to time, the executive needs to consult with the county assembly.

She pointed out that the Controller of Budget had ordered that investigations be done with regard to that report and it had now been returned with recommendations which were outlined and she noted that one of the recommendations was lack of capacity, the variance that has been highlighted and the IFMIS system which is a big contributor.

She however supported the report stating that devolution was new to everyone and everybody was learning and they needed to give Turkana County a chance and called the Members to adopt the Report for them and added that next time, with the support of the Controller of Budget, they would prepare their budget in a proper manner.

**Date 1st October, 2013**  
**Member of Senate: Sen. Liza Chelule**  
**Contribution She Made On: Revenue Allocation to Counties Report**

She pointed out that it is the responsibility of the county governments to prepare budgets but the Report that was presented was not done by the relevant Committee, but the Controller of Budget and therefore she did not support it.

She further stated that she did not support the Motion mainly because it was incomplete and reiterated that the Report that was tabled was not prepared by the Committee on Finance, Commerce and Economic Affairs, but by the Controller of Budget.

She pointed out that there was a recommendation that was done by the relevant Committee, No.6 which talked about investigation. The relevant Committee was alleging that further investigation should be done and she questioned who would do the investigation but Committee adding that that Committee represented the Senate, yet it only was giving instructions for further investigations to be done.

She recommend that there relevant Committee summons the executive committee or finds a way of investigating the matter and the same Committee could visit Turkana County for further investigations adding
that the alteration in the budget was done deliberately and not due to incapacitation.

- She stated that every level of government knew its roles and the county governments was no exception because it was in the Constitution and she therefore, thought that this was done deliberately and called on the Senate, to investigate the matter.

**Date 1st October, 2013**

**Member of Senate: Sen. Martha Wangari**

**Contribution She Made On: Revenue Allocation To Counties Report**

- She oppose the Motion by stating that it was very inconclusive. She referred to the role of the Senate, even from Articles 96 and 97 quoting that the Senate had the mandate of oversight and protecting the counties and county governments adding that the Constitution did not really itemize from whom we protect the counties, but she thought that even the counties needed protection from themselves.

- She stated that it would be a failure on the Senate’s part if they adopted the Report, the way it is, as reported by the Office of the Controller of Budget, and leave it at that and added that a closer look at the report of the Controller of Budget on page 16, which was very scaring, on the increases and decreases, one would be shocked to realize that Turkana was where the discussion was about especially in terms of natural resources and the fact that there were mineral, oil and water in the area.

- She noted that that had been decreased and it was actually the second item on the decreases. It has been decreased by Kshs60 million whereas the expenditure for the office of the Governor has been increased by Kshs237 million which is about four times. This is the decrease in allocations to the energy, environment and natural resources category. It is not enough to say that we need further investigation. If you look at that Report, Part VI, they say that it has been established that laws have been bent, surpassed and the PMF Act has been ignored. We are saying that we are on a learning curve but it is not an excuse for anyone to hide under that and become mischievous and commit a crime. Punitive measures must be taken.

- She pointed out that that being the first Report on this matter, there were 46 other counties that would learn from this precedent that the Senate set and if they set the wrong precedent, it would be very hard for the Senate to deal with the rest of the counties.
She called on the members not to adopt this Report because then they would be failing as a House and called on the Standing Committee on Finance, Commerce and Economic Affairs to sit down and not just present to us the raw copy of the Report of the Controller of Budget but do a thorough report.

She added that someone has to take responsibility starting with the personal responsibility added that there is need for someone must know what really happened. I know that we have had such scenarios in this country where certain documents were taken to the Government Printer and overnight, they are altered; this was a lesson to this country and should not trickle to the counties and it has to be stopped immediately.

She pointed out that we should know where the alterations took place and the consequences accompanying that action and added that the integrity chapter of the Constitution was very clear, and that the Committee would be able to summon those officers; the Governor with the executive committee and fish out the answers.

She recommended that the matter be treated as urgent because this precedent must be set right.

Date 2nd October, 2013
Member of Senate: Sen. Judith Sijeny
Contribution She Made On: Control And Economic Exploitation Of “Mathenge” Tree Species

She supported this Motion by stating that it was quite clear that the wonder plant that was brought called Prosopis juliflora - the name is foreign - Mathenge was the easier name that we know adding that at first, when she saw exhibits in court, she thought that was one joke and added that this came up a while ago and it was sad that since then, life in this area had not improved and people were still suffering.

She state that it meant the situation was more serious adding that while the initial intention by donors to the country that was in a grave situation because of extreme drought and harsh weather conditions was good, it was high time something different was tried.

She called for a cautious and thorough approach that would ensure that the problem was solved once and for all but also to ensure that they should not remove all the vegetation and cause suffering.
She stated that while there were more valuable things like oil and minerals that had been discovered in the country, Kenyans generally had an agricultural background and therefore the locals could exploit irrigation to facilitate farming of crops as has been tried in various arid areas, so that the livelihood of Kenyans living around the area improves.

She stated that it was unfortunate that people from those areas had been suffering and other than consuming water for the wrong reasons, this was not benefiting people and that Malaria and other health hazards were coming up and this too was certainly become a nightmare.

She pointed out that the problem had been there for too long and it was destroying the countryside and exemplified this by Lake Victoria stating that this generally showed that all the good things in the country were being destroyed.

Date 8th October, 2013
Member of Senate: Sen. Beatrice Elachi
Contribution She Made On: Integration/Compensation Of Kenyans Currently Registered As Refugees

She support the Motion by stating that she also wanted to bring in a perspective that it was not only in North Eastern region but also in Mombasa, Lamu and other counties in the coast region adding that these regions faced the same challenges in terms of parental identification and citizenship and therefore, it was indeed their responsibility as the Senate to look at the whole issue in broad perspective without narrowing it to North Eastern region.

She pointed out that this would also help Kenyans to understand the issue better and appreciate the need to accept that we have faced many challenges while dealing with the issuance of identity cards. She added that this is an issue that the last three governments had not tackled well.

She added that the government needed to understand its people, take care of them and protect them in terms of security and therefore the government should accept that as we move on as Kenyans, there is one challenge we face; we like to take advantage of challenges we face and make them an opportunity for abuse. Therefore, you will find that those who are really genuine Kenyans and would want to get their identity cards cannot get them just because of that. This is the most serious challenge we face today.
She pointed out that how the people in North are handled and managed will be critical in managing the issue. She added that the North Eastern region was a big challenge and sometimes the citizens blame the Government but they also needed to take some responsibility.

She stated that neighbors then needed to know each other even if the neighbor moves away for ten years, someone would remember that family and if they come back, they would be welcomed back home. She stated that there was a proposal by the Minister for Interior and Coordination of National Government where ten people within the community can identify neighbors and by so doing reduce the chances of having strangers living in the community.

She questioned how one would ensure that somebody who got lost for twenty years is identified as a Kenyan and helped to come out of the camps adding that these people are there because they have worked in Dadaab and some went there because of food but a close look at also those who had received identity cards, one would be shocked to find that many Somalis used dubious means and sometimes would pay some money at the Immigration offices to get identity cards. This is something that we have to accept and work on it.

She stated that if one wanted to deal with the issue, then everything needed to be put on the table. Majority of our Somali brothers who are real Somalis are Kenyans today yet our own Kenyans cannot afford to do the same and get identity cards. It is our brothers who know that those people are Somalis but they give them identity cards because of money. Therefore, corruption has also messed the process.

She suggested revisiting the census documents and stated that if we did this, we will find out who our real brothers are and this would put Kenya back on track. The challenge we face in Kenya is the lapses that we have in terms of many loopholes. Someone would choose to take Kshs10 million and sacrifice his or her country. This is one thing as leaders we must work with.

Date 8th October, 2013
Member of Senate: Sen. Dr. Agnes Zani
Contribution She Made On: Integration/Compensation Of Kenyans Currently Registered As Refugees

She supported the motion stated that it was important that when you are a Kenyan, you get an identification card to identify you as a Kenyan but added that however, the situation the country was facing was very complex and it
was no longer just a question of saying “I want to be a Kenyan because my parents are Kenyans.” We have a set of people who have changed their status from being Kenyans, for whatever reason. This creates a complexity that the country cannot overlook.

- She further stated that for one reason or another, their identification and being able to know that these were Kenyans becomes very complex and it has implications on the security situation in this country. She added that there were little or no processes of being able to identify who the Kenyans are and she asked who sold out their national identities and ended up referring to themselves as refugees.

- She questioned what process the country was putting through to actually sieve and remove those to say that “these are the ones that are validly there?” Because when talking about issues of compensation, there needed to be away to identify that group appropriately and separate them.

- She interrogated the issue of compensation by asking what amount of compensation was appropriate and for what reason should that compensation be given, in the first place adding that there argument needed to be and focus on the merit of the issue.

- She pointed out that the country had just undergone a terror attack and this brought attention to the broader issue of security and the implication on security of giving identity cards to non-Kenyans. She added that the Senate did not have the mandate, authority or the proof to know whether these are Kenyan refugees or not but as they discussed the issue, they should actually present a way to streamline the process one would follow in identifying those people.

- She further pointed out that the whole area of north eastern has really been ravaged by drought. From the 1970s to about 2007, there have been about eight droughts. So, it is understandable to know that a community has had to survive. They moved into the refugee camps so that they could actually make ends meet. But just on the basis of that alone, I think it will be very wrong to say “let us give identity cards to all of them” without carrying out some very serious vetting process. Here, we should be talking about proposals of vetting these people. How do we go about that vetting? How will we make sure that the process of vetting is followed? How are we going to make sure that those who will be given identity cards are really Kenyans or merit, in the first place, to be Kenyans.
She stated that it is understandable in the debate which has been put here that there is a group of people who have suffered and for those who had undergone drought; there have been issues of migration from one place to another, loss of livestock and food security. These are reasons that propelled most of these Kenyan Somalis to give up their identity. It becomes very difficult even for us to know who the Kenyan Somalis are and who the Somali Somalis are.

She pointed out that that the differentiation becomes very difficult to prove in order to move forward. She stated that in their report of 2003, the United Nations High Commission for Refugees (UNHCR) said that there are about 300,000 refugees in their camps and who were not supposed to be in those camps, in the first place. She added that talking about a large proportion or nearly half a million people who are in camps. She questioned how they got to be in camps where they should not have been, in the first place adding that was partly responsible for an issue of identity.

**Date 9th October, 2013**

**Member of Senate: Sen. Beatrice Elachi**

**Contribution She Made On: Integration/Compensation Of Kenyans Currently Registered As Refugees**

She called on the members to be more sensitive to the plight of the affected adding that these people had suffered and the new dispensation would be an option for them as it was envisaged but this had not happened so far.

She also raised concerns as to whether as a country we are making it secure for our children? Do we want to see our brothers and sisters in north eastern getting their identity cards? They have to get them so that they can be employed and feel they are part and parcel of Kenya.

She pointed out that when one looked at those who are attacking country the, they were not just the Somalis in north eastern, but we have our own brothers and sons from the lowlands who have joined Al Qaeda. We have some Kikuyus and young men from other communities who have joined Al Qaeda. Therefore, it is a security issue which we need to address. Even if our people are poor, do we really need to go that direction? This is not the best way to fight poverty among our people.

She questioned why the people had sunk so low to feel that they had no obligation at all to save their country and added that the answer to this would help clarify why the Westgate tragedy happened and move on but if this was not addressed another one would happen.
She pointed out the 1998 terrorist attack and frequent attacks in Eastleigh and Garissa. When it started, they were just bombing each other and we kept quiet since it was happening in Eastleigh. To us, it was business as usual and we moved on. That is why even our own army could look at a blueprint and imagine people can use a tunnel to escape because of corruption.

She stated that it was time as a country we addressed the issue without fear for those who want to see our children in Kenya moving on, we will have to say these things without fear. Yes, I believe even if it was not on that day, but let us accept that this thing of *kitu kidogo*, money and corruption has finished our country and it is time the Government and the President must stand firm and added that every person who was found engaging in corruption, especially when putting the public at risk, must be sacked and taken to jail.

**Date 8th October, 2013**

**Member of Senate: Sen. Janet Ong’era**

**Contribution She Made On: Development Of Policy Framework For Use Of Cable Cars In Tourism**

She supported the Motion by stating that it was a very innovative Motion to this House and added that the use of car cables meant means that the country would be able to improve its tourism and would be developing new tourist circuits.

She stated that the move would open up many new tourist circuits that we can develop in this country by using cable cars which country had never had. She pointed out that Senator Elachi had mentioned Kerio Valley as one of the new tourist circuits that we could create by use of cable cars as well as Mt. Kenya in and the Aberdare Ranges.

She however stated that we should not only talk about cable cars, we must also improve the road infrastructure in many of our tourism areas. We will not just speak about cable cars without looking at the road infrastructure. The airstrips in this country are in a deplorable state and, therefore, there is need for the tourism industry, especially the Ministry that is concerned with tourism to look for areas in which they can improve infrastructure. This includes the road network, the airstrips and the airports.

She suggested the construction of airstrips in Maasai Mara as well as other circuits around the country.

**Date 9th October, 2013**
Member of Senate: Sen. Emma Mbura  
Contribution She Made On: Development Of Policy Framework For Use Of Cable Cars In Tourism

- She supported the motion and added that this would open up the coastal region especially in areas that are yet to be fully explored. She added that while tourism was a major contributor of the economy a lot of the areas were still underdeveloped in terms of infrastructure and this was taking away the gains that the country was making.

- She stated infrastructure posed a major challenges to some areas for example the area where world renowned freedom fighter Mekatilili hails from is inaccessible and this has limited one more avenue the country could generate income.

- She stated that the idea to have cable cars would diversify the tourism sector as it would ease transportation to some places like Bangale in Malindi and also help improve access to certain areas.

Date 9th October, 2013
Member of Senate: Sen. Daisy Kanainza  
Contribution She Made On: Development Of Policy Framework For Use Of Cable Cars In Tourism

- She supported the motion by stating that these cable cars will enhance the tourism sector in this country adding that is very key when it comes to income generation in this country and going the way of cable cars, we shall open the recreation sites or the mountains in this country.

- She stated that these wouldenable tourists who came to this country to view various tourist sites. She added that Kenya still has so many untapped zones for tourism in this country because a good transport system is lacking.

- She stated that one look at countries like Ukraine, San Francisco and the City of London, they had actually used these cable cars to achieve prosperity. Looking at this “digital Government” as we call it, and in order for us to achieve the Vision 2030, we need to put this in place. It will be able to create employment opportunities to our people in this country, especially the young people that I represent. We will have to employ drivers, and various staff manning the stations, engineers and even attendants in the cable cars.

Date 9th October, 2013
Member of Senate: Sen. Naisula Lesuuda
Contribution She Made On: Development Of Policy Framework For Use Of Cable Cars In Tourism

- She supported the motion by stating that tourism was one of the key areas where as a country we generate revenue and therefore we must start to think how we can become innovative and thinking of new ideas would make the country more competitive.

- Secondly, she pointed out, it would also be an avenue where we would generate more revenue because for you to use the cable cars, then you would have to pay for them and, so, it would be value addition to our tourism reiterating her colleagues statement that we should not just think of foreign tourists, but we also have local tourists. I know that Kenyans really love to enjoy this beautiful country.

- She stated that while it is important for us to think about our infrastructure as a whole as a country. We need to open up more frontiers because if we were to have these cable cars in Samburu, you would, first, have to get yourself to Samburu. So, we really hope that we can think about the road networks and the airstrip. You have been to Samburu and you have seen the airstrip that we have there, and we really hope that we can improve the infrastructure that will, first, get us to where we can access the cable cars.

- She added that we are very innovative people; we know the marathon that is in Maasai Mara and it is one very unique one in the whole world, where you do a marathon in the wild amongst the lions and the big five. We should actually think about how to market this event to make it even bigger like the London Marathon. The Maasai Mara Marathon is something that we can really tap into, and I am sure that by having the cable cars during such events, it would also add value to such kind of events that we have in this country.

- She pointed out that the country also has land use problems and suggested demolition of buildings along the roads that we have been seeing around. If, really, we and if there are cable cars in some of these points, we might really think about having a road network there and it is going to reduce some of the problems that we have been witnessing, including reducing accidents. we think about it. Really, it is just the whole issue of being innovative as a country.

- She added that we have the capacity and the brains; I am sure we also even have the revenue to put these things in place. We are also looking forward,
now that we have counties in place, to see whether Sen. Mutahi Kagwe will make sure that, actually, we can have some cable cars going up to Mt. Kenya, which is in his county. I know that if counties actually think about some of these issues and also work with the national Government, we are going to see them being put into place.

Date 9th October, 2013
Member of Senate: Sen. Dr. Agnes Zani
Contribution She Made On: Development Of Policy Framework For Use Of Cable Cars in Tourism

- She supported the motion by stating that it was important as it touched on the economy of the country, the young people and historical injustices in the way the economy has been handled.

- She stated that the reason many people in the counties are keen on devolution was because they are living below the poverty line. One of the areas where you can push down peoples’ levels of poverty and improve their standards of living is to enable them earn an income.

- She pointed out that most counties are endowed with one resource or another, but as a country we have mismanaged these resources. This is quite unfortunate. In the 1960s and 1970s, we saw a model of how these industries would work and, therefore, we are not talking from an empty template; we are talking from reality where we know industries can work because in the history and development of this country, they have worked.

- She gave the example of Kwale County, where, Ramisi Sugar Company (RSC) was able to keep people who grew sugar cane in employment adding that this was an area where sugar cane can be grown and processed. And added that that was an area that can produce sugar both for local consumption and for export to the advantage of the people of Kwale County.

- She added that when one thinks about the coast region in general, the cashew nut industry is another industry that has just been left to die. From cashew nut farming, it was possible to manufacture various products. The industries, for example, even for processing mangoes that were there many years ago have all disappeared and are depleted in most of these specific regions. The reality is that counties will continue to be poor.

- She concluded that the Motion was very timely and urged that those specific counties look at their potential and try to revive those industries appropriately to ensure that counties move forward.
She stated that the mismanagement of state and local industries is hurting the areas economies and greedy people have incapacitated the areas with some people taking it upon themselves that if they know that they are going to procure, they are going to have deals or they are going to have sugar coming in from abroad, then they are happy to do that so that those industries are killed and, at the end of the day, they are the ones who gain and continue with what is happening.

She pointed out that recently, there had been serious conflicts in Kilifi with a number of people killed and the reason for these killings is that, really, the young people have not found an outlet from the various training or through the education or they have not been able to go through educational institutions successfully and some of them have left because of poverty. Others have not been able to secure jobs. So, all of them are really looking at land as a way of sustaining themselves and the old people are not dying quickly enough, in their opinion and, therefore, one way of ensuring that they actually clear that land is by killing them, like they have done. You can imagine the level of conflict; it actually now becomes a question of scarce resources.

She stated that the country should concentrate on industries, be they textile, cotton or leather industries, to ensure that these are actually appropriately built? It should not be very difficult, like in the model of China, where you actually just use low cost and low skilled labor for you to attain and make profits from whatever is going on or is being sold in that particular place. We have, therefore, found ourselves in a situation where we have created expectations from the youth that we cannot meet. We take them through an educational system and at the end of that, we cannot give them employment if they go to university. We have created middlelevel colleges where we say we are training them for skills, but once they are ready for these skills; there is no outlet for these specific skills. We are training them through the 8-4-4 system so that they can actually have an alternative education where they can have a possibility of using other skills apart from academic skills, but there is completely no outlet for that.

She pointed out that as a country we are sitting on a time bomb; we are creating many expectations and we are not building up our industries sufficiently enough so that they can fit in. We have let ourselves to the opportunity and exposure of relying on the west and whatever comes from the west. In those countries, they are able to give high subsidies such that it is possible to end up with products that are substantially low cost even after they have been exported to this country. In the long run, they are happy to do
that, but we never ask questions about the type of products that we end up with; what is the implication of those products? At the end of the day, even the *mitumbas* that we run for - cheap is expensive - sometimes these clothes will wear and tear within a very short time.

- She stated that the overreliance on imports is killing our industries and added that this was a culture, and because of that culture and that sort of socialization, Kenyans look at what comes from the west as the better, superior, as what to look out for and, therefore, we do not put enough of a challenge so that we can actually now create a demand for what is Kenyan; what is authentic; what is ours.

- She called upon the country to Buy Kenyan, Build Kenya and added that this should be a brand model that should be used across the board in everything that we do but it cannot just be a question of word and ethos; it has to be a question of ideology; accepting it, buying it, owning it and then doing it for as long as we do not get there, we do not become proud of being Kenyans, we are just proud to say ‘Kenya, we are one’ but where is our oneness exhibited? Surely, it is not exhibited in our procurement procedures - for those who are in leadership positions and for those who are actually in charge of making those procurements - end up with deals that leave Kenyans with absolutely nothing.

- She informed Sen. Prof. Lonyangapuo that it is very important also to come up with a process of education and creating demand. We can do this very easily under devolution. I am thinking from Kwale, we should say “we demand for Ramisi like yesterday.” We are not going to have our old men killed because young people have to live; because they are going about it in the wrong way, addressing an issue because they do not know how to address it the right way. The answer is that, if we solve the issue of poverty in the counties, we will solve many other problems in those particular counties. That is the way forward for us, so that we move away from these stereotypes; we end up with a sense of dignity and pride. There are people who have come in even with the same *mitumba* shops; some of them, I hope, are our own *mitumbas*. You will find people from the UK coming to look for jeans from here. So, as we struggle to get imported stuff, they are also coming to get the local stuff. Look at the Maasai ornaments that we sell; with those, we own a cultural identity and we are proud of it. That, in itself, can be a real source of income for the country.
MOTION FOR ADJOURNMENT

Date 15th October 2013
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On:Nationwide Industrial Action By MCAs Over Salary Increment

- She stated that it was important for the Senate to look at what has been happeningsince June. In June, the leadership of county assemblies met in Nairobi on 12th with the Chairperson of the Salaries and Remunerations Commission (SRC) and agreed to carry out a job evaluation which she had requested. She had requested to be given three names by the county assemblies so as to carry out the job evaluation until 12th September. In August, when they met, they decided to follow up since time was elapsing. The Members of County Assemblies (MCAs) called the Chair of the Commission and in her response, on phone, she said that she had not started the evaluation process. She added that she was having challenges with her procurement team in giving out resources to start the evaluation process. She called again and told the Chairperson of the County Speaker that she had not started the job evaluation but a pre-evaluation would start this month.

- She pointed out that the county assemblies felt that after using the procedural path in terms of engaging the SRC, they were being taken for a ride because one, she would respond very well in letters but of late, she has been responding through the Press. We have been requesting the Commission to look into issues of sensitivity and engage in a manner that respects one person and a manner that is dignified especially when you look at county assemblies under Article 185 of the Constitution which is very clear.

- She questioned why the Commission wants to do a job evaluation because the mandate of these people was very clear under the Constitution adding that it laid out the legislative work that the MCAs are supposed to do. She added that while MCAs are on strike, they are still receiving salaries contrary to the laws stipulation that one is not supposed to receive any salary when they decide to go on a strike. She stated that that was the one thing they did not understand.

- She pointed out that one of the things they do not understand, even in the Senate, is whether the Commissioner's powers override the Constitution as these were jobs which were created after the new Constitution was passed. Since 2010, Commissioner Serem could tell us that she has not had time to evaluate people before they came into office. She should have known how many people would be coming to office and how she would pay them. She
She should have known that she has 2,000 MCAs coming into office and their job descriptions.

- She stated that the MCAs should have been given a dignified package to make them work and added that this was a crucial time as the MCAs were now about to go to a period where they would be looking at the next budget and the strike would compromise this process and they said that if they do not get salaries, counties will close down.

**Date 15th October 2013**

**Member of Parliament: Sen. Elizabeth Ongoro**

**Contribution She Made On:** Nationwide Industrial Action By MCAs Over Salary Increment

- She supported this Motion by stating that this was a national crisis of such magnitude and with the capacity to actually derail the operations of this Government. This is because under the new Constitution and the devolved system of governors in this dispensation, if county governments are not going to be fully operational in the manner that was prescribed by the Constitution and if they are going to fail by any means at all, then I think it would be right for us to look at the example of the US. Sometimes taking issues lightly, overlooking them and wishing away certain issues, not confronting issues and tackling them in the right way can lead to such a big problem that sometimes, by the time we think of it and sit down to re-evaluate it, we will have lost so much.

- She questioned the mandate of the Salaries and Remuneration Commission (SRC) and added that they understand their mandate is enshrined in the Constitution and, yes, it is weighty and extensive adding that they accept that this Commission is acting within its mandate. We also accept that the scope of work of this Commission actually affects all public servants and that the MCAs fall within this category.

- She cautioned against the commissions approach to address the issues through the press and added that the Chair was communicating to elected leaders of this nation, but the manner in which she addresses and communicates to them was wanting.

- She pointed out that she felt that Commissioner Serem had created this stalemate and if she was to be firm, duly respected by these office holders, conducted her business with a lot of decorum, held very many consultative meetings with the MCAs and listened to their views, I honestly believe that she
would have collected enough data to communicate and convince the Executive and would have become the bridge between the MCAs and the Executive so that we can consider what these people are requesting for.

- She gave the example of Nairobi. An MCA who earns about Kshs79,000 and, after tax about Kshs50,000 and added that any house in Nairobi County costs about Kshs15,000. So, when one extract Kshs15,000 from this Kshs50,000, this MCA is left with Kshs35,000, take away his transport every day to town and back and his lunch, he is left with about Kshs20,000. She added that this person has got a mandate to represent the people. This person has got a wife or husband and children and other responsibilities and therefore to expect him to sit in Committees and at forums that he is supposed to oversight an expenditure of Kshs12 billion or Kshs20 billion and to cushion officers who are earning Kshs1 million with entire motorcades and 50 askaris around them, whereas this man is perpetually and perennially broke.

- She said underpaying the MCA’s would compromise their service delivery and by attempting to save, we might actually lose more. We might think that, as a Government, we are saving by not giving these people just a small salary increment, but by extension, what we might lose as a Government by paying them peanuts runs into hundreds of billions. Because if you do not remunerate somebody well, you do not expect him, first, to give his best; secondly, to attend all meetings; thirdly, to interrogate effectively and, fourth, to report any misconduct when he finds one. Instead, if he notices anything, he will go to bargain with that officer and then he will be sorted out at a personal level, and then he leaves. That officer will squander Kshs1 billion and give this man Kshs200,000. Since he needs it so much, the country loses a billion or something like that.

- She called on Commissioner Serem to reconsider and understand that, that one office can actually derail devolution and it can actually bring this Government to its knees by simply refusing to facilitate and ensure that county governments are run smoothly. She should understand that every statement she makes affects every corner of this nation and almost every household, because we are dealing with MCAs who are really dealing with people at a closer level.

**Date 16th October 2013**  
**Member of Parliament: Sen. Beatrice Elachi**  
**Contribution She Made On:** Reduction of Publication Period Of County Governments Public Finance Management Transition (Amendment) Bill, 2013
She proposed to move:-

- THAT, pursuant to the provisions of Standing Order No.123, the Senate resolves that the publication period for the County Government Public Finance Transition (Amendment) Bill, 2013, be reduced from 14 days to 11 days.

She pointed out that the Act that the county governments have been using has been repealed and lapsed on 30th September. This means that the issues of finances in the county governments and the guidance that they should get through the Finance Management Act cannot be dealt with and therefore she begged the House to move with speed and ensure that we have a new Act in place, so that county governments can discharge their mandate.

Date 16th October 2013
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Adoption Of Report Of Devolution/ Legal Affairs Committees On Joint County Visits To Mombasa And Kilifi

She supported and seconded the Report by stating that those were similar challenges that we are facing, especially when you look at the reports of both Mombasa and Kilifi counties. Knowing very well that we have different committees that have gone around the country, and I am really hoping that they will also table their reports so that we are able now to bring up one major report of our six months since we started as the Senate and since devolution started within the country.

She pointed out that the motion would guide on whether, indeed, the TA was still needed. We, as a Senate, believe the Attorney-General is right when he says he wants to turn the TA into a committee, and added that in looking at the report, there is one major issue that is raised across the board. This is the issue of auditing the assets and liabilities within those counties.

She added that Hon. Senators would agree that in a transitional period, there is a lot of confusion. This is the period most counties are losing their assets. So, when you hear counties demanding for audit of their assets and liabilities, it is important for us, as the Senate, to urge the national Government to expedite this exercise. It is important to know what belongs to these counties and what belongs to the national Government. The other issue is about the staff of counties. When you look at the staff today, they are also worried. Most of them have worked for many years, but in different positions. Most of them are now worried about their pensions and other benefits. They would like to know who is responsible for their retirement benefits. They would like to know
how many of them will be retained in the counties and those who will be deployed by the national Government and how many of them will be retained by their line Ministries, but still work in counties.

- She stated that those were some of the issues they would like to be clarified to them adding that they wanted to see this done in a transparent manner and that nobody will be victimized. This exercise of deploying or retaining staff within a country must be done above board and within the provisions of our Constitution. We must ensure that the people are safeguarded through the Constitution.

- She added that the Constitution stipulated that everybody had a right and freedom to work in any part of this country. Therefore, as a Senate, we must protect all the employees and make sure that those who will opt to retire get their benefits.

- She pointed out that the other thing in the report which came out very clearly was the issue of the Public Finance Management Act and added that she was worried because governors might find themselves in conflict with this Act. We will find them not able to deal with donors and other development partners who would wish to support their counties. This Act might also discourage investors from investing in those counties. The Senate needs to look at that and assist the counties to come up with a clear framework. We should review this provision of 5 per cent and probably increase it to ten per cent so that when they are borrowing, they are within limits.

- She further pointed out that there was one more thing that is very worrying which we noticed as we went round the counties, especially in Kilifi and Mombasa. We realized that in Mombasa, the governor is doing so well. He is able to get private investors who are willing to assist in security matters and so on. But it is important also that we, as the Senate, ensure that the country moves forward in unity; that there is also a standard framework. It is very good if we get vehicles for the police.

- She pointed out that national Government should start cautioning that while we leave it for the governors to ensure that the police have good working conditions, how do we ensure that it remains a national function where it will not bring conflict in between so that you do not come again and find yourselves in conflict with a governor who was doing the right thing because he has observed the problem for many years and you were not assisting him, and now he has tried something that works? Again, we shall start coming in.
She called on the Senate to bring in a framework that says the *askaris* that worked for the county councils must be absorbed within the metropolitan police systems that are coming up and work together so that we bring in a level of balancing. I am saying this with all due respect, knowing that this is a very delicate issue. It is an issue over which the Senate must ensure Kenya moves forward as one country.

She pointed out that it was critical to always remind the governors; to always remember that we shall still be in Kenya and push for uniform development so as to ensure the State remains one unitary state. That is one thing we have to remind our governors. She further stated that when one looks at the county assemblies, one of the challenges that they face is the lack of drafters who can assist them in drafting legislation so that even if they are doing policies, they can borrow; so that, also, they remind themselves adding that they might come up with policies and nobody is there to remind them that is Vision 2030 or that they have to be consistent with our main document, which is the Constitution.

She stated that there therefore is a need to remember that they should not come up with policies forgetting that there were some that will discriminate and some that will be okay. This is something that we have to now urge the national Government, as the Senate, that within this report, in terms of capacity building, one of the things they need to give the county governors are drafters to assist them in terms of legislation, so that the laws that they bring are best to guide them in the counties, but also ensure that they are in line with the policies and the Constitution.

She concluded that it is important to note that in the same way one looked at the counties and, therefore, their role as the Senate there was need to have checks and balances even within political parties and even though their views may not be the same and we may not always be in agreement but they needed to unite for the common good.

She called training for MCAs in understanding that the county assemblies are debating institutions and, therefore, everyone has a right to come in with an opinion regardless of the party they believe in. This will help them to open up their mindsets and help them have a better way of debating issues, rather than just looking at what the party says and how to toe the party line.

**Date 16th October 2013**

**Member of Parliament: Sen. Liza Chelule**

**Contribution She Made On:** Adoption of Report of Devolution/ Legal Affairs Committees on Joint County Visit to Mombasa And Kilifi
She supported the motion and congratulated the Sessional Committee on Devolved Government and also the Standing Committee on Legal Affairs and Human Rights, for undertaking this very important activity to go out to one of our counties and see how devolution was working. She added that what the report stated was a reflection of what was happening in many of the counties.

She pointed out that many of the recommendations here are views that we received in the counties that we visited and after interacting with some of the Members of the County Assembly (MCAs). It is important to also note that many of the recommendations that have been made by these two committees are contained in the Motions that we have been passing in this Senate. So, the MCAs and the public have the same aspirations that we have been having here in this Senate. We have passed several Motions here where we have recommended that the Government needs to think about training and capacity building of our MCAs.

She pointed out that there were other Motions that had been passed, for example, the need for a college similar to the Kenya School of Government model that would train staff at the county level. Therefore, it is important and imperative for us to think of how we can realize these issues so that it is not a matter of whether or if the governor at that particular time or the county assembly of that particular time feels like. It should be a law that should be followed and adhered to. Some of these recommendations are very key and are things that we have been grappling with.

She also pointed out that county funds going to the governor's office, we have the Constituencies Development Fund (CDF) and now there was the Uwezo Fund which will also be devolved to the counties. So, it is important for us to think beyond the supremacy battles. She added that in the current situation, the person who had the money that can do a few projects at the constituency or the county level is seen to be working than somebody who is going to provide oversight. For example, people are asking why the Senators are not fighting to control any funds or developmental issues at the county level and added that it was therefore, important that apart from those battles we are having, we should think about these issues critically and in a sober manner so that there is no duplication of projects.

She further stated that the resources we devolve to the counties are supposed to offer services to the people in the counties. It is also important for us to note that the mentality of councilors is still there. This is also reflected by the Motion of adjournment we had yesterday where we talked about remuneration of Members of the County Assemblies (MCAs) adding that if we have really lifted their stature, then they need to know their work because they are now...
more of legislators at the county level. They were expected to pass laws that would govern the counties that are there.

Date 16th October 2013
Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: Adoption Of Report Of Devolution/ Legal Affairs Committees On Joint County Visits To Mombasa And Kilifi

- She supported the Report but stated that her concern within the Report is about the issue of staffing which raised a lot of alarm amongst the staff working for these counties and called on her colleagues at the Senate to balance especially when talking about the issue of staffing putting in mind that those were their voters; they contributed towards their being there and therefore they should not be the first ones to cast stones to throw them out of their employment.

- She further stated that we should ensure that we have a smooth transition whereby we appreciate what they have fully done for this country because they have been serving this country for so long even in that small capacity. I do not see the reason why we have people who are learned and they have papers but those older people are our brothers, parents and sisters. We need to rethink about it before we say that we need to sieve and throw others out to get the real people that we want, because after five years, they will be waiting for us outside there.

- She additionally stated that her second concern was about how our county governments were constituted. She went on to state that within her records, there were four counties that were unconstitutionally constituted. Amongst them was my neighboring county, Vihiga, wherewithin the county assembly, we do not have a representative of persons with disability and yet they are comfortably running the affairs and business of the assembly, not putting in mind that, that House is unconstitutionally constituted.

- She further stated that looking at that issue critically, she would assume or to reach a resolution by myself that these county governments are testing waters to see the reaction of the real beneficiaries, who are people with disabilities and further questioned why things were just being imposed on people with disabilities without getting to know the real issues that are affecting them.
She pointed out that even until now they did not know the budget allocated to them and they have not been involved in budgeting. Up to now, it has not been brought to their attention as to whether what is there within the county government was.

She concluded that even as the county governments were having teething problems, some of the problems were being brought about by the management and good leaders have everybody on board and handle the real issues that affect each category of people for them to survive and for her to serve every person or every category of people under their leadership.

**Date 16th October 2013**
**Member of Parliament: Sen. Dr. Agnes Zani**
**Contribution She Made On:** Adoption of Report of Devolution/Legal Affairs Committees On Joint County Visits To Mombasa And Kilifi

- She supported the adoption of the Report of the Sessional Committee on Devolved Governments and the Standing Committee on Legal Affairs and Human Rights after their visits to Mombasa and Kilifi counties; their recommendations and insights and added that it would be a good idea if we had more counties being visited, if possible, so as to find out how they are moving on with devolution.

- She pointed out that the leaders needed to know what issues were coming up and make recommendations to address them adding that that way this would address problems facing devolution at various counties long before they become bottlenecks that cannot be handled at the county level. This is really commendable. The solutions are also part and parcel of the process. They should be put forward but most importantly, acted upon.

- She pointed out that that Report had at least, given us an eye view of some of the issues we have been discussing generally in the Senate and specifically for some counties. Some of the issues may cut across certain counties. However, some issues may be unique to specific counties. Mombasa County, for example, has a deficit of Kshs3.6 billion which is very high. That influences the development agenda for that county. Mombasa County has also set up ways that partners can come up to make up for the deficit. That is one of the initiatives that Mombasa is using to make sure that resources accrued to the county make it possible for the development agenda to take place.

- That notwithstanding, she pointed out, that was an issue that the Senate would have to look into. As much as revenue allocation is done, the level of deficit per county does influence development for the county and, more so,
the lack of information from the citizens about how much is used. This creates very high expectations for those counties. She added that the money has now been allocated and everything should be done. But sometimes, that is not the case. Some counties have done audits of their human resources, whether they exist or not. Some time back, there was acrimony in Mombasa County because of the audit that was going on. Workers felt threatened that they would not remain on the payroll. Such audits help to remove ghost workers who are in the counties. Mombasa County is one of those that have applied for the transfer of national functions.

She pleaded with the Transition Authority (TA) and all relevant bodies to accommodate and transfer all functions to specific counties adding that certain proportion of funds has been allocated to development and a lot of progress has been made. This is very important for Mombasa County being a tourist county. Beautification is key not only in making the place beautiful for the sake of it but also for tourism. People want to visit areas which are clean and environments where they will be happy.

She pointed out Revenue collection as one of the projects that Mombasa County is engaged in and added that there was now software that enabled revenue collection to be done almost accurately. It showed where the revenue is coming from and from a particular sector. There is also software that can track where revenue is coming from and how it is being spent. It would be good for counties to use this software. In one county that the revenue collection software is being used, they expected that their highest revenue would come from mortuary charges whereas that is not the case. That was one thing that they did not expect and they are now raising questions as to what could be going on. About Kshs 4.5 billion has been used for the payroll which is about 45 per cent of the overall budget which is a little bit of a situation for the county. This wage bill is very high.

She continued that there was a big complaint at Mombasa because of the port and its utilization adding that apart from the Lamu Port that is coming up, Mombasa is the main gateway into the hinterland and Mombasa County is feeling strongly that the revenue from that port has not been directly ploughed back into the county. She stated that she though was a very valid case that needed to be looked into and added that this could also apply to a larger project in terms of looking at the natural resources or any resources that are within specific counties and how those counties can actually begin to gain.

She further pointed out that in the ad hoc Committee on natural resources, we have managed to visit about five counties and the communities feel that
the natural resources should be used to their advantage. Counties feel that a particular proportion should be actually left within those specific counties. That will spur development and create healthy competition. People will begin to look at what resources they have and how best to utilize them.

- She stated that good working relationships between county executives and county assemblies was very critical and any acrimony can lead to under-development in those particular counties and for the case of Mombasa, Governor Joho has made a big effort in trying to bring all the players together. The county executive consists of young, vibrant and energetic people who want to spur the county. MCAs are also very enthusiastic. It is the intercession between the various arms from the county executives to the MCAs that I would like to commend Mombasa County in terms of the dynamics that it has put in place. I also want to urge other counties to bring everybody together.

- She called on the counties have tried to bring all their players together just to have a discussion about the roadmap for that particular county? The leadership should put together the governor, the executives the MCAs and members of public service boards so that they can have a conversation and share a vision for the counties and will enable them have a more participatory and consultative process which they can again share with other members of the public.

- She pointed out that from the reports, the mechanisms for enhancing that participation have not been put in place. So, a lot of information that is coming from county assemblies is not known. If you go to most of the county assembly galleries, when a session is going on, you will hardly find members of the public and yet they are very important for ensuring that the development of the county is upheld and added that it was imperative that the MCAs should be capacitated so that they can draft proper legislation. It would be very futile to have county assemblies which cannot function because they lack capacity. This capacity can be achieved through training.

- She pointed out that the MCAs should strengthen and put in a little bit more effort to ensure that they are able to understand their key legislative functions. For the ward representatives who were previously councilors, there is an enormous direct feeling that they need to be looking at the interest of the people directly. Unfortunately, they have been hijacked into that role leaving the legislative role hanging and yet it is so critical in terms of legislation and ensuring that this country can move in the right direction.
She added that regarding the issue of remuneration that was discussed it was important for the issue to be evaluated as quickly as possible. There has been an issue about representation especially for the nominated Members. There have been complaints from Kilifi, Vihiga and Tana River that the representation of the disabled was not proportional. It is very important that we put all the key sectors into consideration, including disability or ability and gender. There are other issues running across our counties including drug menace, youth education and unskilled laborers. How we handle these issues will determine whether devolution would be successful or not.

She warned that if the players in development do not have the necessary capacity, then devolution will not move forward. If we do not have the right personnel, then nobody will play these specific roles and this will create a gap. Counties have so much resources and that is why the issue of devolution is creating so much excitement. I hope that the excitement can translate into counties understanding the need that if development is to take place, then they must be able to train their personnel. In some counties, universities are making initiatives to enhance skills. For example, in Mombasa County, focus is on marine science and tourism and for Turkana; the focus is on oil extraction.

She pointed out that Madam for Kilifi County, there is the issue of delayed transfer of functions and this is an issue that is affecting all counties. There is also need for civic education and that is an issue that we have talked about over and over. For people to effectively participate they must understand what the Constitution and devolution is all about. Therefore, measures need to be put in place as quickly as possible.

She noted that the inter-connectivity between the Senate and the county assemblies is key, and this has been explicitly stated by Members of the Kilifi County Assembly. They need the support of the Senate. We need to create clear mechanisms so that we can quickly get messages from the Senate to the County Assembly and vice versa. When this is effected, issues can be quickly addressed and we can know what is affecting the counties adding that the understanding of the bicameral system has also been brought out.

She called for more training on the bicameral system in order to understand what it is all about, and also understand the mandate of the different players. They also need to understand the different organs and their respective roles. We should also come up with minimum standards of how people can be protected. We can actually enhance security in the process and make things possible.
She called attention on the issue of assets and liabilities again where she stated there was need to ensure that the distribution of assets within the country is not biased in such away that the assets end up with the national Government leaving the counties with nothing. In fact, an audit of assets and liabilities is long overdue in all the counties so that what accrues to the national Government should be taken there and what accrues to the county government is also taken there.

She added that in the same vein, the issue of employment and deployment of staff from the national Government to the county governments should be done in manner that ensures that it was not only the best people who are retained by the national Government but expertise should actually be devolved downwards. This should be done in a calculated way to ensure that all counties end up with appropriate personnel who can spur those counties to the next level of development. Even when deployment is done, there should be an audit of skills so that the exercise is done in a very fair way.

She encouraged the counties to consider the public-private partnership models so that they can utilise them and come up with models for raising revenue in those counties. They should come up with county integrated development plans which will work in those specific counties. They should look at what is envisaged in Vision 2030 in those particular counties comparing with what the National Treasury has allocated as important. More importantly, they should come up with a way to gauge whether what they have advocated for and the milestones they have set for those counties had been achieved.

She suggested that the areas of partnerships were some of the areas where want the County Development Board that the Senate was proposing as Senate to play a role in trying to ensure that development has taken place. We should ensure that implementation has been done appropriately to spur development for those particular counties. Regarding the issue of legislative training and capacity building, there is a proposal to have an institute like the Kenya School of Government to be devolved to the counties. This is a credible proposal because the needs of the county will be addressed.

She concluded that there was a need for the counties to find mechanisms to move participation to a higher level rather than waiting for the people to come forward. The county assemblies should be proactive in reaching out to people through newsletters and other forums as suggested in the Report. This will enable people to know what was happening. The counties should have credible leadership with a vision and passion to drive their counties to where they want to go and to achieve their goals despite all the hurdles that they come across.
She suggest that the counties have a quarterly report so that we can continuously keep in touch with the counties and know what they are doing. I think it will be very nice one day in this Senate to share the state of devolution for the 47 counties of this country. We can look through their achievements, praise each other and find ways of doing things in a better way. With devolution, we should assess whether we have moved from one point to another but we can improve on the point where we have moved to and make it better so that we can achieve the dream of devolution.

Date 16th October 2013
Member of Parliament: Sen. Liza Chelule
Contribution She Made On: Adoption Of Report Of Devolution/Legal Affairs Committees On Joint County Visits To Mombasa And Kilifi

She supported the adoption of the report by stating that the county visits were very important because they provide a chance, as Senators, to really know the problems facing the public and find ways of assisting them.

She pointed out that there was one issue that spoke about our main role of legislation. We know that there are so many problems facing people at the grassroots level, but I want to speak about agriculture. In Nakuru County where I come from, there is a problem with the size and cost of a bag of potatoes. It is my feeling that this problem should be addressed through legislation. It is surprising that the Members of the County Assemblies (MCAs) do not have the structures to assist them to do legislation based on the problems facing them on the ground. We are here as Senators to represent counties and county governments. When I talk about counties, I am referring to the public itself.

She pointed out that there was no way to assist the public if we do not know their problems. So, I am even requesting those other committees which have not made any effort to visit counties to do so and table their reports. Each and every time we have these reports, we shall be able to come up with modalities of addressing problems.

She also added that with regards to staffing in the county governments there was need to employ experienced people, we also know that we have our young people who are growing. They should also be given space in the county governments or any other place. We cannot be talking about experienced people alone. Somebody somewhere should be given time to also begin working. Someone cannot have experience unless that person is given time to show whether he or she can deliver.
She added county visits would also enable the Senators, to know the priorities of each and every county. It is good that we are going through the Report about Mombasa County. I would take this opportunity to request my fellow Senators that we should make an effort of visiting all the counties and coming up with such reports. That way, we will be able to know what problems actually face which county.

She pointed out that the visits would help us to come up with solutions as representatives of counties adding that many people did not know issues about the Constitution and devolved funds. Today, we were talking about the Uwezo Fund, the Youth Development Fund and all that is supposed to be done by the youth and women of this country. By visiting various counties, we will have an opportunity to educate the public.

She further stated that it was very important that, as Senators, we do not just sit but do something about sensitization. We need to sensitize the community about the devolved funds and be there for them. There are so many youths who are getting lost because of engaging in illicit brews. To me, this should be addressed by legislation in the county assemblies. So, the MCAs should actually be assisted to develop legislation, because this is our key role.

**Date 17th October 2013**

**Member of Parliament: Sen. Liza Chelule**

**Contribution She Made On: Adoption of Report On Visit To Level Five Hospitals In Uasin Gishu, Elgeyo Marakwet And Nandi Counties**

She supported the adoption of the report by stating that that was the only way that we can know the problems facing the public and added that there were only two issues to add to what my her Senators have contributed.

She pointed out that the first was about the services where there was commendable scrutiny by Committee and added that know very well that most of us are not receiving quality services in most public hospitals. There are poor services and I expected the Chair or the Committee to come up with this finding and suggest ways of addressing that issue, because it is a major issue and added that many people were losing their lives because they are rehandled in a very careless manner.

She pointed out that she expected the Committee to also cover antenatal care matters in their findings, but they did not mention anything about antenatal care and maternity wards. This is a serious issue because most women and children are losing their lives in many counties. I would suggest
that the Committee should find out which counties are most affected. But, I would want to commend the Committee on the county visits, because I know that there are some Committees which have not even made any attempt to visit the counties.

- She questioned the validity of the traditional birth attendants and whether they have been abolished and added that in some parts of this country there were those people who never access health facilities because of poor infrastructure. Such people give birth at home and, therefore, it would be better if we can have a policy to train the traditional birth attendants. This way, we shall reduce the number of people who are affected. She called attention to health facilities which she stated in most areas were far away from the public.

- She suggested that the Committee should have recommended that four-wheel-drive ambulances to be allocated to such facilities and that would be of help especially in areas where the roads were so bad that saloon cars could be driven on. She noted that there were so many killer diseases and one of them has was cancer. The communities need to be sensitized about cancer.

- She stated that there was no need to keep quiet about the fact that cancer was a killer disease. It is, therefore, our obligation, as Senators and other stakeholders, to sensitize our people about this disease. I am saying this because if it is discovered at an early stage, it can be treated. She also pointed out that there were some key things that the committee did not capture stating that though they could not visit all the counties they could have probably visited up to ten counties and come up with universal recommendations that would represent all of us.

- She pointed out that there were recommendations in the report that need to be harmonized with the plans of the county governments. I know that there are county strategic plans regarding various hospitals. How will the Committee harmonize its recommendations with the plans that are in place right now in the counties

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*Date 22nd October 2013*

*Member of Parliament: Sen. Beatrice Elachi*

*Contribution She Made On: Adoption of Report On Visit To Level Five Hospitals In Uasin Gishu, Elgeyo-Marakwet And Nandi Counties*

- She pointed out that by looking at the recommendations of the report, there were some issues were raised in the counties visited there was a need for the
Cabinet Secretary for Health to assist in terms of ensuring that some district hospitals are supported. When you look at the findings, the capacity of Iten District Hospital, for example, is about 167. However, it usually admits more than 200 patients. Therefore, you will find that even in the maternity unit, the capacity is 38 beds for mothers. Currently, the facility is being renovated.

- She further stated that even after the Jubilee Government had ensured that we had free maternity; women in Iten might have challenges in terms of getting to the nearest maternity hospital for services. She added that as one we looked at the report and noted that the challenges indifferent health facilities are similar, how do we come up with better policies and a framework to ensure that counties forge ahead in development? We should come up with the framework which will help improve services in Iten District Hospital. We need to know whether this county has a blueprint that is anchored on Vision 2030. Does it have its own plans to help this country realize its dream as envisaged in Vision 2030?

- She cautioned that if that particular model was followed at the end of it all, some counties will be doing so well and others will lag behind in terms of development. As we discuss these recommendations, we need to think about employing more doctors and nurses to work in our hospitals and health centres. We, as leaders, need to find solutions to various challenges facing this country, especially in the health sector. I believe the current Cabinet Secretary for Health has great plans to surmount the various challenges bedeviling this sector.

- She pointed out that the other challenge facing many of these hospitals was the issues of electricity and water bills. Many hospitals have been grappling with these huge bills for many years. She called upon the national Government to address this issue so that we move forward in development.

- She questioned how the county governments would work with national Government to address some of these challenges surging the Cabinet Secretary for Health and the Cabinet Secretary for Environment, Water and Natural Resources to work together and, probably, address this challenge at the Cabinet level. Most of the health facilities in the country are bogged down by huge electricity and water bills.

- She also stated that on the issue of family planning and reproductive health, we, as a country, need to ask ourselves whether we need to restart the programme we had in the 1990s. In those years, women were able to access family planning. I know the Maendeleo ya Wanawake Organization at that
time did a very good job. Today, there is nothing happening. So, how are we going to ensure we manage population growth and ensure that women get free pre-natal and post-natal care? They should have free family planning services. When you look at the statistics in terms of mortality, you will find that many women go through miscarriages because of different conditions, including high blood pressure which can be taken care of. It is a pity that sometimes a woman delivers safely, but ends up bleeding profusely until she passes on and she added that these were things that could be prevented.

- She stated that it was about time the government ensured that patients did not needlessly share beds in hospitals and added that it was time to use our Jua Kali artisans in Gikomba and other places to supply beds and suggested that rather than importing import those beds the our Jua Kali artisans could supply them adding that we should support our local industries.

**Date 22nd October 2013**

**Member of Parliament: Sen. Joy Gwendo**

**Contribution She Made On: Adoption of Report On Visit To Level Five Hospitals In Uasin Gishu, Elgeyo-Marakwet And Nandi Counties**

- She supported the adoption of the report by stating that the committee gave statistics on diseases like Malaria and diarrhea which can be dealt with at home. We have organizations that actually concentrate on these diseases. They go from home to home, teaching women on how to take care of their children, how to take care of their water and so on. It is the lack of not taking care of water that causes diarrhea.

- She requested the committee to also work with organizations like Population Services International (PSI) which run educational programmes on malaria prevention. For example, they teach people how to use mosquito nets and how to take care of water and added that this would also help reduce these diseases.

- She also recommended that the committee also extends its visits to other counties because they visited only four counties and level 5 and 4 hospitals. Each county is supposed to have these hospitals adding that a look at the situations of hospitals which are supposed to be at this level, the situation is a bit wanting. If they go to other counties, we will know what is not there and how we can help and what we need to do more. When we take care of the health of our people, we are protecting many more people. We cannot be leaders without people.
She further pointed out that the reason they were elected leaders was to protect the people and added that this protection begins with their health. The other issue is the situation of nurses and doctors. As it is right now, they stand in-between the national Government and the county government. I believe this is something that the Committee can look into to ensure that our doctors have the time and the mindset to work in government hospitals and also do their private things. In my own opinion, they end up in private hospitals because they are either not remunerated properly by the government or there is too much work for the doctor.

She pointed out that hospitals needed to be facilitated with enough doctors who are retrained all the time. We need to give them capacity building and also sort out their remuneration and added that those are things that the Committee should look into and not only in one county, but in all counties.

Date 22\textsuperscript{nd} October 2013

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Adoption of Report On Visit To Level Five Hospitals In Uasin Gishu, Elgeyo-Marakwet And Nandi Counties

She supported the motion by stating that in the past, it was very clear that the successive governments have not allocated adequate budgets or funding to the health departments. Looking at this good report, I am sure that they have gone and interrogated the issues in this report. Once approved and implemented, this report will give ease or give access to high quality health care. Once the facilities are upgraded, then Kenyans will get quality medical care.

She pointed out that government in the past had not been fair to make Kenyans travel far and wide, locally, regionally and internationally, to get specialized treatment when we have qualified medical personnel. They only require facilities and equipment within the hospitals for them to deliver services to our people. At times, the health personnel work without simple things like gloves, microscopes, syringes, beds within the maternity wards, ambulances to transport the needy or sick Kenyans.

She noted that once all these are provided, these diseases that spread like cancer, diabetes and HIV/AIDS pandemic, will be drastically reduced. At the end of the day, Kenya will have very strong manpower. When we have healthy people, they can contribute immensely towards the improvement of our economy. These are people who contribute to the development of their communities. By devolving these facilities, it means making the people more
accountable and more involved. They are definitely going to take care and stop mishandling these facilities within their counties.

- She gave an example of Pumwani Maternity Hospital where she said at times, you may find that the facilities are so dirty, there is no water and the few toilets there are dirty. It is a pity women give birth in such a pathetic situation. As the previous speaker said, hygiene is so poor that, at the end of it all, they may end up contracting more diseases. Even with children, if facilities at the pediatric wards are not well equipped at the counties, and questioned how one expected them to survive.

- She stated that that was a whole generation which we expect to take over the leadership of the country in future adding that once the budget is increased, it will be very useful to the people since it will be easier to expand these health facilities, learn issues to betreated and dealt with as proposed. With budget increments, the health facilities can be adequately expanded and we become the pride of the region as we used to be a long time ago when some of us were growing up. Kenyatta National Hospital (KNH) has been a referral hospital for the entire East African region. It attracts people from Uganda and Tanzania. Today, the situation has changed. Instead of them visiting KNA or The Nairobi Hospital for treatment, they go to India and South Africa. We need to improve on our facilities so that we serve more Africans in the region and improve our economy.

**Date 22nd October 2013**

**Member of Parliament: Sen. Beatrice Elachi**

**Contribution She Made On:** Audit of Employees of Defunct Local Authorities By Transition Authority

- She sought to move:

  - THAT, aware that Section 7(2) of the Transition to Devolved Government Act requires the Transition Authority to carry out an audit of the existing human resource of the Government and local authorities and advise on deployment to either level of Government; further aware that Section 57 of the Urban Areas and Cities Act provides that every person who, immediately before the commencement of the Act was an officer, agent or member of staff appointed, seconded or otherwise employed by a local authority shall, on the commencement of the Act be seconded or otherwise deployed as may be provided by law; concerned that failure to absorb bona fide employees of the defunct local authorities will deprive them of their rightful means of livelihood contrary to the spirit of the Bill of Rights as contained in Chapter Four of the Constitution of Kenya and the
principles of devolution; the Senate urges the Transition Authority to urgently finalize the audit of employees of the defunct local authorities and put in place the necessary framework for their absorption as employees of the respective counties.

- She added that for the last one year, former employees of local authorities have been wondering what has been happening in terms of their deployment. County Governments have also challenged the national Government saying that these are the employees of the national Government, and, therefore, should be taken back. We are, therefore, playing with the lives of Kenyans who worked very tirelessly for us under the local authorities. It is important to understand that these are Kenyans who are pensionable. Before we return them to the national Government, we should ask ourselves what will happen to their pensions.

- She pointed out that county governors would want to employ their own people. We need to ask ourselves what will happen to an employee who is in Kakamega, for instance, a Luhy from Western Province, who has worked in Kakamega for 20 years, should this person be removed from office. She questioned whether that person should be returned to the national Government, stating this person worked in Kakamega.

- She pointed out that these were people’s lives and people who have children who go to school. Today, as I speak, some county governments are way ahead. They are employing people. However, as they employ, I do not know whether they are also considering that they have staff members who have been around for many years. The Governors say that they were employed by the national Government. These are the same people who voted for them. They have a right to remain as workers of the county governments. While we are playing politics, we are also destroying lives. We know very well that the Jubilee Government has insisted on taking care of people. As we try to remove the Transition Authority (TA), we should also tell Kenyans that the moment this body is removed, counties will have space to do a lot of corruption. The TA should know what happened to the employees, assets and liabilities of any county.

- She called for caution when dealing with the TA considering that in the Constitution, it was very clear in terms of protecting the rights of innocent persons. While governors want to discriminate in terms of whom voted for which party and who did not support who, it is the right of the Senate to stand firm and say that we finished politics and issues of parties. We have now moved on to build Kenya as one country. Therefore, those citizens have a right to benefit in terms of their remuneration, privileges as they did before.
She acknowledged that that was a very sensitive matter. The TA officers have been seconded as experts to the counties. I think they also have a contract that says that they have been seconded for a certain period. After the period expires, they should go back to the national Government. However, there are some counties that have huge numbers of these people and even ghost workers. I am pleading that we give the Government a better framework that will assist them to ensure that there is no mismanagement and ensure that corruption is done away with.

She pointed out that those who had reached the age of retirement however, needed to retire in peace and get their packages. These are some of the things we are asking the Government to look at so that we come up with processes which are friendly. We should have an environment where every Kenyan can present his case. If a Kenyan has the right papers, then indeed, she or he has the right to be employed or to continue working within the county government. I also want to plead with the TA, because time is not on their side, considering the circumstances they are going through, to hasten and ensure that before the end of this year, the hundreds of Kenyans that we are talking about either go for Christmas as employees of the county governments or are returned to their mother Ministries.

She noted that with the merging of Ministries it was upon the national Government to ensure that most workers are returned to the national Government after their mother Ministries have been identified. They should go back and be given their privileges or packages that will send them home in a peaceful manner. In this country, we have a challenge of not caring for one another. We only care when we are the ones being touched. That is when we get up and start fighting. We only care when it comes to our houses and we start fighting. But before it comes there, I will never care about my neighbour.

She further pointed out that decisions like those had finished our country and that is why we also experience insecurity. Now, we are thinking of removing all these people and saying that they either go back to the national Government and a few can be absorbed. It is important to understand that we have young people who were also employed and they had contracts. What happens when the county governments decide that they are going back to the national Government when they had contracts with the particular counties? It is only the word “county” which we added, but most of the names of these local authorities remained the same. So, it is something we need to ask ourselves. Bringing in a name, does not mean that the framework or the policy...
changed. What the Constitution did was that it enhanced in terms of making sure that things now work better.

- She stated that when talking of devolved governments, they are governments that have structures and that respect the law. That is what we want to tell the governors. As they read the Constitution, I believe somebody might take them to court and ask: “Did you employ me?” I think they should know that, at the moment, they have not employed anyone. They are seeing people who were within the local governments and those who came from the national Government.

- She pleaded with pleading to the national Government to have dialogue with the governors. As I speak, these are all Kenyans, some of whom have done very well, whereas others have done badly. If there are those who deserve to go to court and be jailed, then so be it, because it is also a chance to show that this is a county government and we are not going to allow corruption that was there to continue. Today, as I speak, we are losing a lot of revenue because of corruption. County workers have decided to duplicate receipts and collect revenue on their own and “eat” the money. If you look at the revenue that was being collected by the county governments, it has dropped beyond what the local authorities used to collect. This is because of the attitude the governors brought in. They were not ready to embrace these workers; instead, they wanted them to leave. The workers have now sabotaged the governors. That little revenue that they expected is no longer there.

- She gave the example of Kisumu, Bungoma and Nakuru counties and added that their performance dropped although we still have people who collect that revenue and who are on the payroll. These are some of the issues which the governors are crying about, whereas they are the ones who created that monster. It is because of their attitude and how they have managed the workers, which is unfortunate. As we go around the country as the Senate, looking at the transfer of functions, it is important to listen to the workers. They have unions and we do not know what will happen. I know when we will start the issue of deployment, the unions will go to court.

- She commended the Governors of Nairobi and Mombasa for listening to the workers. They dialogued to see how they could move forward as a county. This is what other counties must embrace. How do we sit down and dialogue with the workers to ensure that there is that smooth transfer and retirement of workers? When the workers hear of a headcount, they pose a lot of challenges to the governor. So, if they agree even with the unions that take care of these workers, they will find a framework that will be easier to deliver in terms of their moving forward.
Date 22\textsuperscript{nd} October 2013
Judith Sijeny

Contribution She Made On: Audit Of Employees Of Defunct Local Authorities By Transition Authority

- She supported the Motion by stating that it was quite timely and added that she believed that it will highlight the plight of the former employees of the defunct local authorities. She pointed out that it was very important for the TA to come up with a clear framework, adhere to the Constitution and protect the interests and rights of these Kenyans, who probably, happened to be at the right place at the wrong time. They are amongst the first casualties of devolution.

- She pointed out that despite the initial challenges there should be a smooth transition, as the name of the authority concerned in ensuring that devolution works, suggests. Right now, there seems to be confusion. We can call them teething problems or anything. This is because everyone has the powers to do what they deem fit. The governors and their governments have been authorized by the Constitution to come up with ways of governing their counties without any interference from the national Government. We have seen in the media that the county governments have advertised various jobs and people have applied for them. They have come up with some new positions, which probably never existed according to the framework or strategic plan. We do not know what they desire to achieve or what changes they wish to bring within their counties.

- She also noted that the reality that the former employees of the local authorities are confused and scared. There is a lot of uncertainty. They do not know whether they are being phased out or rightfully going to be absorbed into the counties. So, they are not applying for those jobs. If they are applying for those chances which are being taken up by other people, where will they go? Definitely, there are people who will be left out in the cold, because the national Government does not have a place for them, since the former employer is no longer in existence. The county governments have also made changes. We are aware that the Ministries and parastatals, especially, are being merged. You will find that if, for example, someone was a manager in the Department of Fisheries, now the new body will deal with fisheries, water and environment. So, you will find that, definitely, this person or employee is not qualified, because he or she has specialized in one field. So, even the job designation that has been created by the county government states that they need a director and no longer a manager. That means different and higher qualifications, which, definitely, shall not be achieved.
She also noted that most of these workers are still very young and energetic. They have dreams and big plans. As much as the Constitution was passed in 2010, it is clear that there was lack of adequate preparedness to deal with most of these things and eventualities that would crop up. You will find that people have liabilities which will not be transferred unless the TA comes up with it. For example, even if they were going to employ them within the counties, the Senate is yet to pass a Bill or an Act that will govern the pension scheme of these employees. This means that the infrastructure of employing them is still not ready. If this infrastructure is not ready, it means that they cannot be employed or they cannot continue from where they were. In a nutshell, the status quo cannot be maintained. Things are changing and they have to go back to the drawing board. The exercise must be done very cautiously and within the law.

She pointed out that the TA is also still facing several challenges within them, between themselves, the governors, the national Government and the county governments. She proposed an amendment to cater for the interest of those people who will find themselves unemployed.

She noted that the TA was lobbying some counties who are over-staffed to transfer some of the workers to other counties. There may be some counties which need more personnel and so on. That is why this framework that the Senate will pass is going to cater to all these different scenarios. We want to ensure that, at the end of the day, the rights of the Kenyans who were employed by either the defunct local authority or the national Government are catered for. All employees must know their fate before we disband the TA.

She stated that the country was still learning, but everyday is a learning day and knowledge is power. In supporting the amendment, I wish to bring to the attention of the House that currently the national Government is paying the salaries of the former employees of the local authorities wherever they have been deployed or attached. I would also like to urge the national Government to continue doing so. They should not leave those employees half stuck in the mud.

She recommended that the national Government should continue performing its respective role as it puts aside a clear budget allocation which shall ensure that salaries are available before they are settled in their new jobs. They should also ensure that at the time they are being retrenched and paid their benefits, there should be no excuse from the national Government that there is no money. They knew that we had a new Constitution and they
envisaged such a scenario. So, they should cater for the needs of those Kenyans.

- She cautioned against a situation where we are going to lose young and very able employees who can still perform and develop the nation. We do not want to see them dying in shock or going back to their villages and within one year, we find the obituary pages in our daily newspapers are full as a result of this.

Date 23rd October 2013  
Member of Senate: Elizabeth Ongoro  
Contribution She Made On: Adoption Of Report On Visits To Laikipia, Nyeri And Kirinyaga Counties

- She supported the adoption of the Committee Report by stating that the committees’ research was quite intensive and extensive. They have come up with very good recommendations adding that early childhood education is really the foundation to education. But unfortunately, many times we do not give this stage of learning the importance that it deserves. Like in a building foundation, you can only construct a building to the extent of the strength of the foundation. The kind of foundation that we give to our children determines how far they go.

- She supported that the development of a universal curriculum for early childhood education. If you take the case of Nairobi alone, if you go to Mathare, Korogocho, Kibera and consider what the children are being taught in Baby Class and Nursery School; if you compare that content with what a child in Lavington, Muthaiga and the other upmarket areas are learning, you will be so surprised. We cannot expect these two children coming from these kinds of backgrounds who are going to transit to primary school and sit the same examination, but having had completely different foundations in education to perform at par. I support that we should develop the Kenya Institute of Curriculum Development which should come up with a universal curriculum for early childhood education so that all our children can be exposed to the same content at the same time.

- She also supported the Committee’s recommendation that we should sustain the School Feeding programmes. I had occasion to represent a constituency that had informal settlements. At that stage, I can tell you that for some children, the only reason they woke up in the morning and go to school, is because they will have a plate of githeri at lunchtime. For them, they create this mental picture of school in relation to filling their stomachs. We had an experience when donors withdrew their support for this School Feeding Programme, the school attendance dropped sharply by 50 per cent. So, in
some places, it is so crucial. Just as crucial as whatever else they are going to learn. It should be the responsibility of the county governments to ensure when and if there is need, this is sustained at all times. It should not just be sustained, for the sake of it. As much as possible, they should ensure that what these children are being fed on is a balanced diet which has been prepared in a hygienic manner.

- She supported the need for infrastructure development in schools. It really goes without saying that this is one of the key components of education. You cannot compare the performance of a child who learns under a tree in cold weather when it is raining or in the hot sun, with somebody who learns in the comfort of a classroom. So, infrastructure development should be prioritized even as the national Government works closely with the county governments to give other support items like what the Jubilee Coalition Government offered in the past. I am on record as having stated that it was not a very good idea only to the extent that it was coming at a time when infrastructure had not been developed to a uniform level that would sustain the use of ICT and computers. By and large, it is important. The global village is becoming a computerized nation. Any child who is not introduced to this technology at an early age will be left behind in many aspects. I support that, but with infrastructure development.

- She pointed out that it was really pathetic when one went to certain schools and you are talking to the principal or the administrator who cannot even express himself properly, let alone you interrogating them on issues concerning that institution or even the content of the curriculum or other aspects of education. It is critical. It must become mandatory that early childhood education is like feeding yourself. If you are careful, you cannot just allow anybody to feed you anything at any time. So, we cannot sit pretty and think that we are having a good education system if we allow just about anybody who has a piece of land or who has a building to collect our children and then purport to be educating them even when the content is questionable. That brings us to the crucial issue of the education levels, training and qualifications of the people who are in charge of such institutions.

- She recommended that teachers be taken through in-service training where teachers who wanted to further their education or upgrade their skills were given free training by the Government. I am not really sure that this has been sustained. If not so, then it should be reintroduced so that during holidays, teachers who would want to upgrade their skills would be given that opportunity. Having said that, I take issue with the fact that the Committee has not made recommendations to ensure the list of teachers in any institution should be balanced ethnically.
She pointed out that it did not make sense if we are training children who are three or four years up to seven years. In the past, we have seen all of them coming from one ethnic group, speaking the same language, being trained in the same language. We expect that, at some stage in life, these citizens will appreciate people coming from other regions of this country. It would be in order if it was a policy that at that early stage, a child coming from the same ethnic background and if they go to school and meet another Kenyan coming from a different region, ethnic group or a different cultural background, he will start appreciating people from other regions. That is not the case really. While that has been sustained in secondary schools, it is not the case with nursery schools and institutions of early learning. It is my opinion that if we adopted that as a policy and as a recommendation, it would do us good as a nation.

She noted that in the recent there were many of new polytechnics and middle level colleges, being transformed into either constituent colleges of universities or being transformed into something else. In effect, we are actually wiping out middle level colleges. This is a trend that is not doing this country and its economy any good. We should sustain these middlelevel colleges and consider that different counties have different needs. Therefore, these colleges should have tailor-made curriculum that gives maximum input and output to the host county. If it is an agricultural county, it should have more of its course tailor-made towards that. If it is a county that is industrial or a cosmopolitan county like Nairobi, we should have middle level colleges that are commensurate with the population and what is more specific to that area, thus enabling them to get more skills oscillating towards that.

She commended the Committees for bringing reports and added that it is a good trend but added that however, she did not know how it will be helpful. We have 47 counties. This report has been given after a visit to three counties. In my opinion, it is not representative enough. Unless we interrogate reports after a visit to every three counties, I am just wondering how long that will take. If you look at the counties that were visited, most of their problems are universal. You can relate very well from one county to the other. I would be of the opinion that it would be more justifiable if we visited a county from the east, west, north and one from a cosmopolitan place like Nairobi. When we have visited like 15 or 20 counties out of 47, then you can say it is representative enough. Even in terms of data collection, you should have visited some of the most populated counties, sparsely populated counties, counties which host migrant communities, counties which have special needs like Nairobi, Mombasa, Kisumu, Nakuru and so on. After visiting 20 counties out of 47 or at least 15, then you can compile a report that can be representative of the Kenyan situation. But if you visit three counties from one
region, then you compile a report; the report is very good, but then you will have to be visiting clusters of counties from time to time.

- She stated that after 20 such reports, then we can come up with one master report on education. This is from Kirinyaga, Nyeri and Laikipia counties. In my opinion, they represent a specific region where certain problems are prevalent. So, you do not know what a county like Garissa is going through. We do not know about counties which host very many people like Mombasa and Nairobi counties adding that though this was a good trend, she felt that before a report is submitted to the House, a Committee ought to have visited at least 20 counties.

**Date 23rd October 2013  
Member of Senate: Janet Ong’era  
Contribution She Made On: Adoption Of Report On Visits To Laikipia, Nyeri And Kirinyaga Counties**

- She supported this Report of the Committee on Education, Information and Technology by stating that the activities of this Committee had challenged many of them, because they have really traversed the country. We keep on seeing the good work that they are doing.

- She pointed out that there were two issues that she would like to discuss. First, unless there was a policy framework on how we are going to manage ECD and education programmes in all the 47 counties, we will not have given our children a sound foundation. Therefore, I expected in the Committee's Report that they would have given us a way forward on what they would be proposing on what would be a sound policy. I would urge the Committee to further go and look at this report, so that they can come up with clear policies. In this policy, I would expect to see issues, especially on how our teachers can be trained well. In this country, you will only find that the teachers who are well trained are in private schools in Nairobi, like Riara Primary School.

- She stated that that in counties like Samburu, Kisii, for example, we do not even have teachers who are trained to bring up our children in nurseries. It is essential that we have nurseries throughout our counties. I would expect that in this policy, perhaps, we would have children being trained in three levels of the ECD training, that is, intermediate, reception classes and then nursery. But you will find that in the rural areas many of our children just go to nursery. We forget that there are actually three levels of ECD training before a child goes to Standard One. Therefore, such a policy would be very important and uniform throughout the 47 counties. Hence, the question of
marginalization in counties like Samburu, West Pokot, Kisii and Nyamira would be things of the past.

Date 23rd October 2013  
Member of Senate: Godliver Nanjira Omondi  
Contribution She Made On: Adoption Of Report On Visits To Laikipia, Nyeri And Kirinyaga Counties

- She supported the motion by stating that as the committees round the counties, to consider the issue of Education Assessment and Rehabilitation Centres (EARC). That is where children are reassessed and referred. This one caters especially for children with disabilities. The EARC have been dying. Right now, we have two active EARC around the country. If they are dying, then how will we promote the assessment of children before they are placed into schools? It is through EARC that we can assess and determine the capacity of a child to join nursery school. If the child has a disability, the parents are advised at what age the child is supposed to join school and what type of school.

- She pointed out that something is in a mess with regard to ECD because everybody is coming up with schools along corridors, market places and all these are called nursery schools. These schools are not controlled and I do not know whether they appear in the records of the Ministry of Education even at the district level. This is something we should put into consideration. There are many mushrooming schools in the name of nursery schools. At the end of the day, they cannot really differentiate how many stages a child should undergo during the ECD before joining primary school. A child may even join nursery school for one year and then taken to class one. We have schools where children go through one class in one term. In the following term, they are moved to the next class. I happen to be a board member of one of the District Education Boards (DEB) in my district. We were trying to do a follow up to see how that curriculum is carried out in one of the schools. That became a problem because some people had an interest in the school. We could not visit the school and identify why children were learning in one class per term.

- She added that she supported the Motion because it was important. I request the committee, when it goes round, to also consider the issue of children with disabilities. Retaining these children in schools is a problem. As much as we are trying to push for inclusion in ordinary schools, the infrastructure in most of these schools is not friendly to children with disabilities. Therefore, we cannot achieve the inclusion we want. There is something that interferes with the education of our children. These are the support funds. The CDF, Ministry of Education and Non-Governmental Organizations (NGOs) pay towards this
education, but the principal send away children because at the end of the day, there is no clear communication between the parents and the principal of the school. There should be a clear channel of communication so that a parent knows that a certain percentage of the fees have been paid by the Ministry of Education or by the CDF and the balance that is supposed to be cleared by the parent is this much. However, you will find parents paying school fees, the Ministry of Education pays for the same child and the CDF also pays.

- She stated that in regards to special schools in our country, their performance is poor. However, this is not noticed. The District Education Offices (DEO) is not putting this into consideration to find out why these schools are performing poorly. When you do a follow up, you are told that it is obvious; this is a special school.

Date 23rd October 2013
Member of Senate: Liza Chelule
Contribution She Made On: Adoption Of Report On Visits To Laikipia, Nyeri and Kirinyaga Counties

- She supported this Motion by suggesting that every time a Committee makes an arrangement to visit counties, it should be representing the 47 counties. I would suggest that any time any Committee plans to do county visits, they should plan in such a way that they start by ear-marking which counties they should visit. For example, they should visit the best and the worst counties so that when they come up with a report, it is universal and represents the issues affecting the 47 counties.

- She reiterated that that anytime we do county visits, we come up with a report that will represent all the 47 counties and in that report, it is showing the Committee met the governor and the executive officers alone. I would suggest that every time there is a county visit, especially if it is about education, they should also make arrangements to meet the District Education Officers (DEOs) because that is where they can get the real report from the grassroots level. There is the issue of certificates. There are so many children who are suffering at home just because they cannot get their certificates due to non-clearance of school fees. Such an issue should come out in this report.

- She gave the example of a young girl who was denied the opportunity to sit for her examination just because she had not cleared her school fees. We would not like to have such an issue in future. A student should not be denied a right to get his or her certificates due to school fees. It would be good for
astudent to get his or her certificate because it is a right. So, such things should be coming out very clearly in such a report.

- She supported the call for integrating social culture in the curriculum so that our children will grow up knowing what is valued in our community. They should grow up knowing what is good and what is not good in our community. So, social culture is very important in the curriculum. We all know that there is free education and I expected to hear about the positive and negative impacts of the free education programme.

- She pointed out we all know that there were some negative impacts of free education and also there were positive impacts. This will enable the Senate to come up with ways of addressing those issues. I also expected them to capture the issue of early pregnancies and early marriages because it is very rampant. We all know that young girls have left schools and are going round in many towns doing nothing. Some have been married off while others are taking care of children and yet they are under age. We would like to know about such issues in the report so that we come up with modalities of addressing them.

Date 24th October 2013
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Government Support To Tea And Coffee Farmers

- She supported the motion by stating that it was really a breath of fresh air to have something touching on the coffee and tea and added that we cannot overemphasize the importance of tea and coffee in this country.

- She noted that it is such a sad situation to see and even read that there are countries which use our coffee, because it is the best in the world, to blend their poor coffee and still sell the same to us.

- She recommended value addition as a need for the industry and added that this cannot be overemphasized, and it has to be a shared responsibility of the national Government and the county governments, taking into account that agriculture is a devolved function. She added that in some of the counties, the governors had taken initiative and done something on the marketing of coffee but we cannot just talk about marketing and forget that we need to produce. We must help in the production so that these volumes and the billions that we talk about in foreign exchange can cascade down to the
Because we only hear that we generate billions of shillings, but they do not reach the mwananchi.

- She suggested breaking the cartels that are there, especially in the coffee industry and added that if coffee or tea production was attractive, then we will attract young people; we will retain more people who will take up coffee and tea farming as a business so that we do not have the problem of having millions of Kenyans who are unemployed, taking into account that more than 70 per cent of this country’s population is under 40 years. We have a problem of unemployment and this is one way of tackling it.

**Date 24th October 2013**

**Member of Parliament: Sen. Joy Gwendo**

**Contribution She Made On: Government Support To Tea And Coffee Farmers**

- She supported the motion by stating that the coffee and tea industry needs support, and added that if farmers were given the support of fertilizer and the marketing, then we will prevent the scenario of farmers selling tea and coffee on the roadside, because these are good products that can actually help to boost the economy of this country and help with the problem that we are talking about, of the country having financial problems.

- She noted that Kenya is known for growing coffee and tea, and Kenya should be proud of this and called for the Motion should be taken seriously and she congratulated the Mover because if we support the farmers, Kenya will be making money and the farmers will be boosted, and they will feel more encouraged.

**Date 29th October 2013**

**Member of Parliament: Sen. Joy Gwendo**

**Contribution She Made On: Adoption Of Report On Visit To The Republic Of South Korea On Nuclear Energy Co-operation**

- She supported by pointing out that the Membership of that Committee included majorly the former Ministers and Assistant Ministers. So, its institutional capacity or institutional memory is big. Madam Temporary Speaker, as you realize from this report, you will see that South Korea started exactly 50 years ago to be where they are today and added that the country was at the same level but they made some of the right choices to be where they were.
She noted that fifty years down the line, they were rated amongst the 10 largest economies in the world and added that that was definitely not by default, but by design. She further noted that they had 23 nuclear energy plants while four are under construction. This tells you that they took it very seriously and they not only provide these nuclear powerplants for their country, but they are even exporting them to super powers like the USA, Europe and the Asian Continent.

She pointed out that looking at Vision 2030 there was an urgent need to invest adding that here is no way we will achieve Vision 2030 without having reliable, affordable, consistent and accessible power. We are now struggling. The Ministry of Energy and Petroleum came up with the target of 5,000 megawatts. They said this can be achieved in the next few years. This is something that the President is very keen on. In fact, he is the one personally chairing that task force that is charged with that mandate of making sure that Kenya can achieve that target. We are talking about 5,000 megawatts yet South Korea is doing over 16,000 megawatts in one nuclear plant.

She recommended that the country has a lot to learn from this. If we are able to sustain this supply and investors get this power - because investors would rather pay more - as business people - but be assured that the power will be there. He can, at least, rely on it. Today, you only get exorbitant bills, but you are not even assured that you will get the power that you pay for. We cannot talk of creating industries if we do not have reliable power supply in this country. Given that agriculture is a devolved function, some governors are already buying and installing processors and agro-based plants. However, this cannot be a success if we do not have reliable power.

She stated that the country needed to think big because we have tried the small things. Even the coal we are talking about in Kitui, it remains just that; a potential and that we need to think and guarantee employment to our young
people in this country. We are talking about a very young population where more than 70 per cent are below 35 years. These are people who are graduating from college and who do not know where to go. If we cannot sort out our industrialization issues and help mediumsized companies to be set up, not just at the national level, but also at the county level, then this will remain a problem. Our youth will remain a problem. As you can see, the vision for nuclear energy is not an immediate plan. So, even as we sort out the 5,000 megawatts, we hope that we will achieve what seems to be so much out of reach. Fifty years down the line, in 2063, history will judge us very harshly if we will not have laid a very good foundation for the citizens of this country.

- She pointed out that we must explore other options. The technical support that has been alluded to by the Senator for Homa Bay should not just be on paper as it has been said earlier. It should not only remain a good thing. It must be committed by setting up the infrastructure. We have people helping and that is why we have 10 people being trained in South Korea under a scholarship programme. We need to have the human resource. This is not something that you can do in a day or in two years. That is why we have given ourselves 10 years to achieve it. That is why the human resource development had to be set up right away. This is training where we must wait for our people to have interest.

- She noted that we do not have a very good history and people who trained in this area have not ended up in good places. You then wonder why we should continue to train in that discipline. We must start again, to create awareness and to support the technical know-how in this field. Our nation must also invest in the same. As we do our budget in the coming years, we must allocate the Ministry of Energy and Petroleum a good amount of money to help set up the infrastructure so that we do not get to 2022 and go back to the drawing board. This has to be a conscious effort by everyone so that we lay the best foundation.

- She pointed out the policy of public participation in the governance of this country that is in the Constitution. We must also carry our people along. We should not leave them behind. The people who are afraid of change must get out of that fear. We should educate people. A lot of civil education on nuclear energy generation must be done. We must support public participation and the Ministry must be supported to give information to the public. That way, they will also own the programme and we will make progress.

Date 30th October 2013
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: Formulation Of Water Harvesting Policies For Counties
She moved the following Motion:-

- THAT, aware that water is a basic need and that the country cannot exclusively depend on primary sources of water to satisfy all its water needs; deeply concerned that the sole dependence on derivative water sources leads to interruption of water-related activities due to insufficiency; recognizing that water harvesting is a crucial secondary source of water; noting that a lot of water has dissipated due to ineffective programmes and initiatives for harnessing water; cognizant of the fact that rain water that is not harvested causes environmental degradation and damage to infrastructural facilities; recognizing that Article 69(2) of the Constitution confers to every person a duty to cooperate with state organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources; the Senate urges the National Government to initiate and formulate water harvesting policies to guide water harvesting programmes in all the 47 counties to reduce overdependence on primary water sources.

She noted that water is life and without it, we cannot survive. My Motion is urging for water harvesting in the 47 counties, realizing that a lot of rain water is wasted. We have about a three months’ spell of dry season in this country where you find that people keep on moving with their livestock from place to place in search of water. We even know that the absence of Sen. Haji from the House is due to the fact that he was looking for water for livestock. I was told by one of the Senators that at one time during crucial moments in this country, they were in Kajiado District and there was no water. So, women were desperate and had to wake up in the morning to use wet grass to clean their dishes.

She elaborated that we get six or more months of rain in this country and that water is wasted or goes to do a lot of damage like displacing people in the western part of the country and also in the Tana Delta and the Motion sought to ensure that this water is collected, preserved and treated, so that during the three months of drought, there is water. The harvested water can be used in many ways, for example, in irrigation. I am saying this because there are places like where I come from, that is, Trans Nzoia with good soils and sufficient rainfall, but there are some months which are very harsh. If the water is collected and preserved, continued farming will be realized and we will not run short of things.
She exemplified this by comparing the situation in a country like Israel, where she said it was amazing because they survive throughout the year because of harvesting and preserving water. There is so much water wasted in this country when it rains. Therefore, I seek to see to it that water is collected, preserved and used in the right manner like irrigation to enable the country produce enough food.

**Date 30th October 2013**

**Member of Parliament: Sen. Liza Chelule**

**Contribution She Made On:** Formulation Of Water Harvesting Policies For Counties

- She supported the motion by stating that it was a Motion that was touching on women in the country and added that though there are some policies on water the problem in the country is how they are supposed to be implemented; the implementation part of it is the worst problem. I want to take this opportunity to request the Committee on Implementation to look at all those Motions we have passed in the form of policies to make sure that they are implemented at the county government level.

- She pointed out that it is the mandate of the national Government to formulate policies, while it is the mandate of the county government to implement these policies. But surprisingly, every time you want to know whether something has been implemented, normally if it is related to budgets; we are told that it has not been budgeted for. So, it is my humble request that as Senators, we should make sure that every policy or Motion that we pass in this House is implemented to the letter, because it is not going to help us with anything to just pass Motions to even urge the Government to come up with policies on many issues when the implementation part of it is the problem. So, the problem in our country is the implementation.

- She noted that there was the issue of the international agreements that have been signed between Kenya and other countries about our waters; that we do not have control over our waters. You know at this particular time, we cannot use our water the way we would want to and our children are suffering. As Senators, I think we also need to decide what to do about these conventions, agreements or whatever else they are called; the kind of agreements that we did with Egypt. The fact that we cannot freely use our water in Lake Victoria is so embarrassing. But as we stand today, we do not have powers to use our water. We all know that we have idle youth and as I stand here today, there are so many youth who should be dedicating themselves to farming and irrigation at home, but they cannot use these waters freely. I once went to Kisumu and saw so many idle youth there; the women were suffering, that
place is very hot but they cannot use that water from Lake Victoria. So, I think as Senators, it is our mandate to come up with a way of addressing the issue arising from those funny agreements.

Date 30th October 2013  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made On: Formulation Of Water Harvesting Policies For Counties

- She supported the Motion by stating that water was an issue that was very passionate to women; knowing very well that water is life and as we speak of harvesting rain water, we remember our women in Turkana; that once in a while, you will find floods in Turkana carrying away women and children, but after one month, the same women will be walking miles away looking for water. If only we can come up with a system and a way of assisting them to learn how to harvest rain water; how to build a house – whether it is permanent or semi-permanent – and ensure that you tap all the water and make a small storage at home where that water can be held and, eventually, the water will help them. This is something that many of our families, especially in the Arid and Semi-Arid Lands (ASALS) have not been able to do.

- She also noted that there were those who are benefiting from rain water harvesting. But for us, when I look at Budalangi, what happens when River Nzoia bursts its banks, it will never--- Remember these are natural tragedies and you cannot even imagine. That is one place where one can be killed so easily. But we are saying that if the Jubilee Government is, indeed, going to do the one million hectares of irrigation programme, then the first thing we should ask ourselves is where are we going to get the water? We will not just depend on rain water, looking at how climate change is coming and changing the rain patterns. We might have a very dry season from now to January if we are not careful. But once before, we had very good rains and all the waters disappeared to the Indian Ocean, Lake Victoria and beyond.

- She also noted that when looking at this issue; we should also look what I and other women go through when looking for water for many hours. There are some areas to date where women walk miles and miles, spend two to three hours in the morning just to get water, and it is not clean water, but they are looking for anything called water and added that if you harvest water and you get somebody who knows how to do the technology, you can still get clean water to drink.

- She recommended that it was time the country started to make use of its own technologies but added that many Kenyans – and that is where corruption also
comes in because when you come up with such a very lucrative project, that is when people want to take advantage of the project. So, even coming up with a very simple way of harvesting that water, you will hear the Government now being told that it is a Kshs1 billion project. We also need to ask ourselves, as Kenyans, if we want to continue wasting our money in some of the simple methods that we can use to help Kenya move forward.

- She pointed out that today, there is even some technology that has come up, where you just buy something like a pot and you are able just to get the mist, and it becomes water for drinking. So, these are some of the things we need to ask ourselves. As we talk about dams, let us not also corrupt the process and find that you have done a dam where you will conserve water which will just evaporate and added that as we celebrate the 50 years of independence, it is very sad to still talk about women looking for water; women not having tapped water and yet, every day, every year, God is helping us to get natural rain water that we can harvest.

- She further supported the Motion by urging not just the Government, but every Kenyan to be responsible even with the little water that you have because we do not also take care of the little water we have; we misuse water in that you will find a tap running unnecessarily. Let us take care of this water that is very precious, because we have some countries that are really looking for that water. We, Kenyans, are very blessed because we have water. Let us take care of it as we harvest what is given by God.

Date 30th October 2013
Member of Parliament: Sen. Judy Sijeny
Contribution She Made On: Adoption Of Report On Visit To The Republic Of South Korea On Nuclear Energy Co-operation

- She supported the Motion by stating that it works towards improving the economy of Kenyans by bringing in new ideas. This is a very daring one, in an area which we should say is relatively new to Kenyans. I, therefore, urge that the Committee comes up with a Bill or strategies to ensure that creation of awareness is done carefully, first, to the legislators and then to the ordinary Kenyans, of course, together with the Government, the people who will implement it.

- She commended the Korean Government for sponsoring ten students to undertake masters’ degree courses in nuclear science at their respective institutions. I would also urge the Kenyan Government to follow suit. If Korea has sponsored ten, let the Government also empower and sponsor about 20 Kenyan students, who can go and learn about the nuclear studies accordingly.
and come back and disseminate the knowledge and put it into practice. That way, we shall own it and there will be continuity and new ideas will also come up.

- She stated that looking at the report, the recommendation that there be a nuclear power programme is very welcome. However, we should take all the precautions because we know and have learnt that there is a side that can be very dangerous. The dangerous effect can take more than a decade. As we put up the nuclear plants, I would urge the Government to ensure that the plants are put up as far away from residential areas as possible. This will avoid calamities and ensure that human life which is paramount to Kenyans is safeguarded.

- She further stated that it was not enough to go and study outside the country. The Government of Kenya should ensure that locally, we have enough institutions that can give knowledge and education on nuclear science and technology. So far, and I stand to be corrected, I only know of one, which is the Institute of Nuclear Science and Technology, which falls under the University of Nairobi. With devolution, we should consider devolving learning institutions down to the counties. This way, we are sure that more Kenyans will be able to access technology and own it down at the grassroots and come up with all the information they can get and God willing, without even the Millennium Development Goals, (MDGs,) Kenya can be one of the future super powers.

Date 30th October 2013
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: Adoption Of Report On Visits To Laikipia, Nyeri, Kirinyaga, Kisii, Nyamira, Kisumu, Kakamega And Vihiga Counties

- She pointed out that in their visit they had found a few challenges but the positive thing was that the polytechnic has 604 students, and it is still supported by the church and the community there. One challenge we found in this polytechnic is that the students have to take exams away from the school because of lack of proper planning and infrastructure; and also lack of financial support.

- She noted that the chairman of the school informed the committee that they have not been receiving enough funds from the national Government and, thus, they are not able to employ enough teachers. Some teachers are employed by the board of governors while a few are employed by the national Government. So, this was hindering the development of the school. Also, the students were having problems registering in this school as they have
aproblem with the name. Commonly, polytechnics are known as village polytechnics, so they have this attitude of “I am learning in the village; I went to school in Matongo Primary School, Matongo Secondary School and then I am going to Matongo Polytechnic.” But in this case, we are in the process of trying to encourage counties to change the names of these institutions and also to create awareness amongst the students so that they can have the right attitude to go to these polytechnics.

She also stated that the committee also visited Chisaria Primary School - which is an ECD institution - and also Ikonge Primary School. The common problem we found in these ECD centres is that the children go for a long time without food, which is a common problem not only in Nyamira County, but in also other counties. The ECD teachers lack proper training and, another thing, they are also very few. So, the community has to pay for the teachers whereby when you bring your child to the ECD centre and then you are forced to either pay Kshs20 or Kshs50 so that your child is taught.

She added that in from Nyamira County, the committee went to Kisii County where we visited a polytechnic and an ECD centre. The problems we found in these two counties tended to be the same; the problem of feeding the ECD children and also lack of teachers with proper training. Another thing we noticed in Kisii was that the children were being taught in their mother tongue. The Committee recommended that we sort out the problem of curriculum so that it is standardized all over the country. This way, we will know that the child in Kisii County should be taught either in English, Kiswahili or proper languages that will then develop them to be at the same level with a child going to Cavina School, because at some point, they are going to compete in the same examination at some level.

She pointed out that the committee visited Kisumu County where we went to Ayawa Primary, an ECD centre in the school. We also went to Dr. Logumbi High School, where we attended a prize giving day and we awarded top students, both boys and girls. The problem in Kisumu County was a bit different. There were proper ECD centres, but in a class of 50 children, they only have 20 chairs. The school was sponsored by an organization in the county. Then, again, we realized that most of these ECD centres are either supported by the community or other organizations, but very few are Government supported.

She suggested the introduction of courses in polytechnics that are unique to our counties and encourage students to take up the courses. Sigalagala is a good example of a polytechnic that all other polytechnics should visit. She added that with regard to the curriculum, the committee is in the process of
working with the Committee of Curriculum Development so that each county gets a standardized curriculum for Early Childhood Development (ECD) programme.

- We should not have different subjects being taught in different counties. In some counties that we visited, a child as young as two years goes to school from 8.00 am to 3.00 pm. If we had a standardized curriculum, then we would have particular times that these children can go to school. The committee proposed that the Kisumu model should be emulated by other counties where schools have their own farms and grow their own foods to feed children. When there is a school feeding programme, children tend to attend school in larger numbers. With regard to the ECD teachers, we realized that most of them are either not well trained or are not paid well.

- She further stated that the committee is also pushing for better pay for the ECD teachers who set the foundation for our children. We are trying to sort this out between the Teachers Service Commission (TSC) and the counties. In my opinion, the ECD is something that was devolved a long time ago. Communities have been taking care of children for a long time. They have been employing teachers through the Board of Governors (BOG) and have been organizing the payment for teachers. We should come up with a solution that would cater for these teachers.

- She noted that they also dealt with the best classroom model where when visiting classrooms for class one up to class eight pupils, you will see that they are very good. However, children under the ECD programme are most of the time in tattered clothes and the classrooms are dirty. We are encouraging counties to develop the best programme. Children in the ECD centres should have the best classrooms because this is the foundation of learning. This is where a child forms his or her basis of learning. We also found out that most educational institutions lacked provision for the physically handicapped. We are recommending that each and every county should look into that. Children want to attend school at a place where they are welcomed.

- She recommended that to have the words “village polytechnic” removed. Each county should have a unique name that they can call a polytechnic so that the whole idea and mindset is changed. Somebody should not be left feeling that they went to a village school. That would encourage students to go to the polytechnics. In most countries, polytechnics build the basis of any country’s economic development. When students go to polytechnics and learn how to make tables, then we would not import the items. We need to look at measures that can encourage students to attend polytechnics.
She also recommended that the Kenya Institute of Curriculum Development should fast track the standardization of the curriculum because they are the ones in charge.

Date 30th October 2013
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: Adoption Of Report On Visits To Laikipia, Nyeri, Kirinyaga, Kisii, Nyamira, Kisumu, Kakamega And Vihiga Counties

She seconded the Motion before the House by the Committee on Education, Information and Technology by stating that they covered the education bit and the ICT and as they went round the counties, they saw the level of ICT connectivity and the use of the Integrated Finance Management Information System (IFMIS) and the fibre optic installations.

She noted that there was a big gap in the ECD structures. In some places, ECDs are referred to as nursery schools. They are managed by the society, churches and even individuals. We realised, in the institutions that we visited that the school feeding programme is a big challenge. In some places, children stay in school up to very late hours without taking anything. That is why we recommended that the school feeding programme be a responsibility of the community and not even the Government. The other thing is about recruitment and employment of teachers. In Kisii County, teachers are employed by the county government. This is the same thing we saw in Vihiga and Kakamega counties. They have structures to have teachers in place who can teach these children. However, there was a challenge with the TSC. Now that this is a devolved function, they want to take up the responsibility.

She pointed out that the county governments were not very comfortable with that. The other one was about the curriculum. There is no standardised curriculum for teachers to use. With regard to infrastructure, we did not see any good playgrounds. We know that these children are not just supposed to stay in class. They also need to play because that is part of growth. In Kisii County, there is a school we visited where ECD stage one, nursery and the pre-unit children were sharing the same classroom. They were kept in different corners.

She questioned how the ECD and nursery children would concentrate when two teachers are teaching at different corners. The teaching material was not also sufficient to allow learning to take place. With regard to polytechnics, it was very important for county governments to rebrand polytechnics so as to improve attitudes of learners. Learners tend to think that going to village polytechnics can only give them poor quality of education.
She stated that the committee when visiting Kisumu County, felt that we could have marine courses since we have the lake there. In Kakamega County, we had two well-equipped polytechnics. We visited Sigalagala and Shiamberere polytechnics. The problem we have with these institutions is that the names of the institutions hamper learners from enrolling. The other challenge that the institutions are facing is the training grants. There is a grant that comes from the national government. I believe the minimum is Kshs15,000. To some extent, it does not get to the school at the right time and learners are not willing to pay additional fees because they know that the national Government is supporting them.

She noted that another issue was about policy where there was need to have clear policies to govern these institutions. The number of trainers in these institutions is also a challenge and that is why we are supporting county governments to take up these responsibilities. There is also the issue of unique courses which are relevant or fit to a certain environment rather than duplicating the courses. We should allow the polytechnics to choose what they want to teach.

She noted that in the overview, the county governments were ready to champion the education sector. That is why they are working with the stakeholders of education. It is the role of county governments to enhance education. It was also their view that primary and secondary schools infrastructure which has not yet been devolved should be left to the county governments so that they take care of the education sector as whole. Among the recommendations, I will refer to what we had captured in the paper. The Ministry for Information, Communication and Technology should prioritize the development of information, communication and technology infrastructure in all counties, especially in all institutions of learning. In some places we visited like Sigalagala, there was an IT department. This kind of infrastructure was also in Mombasa. As we appreciate moving into a digital Government, our learning institutions should also appreciate that.

She recommended that County governments should also have a clear framework for mainstreaming the needs of the physically challenged in the education sector reforms. This was an important element of the integrated education system and a crucial pillar in the attainment of Vision 2030 and the Millennium Development Goals (MDGs). In one of our meetings, a Member of the County Assembly of Bungoma told us that there was a pre-school in Bungoma County that had smaller size pit latrines which were only meant for children. It is important for us to also cater for the physically challenged people.
She also pointed out that ECD and education curriculum should be standardised in all counties. It is the role of the Senate to deal with the allocation of revenue from the national Government to the counties. I know as the Senate we will be able to play a role so that we ensure that the department of education at the county level is well facilitated. I urge all the Senators to support this Motion. We have circulated it in both soft and hard copies.

**Date 31st October 2013**  
**Member of Parliament: Sen. Dr. Agnes Zani**  
**Contribution She Made On: Review Of Salaries And Allowances Of MCAs By The SRC**

- She clarified that a job analysis really starts with, first of all, the job description and then the actual job evaluation that comes as a result and the reason being, first, to understand what the job is meant to be and then you get the right person to match the job. I think through an elective process, it was impossible to know in advance who was going to be elected to be an MCA.

- She further stated that the specific qualifications that should have been needed as such so that you have specific job specifications to match a particular job was not there because theirs was through an elective process. So, it becomes very difficult for people who have been elected through an elective process to really have to go through a job evaluation process for a job that is constant. It will not vary across the specific qualifications that they have.

**Date 31st October 2013**  
**Member of Parliament: Sen. Liza Chelule**  
**Contribution She Made On: Review Of Salaries And Allowances Of MCAs By The SRC**

- She questioned the Chairman on behalf of the Chairperson of the Salaries and Remuneration Commission (SRC) on what role of a Member of the County Assembly (MCA) was as stipulated in the Constitution and their three key roles in representation, oversight and legislation.

- She pointed out that she did not think the MCAs were reporting to any other person apart from the voters and they were fully vetted before being elected. To me, that was an evaluation. Suppose an evaluation is done today and some
are seen to be better than others, does that mean that they are going to be paid differently? I think the Chairperson of the SRC has a problem and she needs to understand the structures of this country.