STATEMENTS

Date 1st September 2013
Member of Parliament: Sen. Dr. Agnes Zani
Contribution She Made On: Management of Oil, Coal and Niobium in Turkana, Kitui and Kwale Counties

➤ She pointed out that the livestock industry in the country had really not got what it was supposed to get. She gave an example of Botswana where they get their export income from exporting their meat, and it was not a better country than Kenya for Kenya was exporting meat at some point but now it was limping because of corruption.

Date 19th September 2013
Member of Parliament: Sen. Esther Wangari
Contribution She Made On: Criteria For Determining marginalized Counties To Benefit From Equalization Fund

➤ She noted that Article 216(4) mandates that the CRA determines and publishes and regularly reviews a policy by which to identify the marginalized areas, for the purpose of allocation of the Equalization Fund. In accordance with this mandate, the Commission published a criteria for the identification of the marginalized counties for the purposes of the Equalization Fund in February this year. Identification of these marginalized counties was based on a three-pronged approach as follows:

1. County Development Index (CDI); County level data was used to develop a composite index which focused on the level of development in a county, as measured by selected county level development statistics in health, education, infrastructure and poverty.

2. County survey on marginalization. Insights from the Commission survey which introduced public participation in identification of marginalized counties.

3. Analysis of historical and legislated injustices. This was based on experts’ views and was used to tell part of the story behind the county level development statistics.

➤ She counties were ranked based on the results under each of the three approaches as follows:

1. Counties with CDI below 0.52 being national average.
II. County survey on marginalization. This is where counties above the average frequency of group questionnaires in which they were mentioned as marginalized.

III. Historical injustices where counties having been identified as having suffered historical injustices in pre and post-independence period.

- She noted that the final identification of marginalized counties was also based on the size of the Equalization Fund and the need to equalize basic service levels in 20 years. The number of counties identified as marginalized was limited to those that had been identified by, at least, any two of the three approaches. That is how the following were arrived at: Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita Taveta, Isiolo and Lamu.

- She noted that from the enclosed booklet, which I will also table in this House, that the determination on marginalization has been made to cover the years from July, 2011 to June, 2014. This, therefore, means that the CRA will review once again the counties identified as marginalized and make fresh determinations to cover the years from July 2014 to June, 2017.
REQUEST FOR STATEMENTS

Date 1st August 2013
Member of Parliament: Sen. Dr. Agnes Zani
Contribution She Made On: Management of Oil, Coal and Niobium
In Turkana, Kitui and Kwale Counties

She requested a Statement from the Chairman of the Standing Committee on Agriculture, Lands and Natural Resources regarding the discovery of oil in Turkana County, coal in Kitui County and niobium in Kwale County as well as the imminent exploitation of the same. In the Statement, she called upon the chair to address the following issues:

1. Whether community negotiations have been duly completed before investors are given mining licences?

2. What was being done to address the complaints raised by various communities residing in the counties where the natural resources were found as there had been a lot of complaints especially in the media and communities and heads of county governments were complaining that they had not been involved in this process that is meant to be participative.

3. Whether the provisions of Articles 62 and 63 of the Constitution had been taken into consideration in the case of exploitation of Niobium in Kwale County and indication of the land rights or the level of land ownership of Mrima Hills, so that it was clear whether the negotiation is being done on it, in terms of it being a public land or community land.

4. Whether the Government was satisfied that the provisions of Article 69 of the Constitution on obligations of the State to ensure there was public participation in the management, protection and conservation of the environment have been adhered to?

5. Lastly, whether transactions relating to the respective natural resources had been ratified by Parliament as per the requirements of Article 71 of the constitution, and if not what measures the Government was taking to ensure such compliance.

Date 1st August 2013
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: Management of Uwezo Fund

She requested a Statement from the Chairperson of the Sessional Committee on Devolved Government regarding the disbursement of Uwezo Fund of Kshs 6 billion. In the Statement, the Chairperson should...
1. Confirm whether the Government intends to disburse Kshs6 billion through the CDF model, which is already alleged to be unconstitutional.

2. State whether the Fund is a grant or a loan to the youth knowing that the youth had fallen prey to many false promises;

3. Explain why the Fund could not be managed at the county level in line with the principles of devolution; and,

4. Lastly, state whether the youth, who are the key stakeholders, and the institutions involved, such as the Youth Enterprise Development Fund (YEDF), the National Youth Council (NYC) and the National Youth Service (NYS) had been involved in the arrangements to have the Fund launched soon. We know that the youth had been told to keep off. This is a matter of great concern.

**Date 19th September 2013**

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

**Contribution She Made On: Business For The Week Commencing 24th September, 2013**

- She pointed out pursuant to the provisions of Standing Order No. 43(2), this is to present the Senate Business for the coming week. On Tuesday, 24th September, 2013, the Rules and Business Committee will meet at 12.00 noon to schedule the Business of the Senate for the week commencing Tuesday, 24th September, 2013. The Senate will continue with the Business in today’s Order Paper that will not be concluded.

- She noted that on Wednesday, 25th September, 2013, in the morning sitting, the Senate will continue with the Business not concluded on Tuesday, 24th September, 2013. The Senate will also commence debate on a Motion by Sen. (Prof.) John Lonyangapuo on creation of a fund to provide for a structured compensation system for services offered by elders at the local level.

- She noted that this will continue with the Business not concluded on Tuesday and Wednesday morning, including Motions by the following Senators previously deferred; Sen. Catherine Mukite on rising cases of patient mistreatment, negligence and professional malpractice by medical personnel in public and private health institutions in Kenya; Sen. (Dr.) Agnes Zani on formulation and operationalization of development agenda for county governments and Sen. Amos Wako on setting up of an institute to give the necessary training to personnel of county governments.
She further stated that the Senate would commence debate on Motions to adopt the report of the Standing Committee on Finance, Commerce and Economic Affairs on the County Government Cash Disbursement Schedule of Fiscal Year 2013/2014 and irregular alteration to the budget estimates of Turkana County for the Fiscal Year 2013/2014. The Senate will, in addition, debate a Motion by Sen. Peter Mositet on the transfer of functions of KeRRA to the county governments.

She pointed out that the Senate will continue with the Business not concluded on Wednesday afternoon. Let me also take this opportunity to remind Senators that information on tentative Business of the Senate for the coming week is usually available on the Parliament of Kenya website every Friday.

Date 19th September 2013
Member of Parliament: Sen. Dr. Agnes Zani
Contribution She Made On: Escalation Of Sexual Offences Against Minors

She sought a statement under Order No.43(2)(c) from the Chairman of the Standing Committee on National Security and Foreign Relations regarding the current escalation of sexual offences, especially defilement of young girls either by relatives - sometimes immediate relatives like fathers or others. Of late in the media, including yesterday, we heard or saw a case reported from Kaiteni in West Pokot County. But, really, the media, especially for the last two months, has been awash with these sorts of cases. This has serious implications for both the girls and for their educational outcomes.

She further stated that in the Statement, she requested the Chairman to address the following issues.

I. If he could reveal how many such cases have been reported to the police in the last two years and provide the details, including the status of investigation and prosecution, if any;

II. What operational strategies has the Government adopted to ensure that incidences of sexual offences against minors are controlled; and,

III. Could the Minister clarify whether the current law, including the Sexual Offences Act, is inadequate in addressing the menace, and if so, could the Government consider tabling amendments to enhance the penalties provided therein?
MOTION

Date 10th September, 2013
Member of Senate: Sen. Beatrice Elachi
Contribution She Made On: Withdrawal of Kenya from the Rome Statute of the ICC

- She seconded the Motion by stating that on that day as the Senate, they would all be in agreement because we were not part of Party of National Unity (PNU) or Orange Democratic Movement (ODM) and that they must look at those issues while considering the country.

- She pointed out that they swore by the Bible that they would say the truth but I think Kenyans wonder about our political leaders because most of them were Ministers and most benefitted from the 2007/2008 post-election violence. They benefitted after the National Accord because some of them became Ministers.

- She further stated that they had made it so political that they were forgetting that at that time, they did not have CORD and JUBILEE and some of them that, as they spoke, the Deputy President was in The Hague, because he was the lieutenant of ODM and he was the one who made the Prime Minister to be the Prime Minister.

- She stated that when looking at the cases, the most important thing that needed to asked as Kenyans was whether the process had been fair especially in the Office of the Prosecutor and added that it would be wrong for them to say that the judges had not been fair, in fact they had been fair to Kenya but the Office of the Prosecutor has made the process more difficult for the country because most of the time the office uses the media to communicate to the country and even to give a statement and that was why the issue had become more politicized.

- She stated that as Kenyans, we now wanted to see a process where the prosecutor would respect the jurisdiction of the country and also respect the fact that we have a state and a government, and there are institutions through which they can communicate.

- Further, she stated that while seconding, she needed to urge that it was important to appreciate that while some wrong had been committed in between, the country had come up with institutions that work and also that whichever way the cases go, this was our country and they must respect all Kenyans and especially those who voted for them.
She further stated that Kenyans voted for them because they believed the leaders can put Kenya together and by saying that they wanted to cover things and yet Kenyans saw what happened, it would be unfair. It is also good to say that as Members they did wrong and also appreciate that those who are at The Hague did not do it for their own good and they did not do any violence to anyone.

She pointed out that those who were at the Hague were not the ones who caused the violence. She stated that the Waki Report pointed out that violence was spontaneous but when listening to arguments that day one would think that it was organized. She reiterated that the report that they were following, which was the Waki Report that was tabled on 15th October, said that it was spontaneous but that day the Members wanted to debate but they not looking at where it came from and where they were.

She questioned whether as a country we had achieved any peace. She further stated that everything was the same but as a country we had moved ahead because we have a judiciary but interrogated why we could not appreciate that the Judiciary can work for us and take care of the cases.

She further inquired why it was not clear that day that even Waki never gave the opportunity to the authority that gave him the mandate; that is, the President, to see the names? Instead he gave the names straight to The Hague.

**Date 10th September, 2013**  
**Member of Senate: Sen. Liza Chelule**  
**Contribution She Made On: Withdrawal of Kenya From The Rome Statute Of The ICC**

She opposed the amendment by stating that the country already had an institution that is able to deal with matters of its people in the country and added that under the new Constitution, Kenya had institutions that had the capacity to address our issues.

She added that it was amazing that, today, Kenyans did not even have a right to attend those courts. She reiterated that that day Kenyan leaders were attending court cases in a foreign country and Kenyans do not even have a right to listen to that process in order to know what was going on in that court and yet, as a country, we had the capacity, through the Judiciary, to deal with these issues.
She said that she cherished the country’s institutions because they have a structure and the ICC which did not have any structure, especially in the investigations department, and she wondered how they did their investigations and concluded that institutions like the Judiciary in Kenya have a structure, especially the Department of Investigations.

**Date 10th September, 2013**  
**Member of Senate: Sen. Elizabeth Ongoro**  
**Contribution She Made On: Withdrawal of Kenya From The Rome Statute Of The ICC**

- She began by reminding the Members in the House that she was the immediate former Member of Parliament for Kasarani Constituency; one of the hotspots that suffered almost 50 percent of the violence and added that in her constituency, they lost 130 people.

- She further stated that for some strange reason, all the people who died in her constituency happened to have been her chief campaigners and added that probably, in the Senate, nobody felt the pain of post-election violence the way she did. She pointed out that she lost her personal driver who was shot at 10.30 a.m. with a packet of milk in his hands.

- She further reminded the members that she was in the list of the first six that were published in the local dailies with His Excellency Uhuru Kenyatta, His Excellency William Ruto, Sally Kosgei, Hon. Balala and Hon. Henry Kosgey. She stated that she felt the pain that those three Kenyans were feeling, probably, more than most Members and added that she felt the pain because she knew what it felt like to be accused falsely as well as the pain of wanting to be vindicated.

- She stated that in the Tenth Parliament, she remembered which side she took which was supporting vehemently the establishment of a local tribunal and added that this was especially because she supported it because she was directly affected. She further stated that she wanted a local tribunal that would provide an opportunity for the accused to look at their accusers in the eye and one that would provide a healing process so that they would know who was accusing them.
She stated that unfortunately this motion was rejected on the Floor of the House with calls for “Do not be vague, go to The Hague.” She stated that they tried to push but all the same they had to accept defeat.

She pointed out that over the years, this process had now been politicized beyond belief and while she was supporting a local tribunal, the Members did not support the withdrawal from the Rome Statute. She further stated that they had had many ad hoc committees and tribunals whose findings were never publicized and if they their recommendations are never implemented.

She called for sobriety stating that Motion was brought at the wrong time and the implications internationally was that the country was trying to hide something and called for a process that was devoid of political interference and that did not have any ethnic overtones. She added that under the circumstances, she believed that the accused have got a wonderful chance to be vindicated at The Hague and after the verdict is given that they are innocent, nobody will cry foul and say: “They were vindicated because the judge happened to come from the same ethnic group with them.”

She concluded that in her opinion, the Members were blind to some issues and raised political temperatures for no reason and requested the members to allow the process so that even as they travelled internationally anybody who was suspecting that they were involved in anything would know that these were leaders who were completely innocent.

Date 10th September, 2013
Member of Senate: Sen. Beth Mugo
Contribution She Made On: Withdrawal of Kenya From The Rome Statute Of The ICC

She supported the Motion by stating that this was an apolitical court which could not give justice adding that that court had admitted that politics was involved in this case and it seemed like the prosecutor was an extension of the opposition politics of Kenya, where they could not win, they were trying to come to power through the backdoor, thinking that the President can remain there and they will vuruga here and takeover.

She called upon the Members to insist that the cases be brought back home adding that the President and the Deputy President were the pride of any nation and so when they are humiliated there, the whole of Kenya was humiliated. She concluded that what the prosecutor was doing is an affront to the Kenyan people.
Date 10th September, 2013  
Member of Senate: Sen. Dr. Agnes Zani  
Contribution She Made On: Formulation, Mapping And Operationalization of Key Development Agenda For County Governments

- She requested to move the following Motion:

  THAT, aware that the county is the main focus of devolution and that there exist multi-level structures within county governments; noting the need for counties to succeed and improve the social, economic and political wellbeing of citizens and attain optimum levels of development within the said counties; appreciating that the devolved government structure envisioned in the Constitution of Kenya 2010 provides for different levels of government functions and responsibilities and that the interpretation and enforcement of these roles has been the subject of debate; concerned that there is still no county impact analysis strategy; the Senate urges the Council of Governors to take measures to require all counties to formulate, map and operationalize, with measurable indicators, key development agenda and deliverables for each term of the respective county governments.

- She pointed out that the Motion was about trying to create order in the counties and really keeping the eye on the prize to show that the output and the outcomes for specific counties are very clear. The Motion, therefore, suggests that there should be a model of impact analysis that is very definite, with specific indicators and measurable outputs so that at the end of the day, a county might be able to see that devolution has actually worked.

- She noted that devolution has been very attractive to Kenyans because there is a sense in which development will reach the grassroots. In the next five years, for whatever reason, if the impact of that devolution has not been felt, then people will move away from believing in the process and in the promise of devolution. Therefore, it is very critical that immediate indicators and a clear roadmap are put into operation to ensure that devolution works.

- She quoted that Article 174, Chapter 11 upon which devolution is hinged says:

  “The objects of the devolution of government are—

  a) To promote democratic and accountable exercise of power;
  b) To foster national unity by recognizing diversity;
c) To give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
d) To recognize the right of communities to manage their own affairs and to further their development;
e) To protect and promote the interests and rights of minorities and marginalized communities;
f) To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
g) To ensure equitable sharing of national and local resources throughout Kenya;
h) To facilitate the decentralization of State organs, their functions and services, from the capital of Kenya; and
i) To enhance checks and balances and the separation of powers.”

- She noted that for most citizens, the aspect of socio-economic and political development is key. These are the same pillars that have been envisaged in Vision 2030 to ensure that at the end of the day, optimum levels of development are achieved across these sectors. Since devolution got implemented, for various reasons, across the various structures and organs that have been established, there have been conflicts. Sometimes, therefore, that has removed us from focusing on what the output should be.

- She noted that for example, this has happened at the national Government, the Judiciary, the Legislative organs; the National Assembly and Senate; and the Executive. We do not want to go that direction but we know what happened especially with regard to the National Assembly and the Senate in terms of getting a process and way forward for what we want to do. In the county governments as well, there has been a lot of confusion and at times not very clear roadmaps in terms of the direction that counties should take between the county governor, county members of assemblies and the members of the public who are supposed to participate.

- She further noted that the conflicts have been at different levels. They have been at the national Government organs, across national Government organs and within our county organs. That has removed us from the main agenda for devolution and development of the counties which is where the focus ought to be. The Motion, as it reads, does not aim to introduce something that is completely new because we already have the Intergovernmental Relations Act and the County Governments Act, both of which emphasize the importance of strategic planning at the county level.
She stated that the only thing they have not done which I think many counties have started doing is to put their development and strategic plans into operation and to synthesize them. What has not happened is that there has not been enough emphasis in terms of what the plans should constitute. There seems to be no coordinated effort at ensuring that at the end of the day, there is a distinct programme of ensuring that certain indicators are put into place.

She pointed out that with regard to the objects and purposes of Article 3 of the Intergovernmental Relations Act, 2012, this provides a framework for consultation and cooperation between the national Government and the county governments. Article 8 provides a framework for the national and county governments coordinating summit which should be part and parcel of the process of ensuring that the conflicts between the national Government and county governments are eradicated. Among the forums that have been put in place is the Intergovernmental Relations Act which is key.

She noted that the Paragraph (f) of the Motion talks of: “Evaluating the performance of national or county governments and recommending appropriate action”. This is key; the idea of evaluation has been put in place. However, there is no detail of how that is supposed to happen. That forum should also receive progress reports and provide advice and appropriate direction where necessary.

She further noted that Paragraph (h) of the Motion talks of: Monitoring the implementation of national and county government plans and recommending appropriate action. So, the key element there is monitoring the implementation of national and county development plans. The assumption made is that these plans will come from one place or another. Vision 2030, to a large extent, has looked at profiles and the level of development agenda that might be required for specific counties.

She noted that likewise, the Ministry of Devolution and Planning has put into place various plans and strategies as they have always done like five years development plans and ten years strategic development plans. Most county governments are borrowing from the various indicators so that they can put together their own strategic plans and have a direction in terms of where they want to go as counties.

She stated that the Council of Governors had also been concerned about the whole idea of performance at county level and enhancing this. One of the responsibilities of the organ is to receive reports and monitor the implementation of inter-county agreements and inter-county projects. The
council shall submit an annual report to the Senate and to the National Assembly. This is very key.

She noted that the Senate expects reports from the Council of Governors in terms of the progress that has been made by counties. Those reports will come for the Senate, the National Assembly and the county assemblies. What method of evaluation will we use to see whether counties have really developed? Where are the baseline plans, for example?

She questioned where are the baseline studies that have been done for each of those counties so that as we receive the reports, we have a basis of evaluating whether the plans have been effective or not? The worry is that after five years of so much work, but without focus on the counties, they will lose the development agenda. We need to come up with a clear agenda, theoretical and practical framework beginning with baseline studies, bringing professionals to the fore and experts to talk to stakeholders to see that the development agenda is clear.

She noted that some counties had already started coming up with their integrated plans. However, if you look at some plans, you will find that some of them are much generalized in some areas. For example, when you talk about improvement of road structures or improvement in school enrolment, what does that improvement entail? How will we measure and determine, five years down the line, that there has been improvement?

She noted that the county sheet files give indicators for development across each of the 47 counties. They state where each county is at the moment. Those are the indicators that should be used over and over again. I remember when we had the breakfast meeting with the Vision 2030 personnel that these are some of the issues that we raised with them. We asked them specifically what their indicators were and their levels of measurability for some development agenda that they were putting across. For some development agendas, we could not get complete clear indicators. Without those clear indicators, it would be very difficult for us to move on. For example, even as reports are transmitted to county assemblies, on what basis will they evaluate the reports to see whether there have been achievements?

She pointed out that it had become very difficult to objective measure so that at the end of the day, we know that we were at point “A” and we have now moved to point “B” and we are expecting to move to point “C.” If we are not at point “C”, we should explain why we have not moved on as it was required.
She pointed out that the expectation that there would be output that is measurable has been captured at various areas even in the Constitution. Article 222 says that the national Legislations shall prescribe the structure of development plans and budgets of counties and come up with various legislations that are aimed at ensuring that the end product is objective.

She quoted article 222. Stating

(1) “If the Appropriation Act for a financial year has not been assented to, or is not likely to be assented to, by the beginning of that financial year, the National Assembly may authorize the withdrawal of money from the Consolidated Fund.

(2) Money withdrawn under clause (1) shall—

a) Be for the purpose of meeting expenditure necessary to carry on the services of the national government during that year until such time as the Appropriation Act is assented to;

b) Not exceed in total one-half of the amount included in the estimates of expenditure for that year that have been tabled in the National Assembly; and

c) Be included, under separate votes for the several services in respect of which they were withdrawn, in the Appropriation Act.”

She stated that this was with regard to the County Governments Act, the Public Finance and Management Act, Intergovernmental Relations Act and The County Government Act, among others. As I alluded, therefore, this is something that is already happening. The County Governments Act of 2012 stipulates that each county must have a County Integrated Development Plan (CIDP). Counties are meant to develop that plan. I have been looking at the papers in the last few months. Various counties have been placing advertisements in the newspapers calling for participation and for people to attend their various meetings so that they begin to input in the process. By law, this should guide the county budgeting, project funding, monitoring and evaluation so that there is clarity.

She noted that depending on the county and the expertise they can accrue within the county, different strategic plans or CIDPs will come up as a result. Those who can engage consultants who are good in areas of planning will come up with clear indicators and will, therefore, have objective plans that are measurable and which they can hold themselves accountable to. That is the key thing. Counties should hold themselves accountable to their plans and find a mechanism of making their plans public not only to members of the counties but also to members of the whole Republic.
She stated that at the end of the five years, one should use this as the basis for evaluation for specific counties vis-a-vis the challenges and difficulties. This will allow us to see to what extent they have achieved the key objectives they had set for themselves. Citizen participation is critical to devolution. Citizens will not engage if these county plans have not been made visible. We will discuss this as the Senate but one of the ways is to lay out the final integrated plan, put it in the newspaper or put it on the internet so that people can hold counties accountable.

She cautioned that with all that is happening and all the amount of money that has gone into counties with fears of misusing the funds and corruption in the counties, if we focus on the negatives, we will lose sight of all the positives that are meant to help counties to develop. If this is put into operation, if it is fully explained and initialized in every county, we will be emphasizing it now rather than later. We cannot wait for five years and then come up to say that these are the indicators that we should have used or what should have been done.

That will already be lost time. So, this is the time now that all the indicators have to be clearly explained. Experts have to talk about the measurability standards and agree about them so that when it comes to formulating the plans, we are clear about what is happening. We get interested in this because as the Senate, according to Article 98, we represent the counties and protect the interests of those counties.

She noted that if counties were successful, that was something that is directly related to them. How will we, as a Senate, evaluate the various reports and the targets that have been set if the indicators that have been set are not clearly stipulated.

She noted that the Motion reads that this responsibility has already been given to the Council of Governors. The mechanism is that they will come up with specific reports. However, the Senate needs to have an interest in what the Council of Governors is coming up with so that it can control and measure the final product within particular counties so that they monitor and see whether the benchmarking has been adhered to and added that various counties are working on that.

She stated that county plans will consist of various issues like medium term plans, priorities for county governors, specific goals and objectives, implementation plans, provisions of monitoring and evaluation within each of those specific counties.
She further quoted that the County Governments Act, again, Article 106(4) provides for citizen participation and I added that. It also goes on to say how the citizen participation can beenhanced through county budgets and economic forums, through county citizen engagement frameworks, county communication platform strategies and county civiceducation strategies that are very key for that process.

She noted that that was not an easy process and it was very involving. It involves trying as much as possible to engage the right people at the right time, in the right mood in the right mode so that they can bring to the fore their knowledge. This includes the involvement of our sister county governments, for instance, the County Government of Mombasa will not have concluded its strategic plan without input from Kwale and Kilifi counties.

She noted that the whole idea of bringing in stakeholders and having consultative workshops and bringing in professionals who can put everything into perspective and going through thorough situation analysis, for example, where the county is, what its merits and demerits are; looking at its Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis; and, how they can be applied within a specific county, is very crucial.

She further noted that more important and for the purposes of the Motion, they will ensure that the objectives and output are SMART. Whatever is seen as output should actually be Specific, Measurable, Achievable, Realistic and Time-bound (SMART). I think without being tough, putting adequate standards and being very specific about what is expected, we are just going to have outputs and development plans that are not really tying the loose ends and enabling us to measure the final output.

She pointed out that most of the plans also have aspects of monitoring and evaluation, but this is something that is also a variant. So, having a way of really being open and frank about the monitoring and evaluation framework that is put into operation was key. Various players have begun to already get interested in this.

She mentioned the Kenya county fact sheets from the Commission on Revenue Allocation, which was put out in June, 2013. There is some more work that has come up from the United States Agency for International Development (USAID) and KARA, trying to engage counties in terms of coming up with stringent and very clear development plans. Some of the indicators from the county files include health and education outcomes; how many people are fully immunized within the population, malaria burden, tuberculosis
cases, for example, within 1,000 years; HIV prevalence et cetera, as key or important indicators. But they must be broadened to be very specific and include everything that a county must include.

- She noted that looking at what is coming from the specific counties; we need to be able, again, to make sure that it is not very generalized. If it is about development, improvement, putting out staff houses and taking a certain number of children to school, let it be very specific, so that it is not general. At the end of the day, it is possible for people to come up and feel that the objects of the county had been attained and the level of practical engagement for the development and measurability within the counties has been enhanced. People can actually come and look at the product and evaluate what that product is all about.

**Date 10th September, 2013**
**Member of Senate: Sen. Dr. Elizabeth Ongoro**
**Contribution She Made On: Formulation, Mapping and Operationalization of Key Development Agenda For County Governments**

- She support the Motion by stating that it was an insightful Motion as it actually talks about our core function as the Senate and Senators. But having said that, it was true that the counties are now the main focus of devolution and, by extension now, development.

- She noted that for counties to achieve optimum levels of development and if the multilevel structures within these counties are to execute their respective different levels of functions effectively, then there is need--- If I may quote from the Motion, there was need to operationalize, with measurable indicators, key development agenda and deliverables for each term of the respective county governments.

- She noted that if we are not careful, what we are going to do, as a nation, is simply to avail a lot of funds in the hands of a few people at the county level, who without good structures and effective indicators of performances, cannot even evaluate their own performance. Without objectives and timeframes of performance, then as a nation, we might end up just enriching a few people at the expense of the many.

- She noted that the motion brought the whole idea of devolution and why did we, as a nation, decide to support a devolved system of governance? We did this because we felt that as a nation, some regions were being developed at the expense of other regions. So, with the 47 counties and county
governments and governors, we need to pass this Motion, to help them know their performance levels, objectives and have their own systems of accountability. It will also help these county governments to accelerate the development that was intended for the same counties.

- She noted that the passing that Motion would also help these relevant county governments to formulate relevant policies. Some policies are really not relevant for some counties. Even in the manner of implementation, if we pass this Motion, it will give the county governments away of coming up with effective implementation strategies that are tailor-made for respective counties.

- She noted that a policy might be very good. However, the manner in which it might be effectively implemented in Turkana County, for example, might not be the same strategy that would work for Nairobi County. So, that would help them to also have that. Lastly, the County Impact Analysis will help the county governments also to know the performance indicators from the different Government departments from the different levels and from their own systems so that even a county Governor might be able to know which department within his Government is underperforming and which head of department is not meeting his targets. By so doing, he might also get an opportunity to restructure his own system without being bundled out together with those who are underperforming within his county.

Date 10th September, 2013
Member of Senate: Sen. Naisula Lesuuda
Contribution She Made On: Formulation, Mapping and Operationalization of Key Development Agenda For County Governments

- She supported the Motion by stating that it was easy to rubbish this Motion because you may think that it is not tangible. Just as the speakers who have spoken before me, it is important to notice and to think about the phrase that has been said for a very long time, that when we fail to plan, we are definitely planning to fail. It is important that our governors, the executive committees, Members of the County Assembly (MCAs) and everyone who has been given authority at the county level do their part to make those counties work.

- She noted that they should critically think about planning and setting the foundation for the growth of our counties. Let me also state from the onset that as stated in the Motion, we need to have clear deliverables for each term of the respective county governments. After four years and a few months from
now, each county will be put on a weighing scale. We will be looking at which counties really delivered for the people.

➢ She stated that Kenyans have so much hope in the county governments. I think that is why they overwhelmingly supported the Constitution in 2010; so that they can see services get down to them. I must state that there will be no excuse even for the counties that have for a very long time been termed marginalized or minorities.

➢ She pointed out that the Senators they now have a chance to redeem themselves. If the governors at the county level and even we, Senators, who are the custodians of the county governments do not have a clear plan or vision for these counties, then definitely we are planning to fail. It will not be a good thing.

➢ She stated that the process by passing the budgets at the county levels. I do not know how much we interrogated those budgets because they have to reflect the needs of the people. As my colleagues said, as the county governments go on with their business, they have to have the interest of the people at heart. As they come up with these strategies, they have to think about the needs of the people. We have to think of what is very important for the people at a particular time; whether a road, an abattoir or a hospital. They have to critically take into account the wishes of the people.

➢ She added that the county governments cannot do this if we do not involve the public. I have seen many counties putting advertisements in the newspapers saying that they will be organizing forums to discuss various opportunities in our counties. I wonder whether a newspaper reaches a place like Baragoi. How many people in Baragoi read newspapers? Are we really thinking of using other communication mediums which will reach our people in the counties.

➢ She noted that it was important for the Senate the delivery of services to our people. It is just a matter of time for us to know which county is delivering services to its people. We will know which county is doing well and which one needs to put more effort in their delivery of services to their people. After the last general elections, counties were put on the same line. They started on the same footing. It is important that we put in place these benchmarks so that we get to know what our counties are doing.

➢ She pointed out that important for the Senate to interrogate the Acts that are there. Is the County Government Act, 2012 relevant? I know when this Act was being passed, we did not have operational counties. Maybe there are
some challenges that we did not foresee. Now that we have the counties in place, we need to interrogate these Acts and see which amendments need to be introduced so that we can give power and teeth to counties. When we say we need to plan, what are we basing it on and noted that those were issues they need to look at.

- She pointed out that it would also be important to interrogate whether the Council of Governors (CoGs) was the best suited organ to do those particular things or not. I am not sure whether they have the mandate or not. She pointed out that it was something that she was just discussing with Sen. Zani; that, probably, we might need to think about it and maybe the other speakers who will come after me will give their views on whether the CoGs is in a position to do so. It is not enough to just say "require all counties to formulate, map and operationalize---- Is the CoGs in a position to do so? I am not sure whether it is the job of a political caucus to take care of the interests of counties and governors. Are they really in a position to ensure that the plans of each county are put in place? This is something that we might want to look at.

- She pointed out that a number of governors had been talking about going to get funding for their counties to support development projects. This has to be done with caution so that governors do not just go out there and look for money when the Members of County Assembly (MCAs) and the people they represent have no idea about it. They must know where this money is coming from. Is it a loan or a grant? Who is going to pay it? We do not want see situations where counties will be overburdened with debts. All counties should formulate their own development agenda.

- She recommended they also disclose all this information to the members of the public. After five years, we do not want to see counties worse off than they were when they were established. Governors should not borrow money to develop their counties if they do not have plans for development. I am sure that as the foundation is being set, there are some of the things we need to address.

- She concluded that it was true history will judge the Senate and the leaders who have been given the responsibility to represent the people at the county government level. It was important for them to start thinking about the foundations they were laying for the county governments in terms of the laws that we are going to pass. As I said, we need to interrogate the Acts that relate to counties just to ensure that this agenda and also these deliverables are put in place. Let us remember that in a couple of years’ time, we will all
be looking back to see how far our counties have come in ensuring that they have uplifted the lives of the people.

Date 17th September, 2013
Member of Senate: Sen. Beatrice Elachi
Contribution She Made On: Formulation, Mapping and Operationalization of Key Development Agenda For County Governments

- She noted that issues concerning industrialization are given a lot of attention because the population of those who are unemployed is very high. I am worried because it was reported the other day that there is famine in Tanzania. In 2008 when there was famine there, the Tanzanians came and bought our grains. When this happened we ended up with serious levels of starvation.

- She stated that it was important for the various counties where grain is grown to ensure that the grain that is produced is not bought by other people. If this happens we might have a replication of what happened in 2008 where we had some serious levels of starvation.

- She also supported that motion by thanking the governors who had started their plans and had integrated them and added that these were the Governors of Bungoma and Kakamega. They have involved most of the leaders, including political leaders. This is a good thing. I know that we also have counties that have not done so. We hope they will do so soon.

- She stated that one cannot budget without a plan. You need a plan for you to budget. It has been very difficult for counties and that is why most of their budgets have a lot of errors. There should be understanding on how to budget for a bigger project and how to budget for a mid-term or short-term project.

- She noted that some project have ended up doing something like a Constituencies Development Fund (CDF) plan where you do a budget for classrooms, renovation of roads and so on. That is why we, as the Senate, are insisting that it is very important for counties to have a plan where they will give themselves a long-term strategic plan that will guide them in the next five years.

- She stated that as the Senate, it is our obligation to ensure that we receive reports from the governors. I know that some Members will come and amend the Motion so that we urge them that it is important to understand that every county has its unique way of doing things. Now that we have devolved
governments, we hope that they will embrace public participation within, so that people have a say and a stake in what is being planned. They should tell their governors what they feel is a priority; whether it is water or matters of agriculture.

- She pointed out that the governors must also understand that this is not just a way of doing things, but a time when we must appreciate the fact that the Constitution brings in public participation. As they come up with the plans, they must also subject them to public participation. They also have to work very closely with the county assemblies. This was because it is the county assemblies that enact law for the implementation of their plans. Therefore, this should not just be a plan for a governor, but a plan for the whole county.

- She pointed out that the county assembly had a say in terms of determining what they have prioritized and what should be done in the first and second years as they move on. When you look at the report from the National Budget Controller, you will see that it emphasizes on the need to have a plan for the county. Therefore, we, as a Senate, urge governors to give service to people. They were there as leaders who must listen to their people. Many a times, you will find governors who are the ones with the last say.

- She added that that was why they passed the new Constitution. It is because of what used to happen at the Executive level. They should know that the days of deciding and bringing issues to people are over. It is time to work together in harmony. It is time to ensure that as you map out those resources, the public is aware. They should put up a notice to show what they intend to do and each constituency must benefit. That is another thing that governors have forgotten.

- She pointed out that there was some marginalization in some constituencies in a county’s and therefore while planning leaders must ensure that each constituency benefits in whatever we are doing. Thedevlopment plans must take care of every group in the county. It is important for governors to show benchmarks when they are planning. I know that most of them have been crying about the poor state of their roads. However, very few of them have come up with plans that will take care of those roads in their various constituencies within their counties.

- She noted that even today, there were not audited what the constituency development fund was used for. They do not know whether it was being used to build classrooms and whether it is, probably, now time to buy desks. We find that the same classrooms that were built by a former Member of Parliament are now being built by the governor so that he can
please the county assembly and is not manipulated by the county assembly. The plans are, therefore, done in such a way as to repeat what had been done by the Members of Parliament.

- She pointed out that those plans would help, now that the CDF will go to constituencies. It is important for the National Assembly Members to sit down with governors, so that as they do the plans for their constituencies, they look at what the governor has done and integrate the projects. They should not overlap projects or fight over who did what and that they should not put different posts where one reads; “done by the governor” while another one reads; done by “CDF” which brings a lot of tension in the constituency or county with regard to the owner of the project.

- She concluded that as she supported, the plans will help the public to feel as if the tax they are paying is coming back to them and services are being offered in a way that can be seen. It is important for people to get good services.

Date 18th September, 2013  
Member of Senate: Sen. Janet Ong’era  
Contribution She Made On: Development of Policy Framework For Engagement of Police Reservists

- She pointed out that the issue of security was very important in our nation, especially at this moment in the history of our country when we are faced with security issues in almost every county adding that she was in Kisumu attending the ad hoc Committee meeting on harambee and as we were in the Committee, we regrettably learnt that one of our prominent citizens of Kisumu was just shot dead in broad daylight.

- She added that the issue that had been raised was very important and there was need for disciplined community policing. Policereservists are very important. They cannot be more important, especially now that we are talking about our counties and the need to empower them to keep security.

- She suggested that the police services be transferred from the national Government to the counties. There is no way our counties are going to be strong and maintain good security if the police services are not transferred from the national Government. She noted that this can only be done if these matters were left to the National Police Commission. They are the only body or Commission that can look at this matter in a critical manner without any bias.
There is no way the police can regulate themselves. So, we should not leave it to the Inspector-General to deal with these issues.

- She added that the police reservists for a very long time in this country have been ignored. As many Senators have said, they have never been taken care of. For example, in Trans Nzoia County, I have seen several of them carrying guns and walking bare foot. That state is very deplorable. It really concerns me how they are taken care of in this country. This Motion will go a long way in supporting them so that we can ensure that there is a proper framework on how they are trained, engaged and their terms of remuneration are properly set. I urge that everybody supports this Motion so that we can have a disciplined group of people who are actually given possession of guns to handle our security.

- She noted that as it was currently, many of our community policing is just in the hands of a ragtag band of young men who have no sense of discipline and who have not been trained to even handle security issues. Because of this, often you will find that community policing in many of our counties is not properly done. I would like to emphasize that there is need now, more than ever before, in this country to deploy police services to the county governments.

**Date 18th September, 2013**

**Member of Senate: Sen. Fatuma Dullo**

**Contribution She Made On: Development of Policy Framework For Engagement of Police Reservists**

- She supported the Motion by stating that it was really important for some of the Senate Members who came from the areas where police reservists are supplementing the police work. They were really doing a good job but added that the way the police reservists were actually appointed was very wrong because these people are just handpicked by Government security; either the District Commissioner or maybe by the influence of politicians who are on the right side. This is very wrong because we really need people who are qualified to do the job that they have been appointed to perform.

- She also noted that the issuance of firearms was done in a crooked manner. I must say that sometimes there are even people who are corrupting Government agencies in order to be given those firearms; it is happening. So, it was important to formalize the appointment and also the issuance of these firearms.
She pointed out that the training that had been mentioned by my colleagues. We really need to train these people because the only thing they are actually able to do is to lodge the bullets and to fire the guns. That is not enough in itself. A firearm is not something that can just be used like a toy; it is something that is dangerous and it can be used against people. So, I think it is really important for us to train these people before they are given the firearms. We must have a formal way of appointing them.

She pointed out that the firearms which were used by the KPRs were really misused because there was no structure in terms of monitoring their use. People are just within villages, nobody knows what they are doing on a daily basis. This is a very dangerous weapon. You will find that these are people who were unemployed or jobless. Sometimes, they will end up misusing these firearms.

She gave the example of Moyale where she stated there was chaos in the past year between the Gabra and the Borana and added that the Gabra and Borana reservists turning against each other and killing each other. If you go back in history, you will find out that one of them was actually killed by the other reservist. Nobody even bothered to find out why these people were using these firearms against each other adding that the misuse of those firearms exists.

She stated that it was really important for the government to remunerate these guys because they were jobless adding that one cannot expect them to keep security when they know very well they were hungry and they have to look for ways of actually taking care of themselves.

She noted that there were several structures in place that had been created in terms of security. However, most of them are actually not formalized. For example, the District Peace Committees (DPCs); These are really people who are important in terms of ensuring that there is security in our country. So, there are structures in place that we have created. However, we are unable to empower those structures that we have created so that, as a Government, we ensure that we have security in our country. It is not good to have police officers or Administration Police (AP) officers when security issues are not harmonized in this country. Everybody is doing their own things in different directions. We need to have proper control of security in our country and also in our counties at large.
Date 18th September, 2013
Member of Senate: Sen. Beatrice Elachi
Contribution She Made On: Development of Policy Framework For Engagement of Police Reservists

- She supported the Motion by stating that looking at the history not only of the police reservists but the whole of the police fraternity. We have gone through a lot in this country and as the Senate, we need to ask ourselves whether we want to continue playing the games of politics with the security of this country or we want to be sober enough and look at the issue knowing that we need to address it since it affects us so seriously.

- She cautioned the members from politicizing the issue but rather to ask themselves questions about their morals and added that that was where this is where we have completely lost it in this country. When you look at the morals of every person in this country, even me, then we need to question ourselves. When you look at young people throwing a burning tires to a policeman and nobody talks about it, when you find a politician who goes and beats up a policewoman and we cannot talk about it but we are talking about slaps...it is seriously an issue over which we need to question ourselves.

- She pointed out that we need to ask ourselves where we lost it. Where did we lose it? When I was a young girl, elders would know if there is a young man coming up to terrorize the community. He would be disciplined. This ensured that the security of the community was taken care of. Today, even in Nairobi, we do not know our neighbors. That is why we end up living with some people who come and rape our own daughters or sodomize our young boys. This is something that we need to start questioning.

- She pointed out that when you talked about a reservist, during the days she served in the Civil Service, this would mean an mzee who has volunteered to take care of the security of his community. He would put on his akala shoes and walk many kilometers to ensure the security of children in that community. Today, all we do is have a blame game. We are playing with lives that we end up losing. No one is coming out to account for those lives. You are a leader and you have been given the power by your people to be their leader. They know that you can protect. However, you come here, engage in politics, laugh and go home. This is because we have bodyguards. Some of us laugh and probably we do not take care of those bodyguards. Probably the children of our bodyguards do not go to school but we want them to protect us. They cannot have food in our houses but we want them to protect us.
She stated that to start this change ourselves and added that let us not bring in the issue of land because no person from the Coast has come to tell the Senate that the title deeds that the President gave out were for particular people or to the people of bara. Let us not do that now. Let us respect that. They have cried for the title deeds for 50 years. For the first time in their lives, they have them. What we should be doing, as leaders, is to caution those who have the title deeds against selling their parcels of land. They should keep them and use them to build their economies. That is one thing that the Senate needs to protect if we are, indeed, there to protect.

She stated that there was where the issue of reservists comes in and those days, we used the homeguards that were available. Today, we have fought the structure of the chiefs. I remember that when we were redoing the Constitution, women came out crying that the chief is the only person whom they can run to when their husbands battle them or when their neighbors decide – this is common in our place in western – to dig their shambas. The only place you can run to is to the chief. We need to ask ourselves, if the structures worked at that time, how will we help county governments to restructure a better way to identify those that they know in their communities to take care of them?

She stated that there used to be a policy, during those days of recruitments, where a percentage of the recruits would come from each area. A percentage of these recruits would be sent to their home areas because they knew their areas very well. We need to ask ourselves whether we need to go back to that policy. If we are not careful, very soon, even those of us who think we are so protected, the youth will come for us.

She pointed out that recently, in Siaya, they saw young people walking towards a home of one of the residents at 10.00 p.m. They burnt the home, a young man, his vehicle and nobody has ever talked about it to know what the issue was and why they had such a heart while others were pleading with them. It was not common in the African culture to see people being killed when they have already pleaded not to be killed. We need to ask ourselves what is wrong with the society today. What is wrong with us? Have we completely become like the Western world where you do not care about your neighbor? That was not part of the African culture. We cared very much; we cared about a neighbor’s child and felt bad when they could not go to school while our children went. However, today, when I have the resources, I just look at my neighbors and do not care.
Date 18th September, 2013
Member of Senate: Sen. Dr. Agnes Zani
Contribution She Made On: Development of Policy Framework For Engagement of Police Reservists

- She pointed out that the issue of land had come up and I will not begin this discussion without touching on it. We are relying a lot on media reports. I was in most of the rallies that were conducted and we had leaders' meetings. It was very clear, in the Coast, if you listened to Governor Amazon Kingispeaking while in Kilifi and even to Mvuria speaking in Kwale - they were very categorical - that the National Land Commission needs to be put in the picture.

- She noted that Indeed, the problem of land at the Coast and the insecurity that comes with it is, first of all, historical. There were historical injustices and there needs to be a very structured and set format in terms of approaching it. What happened when the President visited the Coast was an intermediary measure. We were informed, at that time that the titles had already been processed. So, it was not as though the Coast embraced those titles without questioning and without categorically insisting that the National Land Commission has to be put in the picture so that they handle the problem in a systematic way. If we do not do that, we will remain with the problems of insecurity which even the security personnel cannot deal with.

- She noted that they were talking about the National Police Service (NPS) and the National Police Reservists. When we talk about the NPS and the security problems that they have to deal with; ranging from land related issues, security issues because of lack of jobs, behavioral and moral issues that Sen. Elachi has talked about.

- She pointed out that we are talking about security because of modernity or being in urban areas. This poses a big challenge in terms of security. We know that the security forces have not been effective and their capacity has not been enhanced. We are all aware that their levels of remuneration are very low. In fact, I think that most people who end up at the police service end up there because they have no other option. The level of motivation is very low. What do you do when you give people guns and potential to engage in criminal acts without necessarily giving them the discipline they require?

- She noted that when talking about reservists, we should remember that previously, these people had to source recommendations from a chief. A chief had to know this person. The chief needed to know that the person knew
what the community problems were. Therefore, they were recruited for that reason. About 80 per cent of the Arid and Semi-Arid Lands (ASAL) is where the reservists operate from. These are the areas where the security offered by the NPS is very low. Therefore, right from the outset, it serves a specific need which is very critical.

- She also noted that that had not been managed well adding that it was interesting that under the law and the policy of the Kenya Police Reservists (KPRs), the new National Police Service Act, 2011, stipulates their role and gives effect to the Constitution of Kenya 2010 by noting that KPRs may be deployed to assist the KPS or the Administrative Police in their respective mandates which are maintaining law and order, preservation of peace, protection of life and property, prevention and detection of crime, apprehension of offenders and enforcement of all those regulations of which the Service is charged.

- She stated that they were given such huge responsibilities but the casual manner in which we handle them is shocking. This is an ordinance that came into being in 1948, long before we became independent. So, how we have systematically managed to forget the reservists was really surprising. The KPRs in Loima are referring to themselves as askari wadeni or security officers on credit because they are not paid for the services they render. Sometimes, they abbreviate the letters KPR as Kufa Pamojana Raia because they operate on their own.

- She noted that the KPR do not have any support system and even the Act that brought them into effect has been forgotten. How do we have a security quagmire when we have people who are being given guns without proper identification or proper systems of knowing who they are? In the law, anybody who is a reservist should have an identity. Indeed, any security officer must have an identity. The identity that KPRs have is their guns. That is their first identity and then their national identity cards. They do not necessarily have security personnel officers’ identification that is required.

- She stated that uniforms were very important. That is why we have students in primary and secondary schools wearing uniform. The uniforms give a sense of identity. We have reservists with no uniforms and guns and some that have been put in place without proper mechanisms and that creates a quagmire in terms of the role they are supposed to play in the society. The first bit because of their interaction is that they have a lot of knowledge that we should take advantage of. Over time, we should use this to our advantage.
She noted that these were the people who were known in the community. They know what their expectations are; they understand what the problems are in Laikipia, Narok, Turkana and other problems like those of pastoralism. It has been difficult for security personnel to monitor who they are because of their levels of migration. They keep on moving from one place to another. However, not enough effort has been made to have any form of record. The numbers are high. Conservative estimates keep it at 16,500 police reservists. I think it is much higher. The Rift Valley could have over 9,000 police reservists; eastern, 5,000 and above, northeastern, over 5,000 and above and coastal counties, over 3,000 and above. Firearms have been misused and it is known.

She reiterated that these actions had been stated. Indeed, in 2017, about 170 reservists in Moyale were disbanded because of hiring their arms to criminals. The issue of misuse of firearms has been discussed, poor training and supervision, lack of operational policy and governance, formal compensation mechanisms which means that we let them find their ways of surviving one way or another, lack of control in terms of recruitment, lack of record keeping and lack of operational mandate which has made their role to be politicized. In the build up to the referendum or to any rally, they have moved and shifted their roles from livestock security to providing private security and being in political rallies; tasks that they have not been necessarily trained for. Sometimes, they have been hired for political agendas to protect certain Members.

She noted that they were open to do anything at any time. The implication of small arms is that it causes a lot of ripples. The proliferation of small arms has increased very much. It will be very dangerous when everybody feels that they need to be armed so as to protect themselves. That is what insecurity does. Over time, when you feel as if the system is not looking into your problems and helping you to solve them, you take it upon yourself and that is what may be happening. The control of proliferation of small arms has not been well done by the Government because these KPRs are hiding this equipment.

She stated that we already have a resource. All we need to do is to think about nurturing the resource, looking at the policy and recognizing the important role that police reservists have played over time. Once that is in place, we should come up with a policy that will streamline their engagements, training and remuneration. Once we do this, compensation will be very easy. I think this is a task that the Senate needs to be devoted to.
Member of Senate: Sen. Naisula Lesuuda
Contribution She Made On: Development of Policy Framework For Engagement of Police Reservists

- She supported the Motion stating that the interest that it was generating, it is, definitely, a matter that touches on all of us, regardless of where we come from in this country. She stated that they would like to see is a situation where the security of every citizen in this country is squarely on the State. take care of the people and we should not see women carrying guns in Turkana.

- She cautioned that there should not have a situation where civilians own guns and look for ammunition in order to take care of their security. But the unfortunate thing is that, that is not the ideal situation. We have a reality where in various parts of the country, especially in the north, security has been a major issue. We were born when these issues were being discussed and they were still being discussed.

- She called for the police reservists because they know the terrain of these areas. First, there are no roads there and so, even if you send ten vehicles there, the criminals will just run into bushes. I think that the young people in these areas understand the terrain. Secondly, they also know the early warning signs.

- She stated they always have their own ways of knowing the early warning signs, which our security apparatus are not able to know. They are also on the ground and so, can easily follow up. They actually even sometimes call and ask us what to do next. Since we do not want revenge, sometimes we tell them to wait for the security apparatus to follow the culprits.

- She pointed out that we had just witnessed our mother, brother and sister being shot dead and stated that Kenyans are looking up to us, as leaders. What do we do to ensure that the security of all Kenyans, regardless of where they are, is taken care of adding taken 50 years and we are discussing the same thing, who was benefitting.

- Maybe there were Kenyans who are benefiting from the death of people in this country. As the Senate, we want to know why after 50 years, we are still talking about the security of Kenyans in different parts of this country. We want to know whether it is a business or there are people who are benefiting from this, so that we can then become real.
She stated that Inspector General (IG) and this Senate has received so many petitions. That is why it would be unfortunate if this ends as a Motion and nothing is done to finally look into these issues. But, of course, we have to agree that it has to be done in a systematic way. These reservists have to be disciplined and all the issues that have been discussed here have to be worked on.

She pointed out that there were new threats in the counties right now. Now that we have moved to the counties, jobs are now there. The administrators are now in the counties and that is the next source of threat. In Mandera and other places now, people are asking about distribution of resources including the jobs and what the Constitution has brought in place. So, it is about time we sat down and thought about the threats that are there even in our counties and how to deal with them. There is the issue of whether or not we should leave this to the county governments.

She also pointed that there are various counties right now which are trying to put in place what we are discussing here. So, it is better if we discuss it in a certain framework to ensure that there are policies in place, because there are certain counties which were already thinking about it. If we are not careful, the KPRs may end being the foot soldiers of the governor there, who will just be protecting the interests of that community. We would rather look at it very fast and not wait for something to happen in some of the counties and then we adjourn other business here to discuss security issues.

Date 18th September, 2013
Member of Senate: Sen. Joy Gwendo
Contribution She Made On: Development of Policy Framework For Engagement of Police Reservists

She supported the motion by stating that it reminded them about the KPRs with regard to bringing security in our villages, towns' counties. This Motion addresses three points; their engagements, training and remuneration. I will start by talking about their engagement.

She pointed out that the government has neglected police reservists, we do not engage them enough or train them but we give them guns adding that we should take time to ensure that police reservists are trained about the guns that we give them; we involve them in issues and empower them. As much as they take care of people, they are part of the problem and the solution as well. They should be engaged well since they are the ones on the ground.
She stated that some of them knew who the cattle rustlers were and therefore they should be trained on how well to use guns and ensure that there is security in our villages. When we talk about remuneration, we know what money does to us. It motivates us. We know that money motivates us and helps us do our work well and to protect the people back home.

She further supported the Motion by stating that if communities are not well protected, whom will we have to lead? If people keep on dying and others getting hurt, we will not be trustworthy. People back home will not trust us. We must ensure that these people are well trained, empowered and engaged well. They are the people on the ground and know who the thugs are. Some of them even sell their uniform and become part of the gangs. However, if we empower them and make them part of the solution, such things will not take place. If we must remain safe and free, an organized KPR and KPS is the answer to our security.

She noted that the Kiganjo Police Training College. We should expand this college and have our KPR officers trained there. We should motivate them, make them feel appreciated and make them part of our security plan the way we want it.

Date 25th September, 2013
Member of Senate: Sen. Catherine Mukite
Contribution She Made On: Connection of All County Headquarters To The National Fibre Optic Network

She supported the motion by stating that it was very progressive and added one of the points was very significant was the fact that the fibre optic cable can be connected to hospitals so that you can have someone in Turkana operated from Nairobi through video conferencing. This is an important thing because not all counties have hospitals like Aga Khan or Nairobi Hospital.

She further stated that the connectivity of this fibre cables to the counties will be very good because it is efficient and transactions can be fast-tracked through networks. If the Senate is linked to this network, we can know what is happening. During our visits to the counties, we found out that in most counties, their revenues are going down. Therefore, without a system in place, the Controller of Budget will not know what is happening in that particular county. If we are connected to the fibre cable and if the system is working, then they will know what is happening in a certain county. They will take remedial measure to stop the malpractice.
She further stated that the system will link up the counties and create jobs. We have educated our children in ICT, but most of them are jobless. They cannot all come to Nairobi. But if we can link the rural areas, we will involve these children and make sure that they have jobs. After all, this is a digital government. I am sure implementing this will not be a problem because we already have the fibre optic cables in existence. So, it is only a matter of connectivity.

She called upon the national government to be more committed so that we can take off with this system because we are lagging behind. The rate of absorption of revenue by counties is slow because the IFMIS is not working. So, if we connect this network, we will move forward. This is a modern society. We are living in a globally integrated economy where everybody is connected. So, why would we leave our counties behind?

Date 25th September, 2013
Member of Senate: Sen. Dr. Agnes Zani
Contribution She Made On: Connection Of All County Headquarters To The National Fibre Optic Network

She supported the motion by stating that there was a need to ensure that, in counties and the nation as a whole, appropriate development is enhanced. Most counties have their goals. We have goals at the national Government level. We also have various players both at the counties and at the national level. However, the level of communication and coordination within the county, among counties and between counties and the national Government can be enhanced if we enhance the use of ICT.

She pointed out that in fact, it would have been impossible to think about the level of order, efficiency and networking without this level of technology. I support this Motion that, indeed, a fibre optic national network needed to have been done like yesterday so that counties are networked and to communicate effectively. There are various levels of systems that can be put into place including general ledger systems. This may not be very technical and may have more to do with the financial aspect input and output.

However, with regard to issues such as budgeting and collection of revenues, we have seen what has happened in the counties. The items in those budgets were an item of discussion in this Senate for a long time. Such a system would disseminate a model budget to assist the counties. We can also communicate with the counties. Right from the word go, the counties should have a model budget that has already been passed to them, at least, with certain key
itemsthat should not be missed and with some level of cooperation and
coordination so that they know how the items will be enhanced.

- She further stated that the other key area is human resources, preparation of
  payrolls and preparing in advance. Many counties have suffered while trying to
  identify who the human resources persons are in those counties. They do not
  know the actual workers. Counties like Nairobi and Mombasa have engaged in
  actual audit to understand who the human resources are and how much they
  should be paid. If we had such a system in place, we would just enhance the
  work. We would only need a template to know who is working in
  those counties, how much is accrued to them and when payment should be
  made. That would make it very easy.

- She noted that the Motion was the fact the execution speed of simple
  process and procedures that normally take a long time to be done will be
  limited. Therefore, counties will now have a more focused agenda rather than
  getting caught up in terms of the processes that help them achieve their
  goals. This will also enhance transparency in information. Just to put a
  highlight note, we have, as a country, to be prepared for that.

- She pointed out that that was where elements of corruption that may
  motivate people to be against such systems - transparency in information may
  not be good for them. At the end of the day, other people will know what the
  corrupt individuals are doing. So, transparency in the information system really
  helps all players to understand and know what is going on. The beauty of it
  also, depending on how it is done, is that it is in real time. So, if it is
  accounting or budgeting, it is all done in real time and everybody reads from
  the same figures and understands them in the same way.

- She noted that it will be very critical to have common standards, rules and
  procedure for operating such Information Technology (IT) systems. It would
  be very critical to ensure that they are enhanced to the best capacity. We
  have challenges that have been mentioned, especially institutional challenges.
  There needs to be a clear objective for those organizations to know what they
  want to use the Information Communication Technology (ICT) for. There also
  has to be clear project designs, specifically where ICT will be applied to
  enhance those designs at the end of the day.

- She noted that the people coming up with those designs should know what it
  is that they are doing and that they should be able, in the long-term, to have
  clear objectives for those designs, which they can then articulate and put in
  the system effectively, to ensure that the system works well for the goals that
  are required for that.
She reiterated that training would really open up the space especially of the youth who, as was earlier mentioned, are a step ahead of us, the older generation. So, with the right capacity building for them, levels of education and outlook for technology, which has already begun in primary schools and indeed, been mentioned, it needs to be extended, so that we are not just focusing on the laptop project for only specific people. We should really begin to open up the space, so that any young Kenyan, at the press of a button, will know how to use ICT and effectively communicate and contribute to the development of this country.

She stressed the fact that one of the things that we will need is a real commitment. The implementation of this Motion will have financial implications and so, we need to have a real commitment and understanding of the necessity of such technology and its implementation. We need to have the appropriate levels of readiness, and that is what we are preparing. We also need to have clear project designs and the financial resources that are put aside for that. We also need to have a very clear legal framework under which such systems will operate, so that there is no way there will be disagreement between the various sectors.

She noted that there was a need to find out and make sure that there were clear acquisition systems for the technology that is going to be put in place. I think that one of the beauties of such systems is that it will make it possible for quick decision making to be done at the various levels. The level of networking between counties also will enhance, in the age of devolution, time within which counties are able to share information quickly and gauge where they are meant to be.

She pointed out that they had just come from county visits in the ad hoc Committee on Agriculture, Land and Natural Resources. We had a chance to visit Machakos, Kajiado and Narok. For example, they were impressed in Machakos County by the level of ICT that they have used and projection in terms of what they want to attain as a county. Even as we went to the other counties, we thought that this is a model that can actually be shared across the counties.

She added this is because in the Inter-governmental Act one of the important things is also that counties are able to advise and help each other reach the levels of development that they have already attained. So, I think that, that was one example of integration of information and technology within the planning of the county that came through ass something that had been well-
thought-out. It was something that was very informative for the county and for people to know what was happening.

- She pointed out that as we have alluded to before, the issue of participation will be enhanced. This is because, really, at a click of a button, you are able to know the plans for specific counties, what the interjections points might be and where opportunities really exist within the counties. This is one thing that we have been trying to battle with all the time; talking about how people are going to really be able to participate fully. Not everybody can be there physically, but through ICT, it is going to be possible for people, even those who are in the diaspora, to really make a very meaningful contribution to what is happening to this country. Therefore, I think that there is real transformation; moving on from where we have been historically to the present and using the available technology. I think that we have a chance.

**Date 25th September, 2013**
**Member of Senate: Sen. Liza Chelule**
**Contribution She Made On: Connection Of All County Headquarters To The National Fibre Optic Network**

- She supported the motion by stating that the fibre optic project was initially meant for rural areas because I know some people were trained five years ago on the fibre optic project. It was meant to connect the rural areas to the urban areas. Therefore, as much as I would want to support the Motion, I would also like to request the Mover to move from county headquarters to the village.
- She pointed out that the move to decentralize the optic cable would promote e-services between the citizens of this country and their leadership and added that the Mover of the Motion had talked about connecting the county headquarters, to her, this should be obvious. They should be connected. What I am crying for is the majority who are at the community level.

**Date 25th September, 2013**
**Member of Senate: Sen. Daisy Kanainza**
**Contribution She Made On: Connection Of All County Headquarters To The National Fibre Optic Network**

- She supported the motion by stating that the young people had always been used as a statistical group not only in Kenya but in other countries and through Information Communication and Technology (ICT), we are going to open up opportunities for them to get employment.
- She pointed out that looking at examples of countries like Malaysia and Singapore, they have succeeded because of such a system. We are saying that the youths should be given an opportunity and, maybe, be put in charge
of this network. We can only achieve this by promoting the best principles. For me, I have tried to outline a number of them and I will be able to share with you.

- She stated that the first is promoting youth entrepreneurship by trying to make sure that the young people are able to generate income. When we talk about selling our goods and services through ICT, they will look at the market and even compare the prices for their goods. I can give an example of where I come from, Lugari Constituency, in a ward called Luandeti. They are able to produce tomatoes and onions but they sell them at a lower price at the roadside because we do not have ICT kiosks that they can use to market their goods and services.

- She further stated that the second is promoting public-private partnership. This can only be done by accessibility of internet which is not limited to those people who only understand English. Third is targeting the vulnerable groups of the young people. This can only be done by networking and that is why we advocate for development of ICT not only in the cities or counties but also in the villages. Last is by bridging the gap between the digital economy and the informal sector. Actually, we know that the Government is able to do this and it is going to achieve this to bring development in our country.
MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33

Date 10th September 2013
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: Terrorist Attack on Westgate Mall

- She gave her heartfelt condolences to the bereaved families, those who are in hospital and those who are traumatized. It was a sad and dark weekend for Kenya. I am equally affected because my niece was there. However, by the grace of God, she was saved. She is still going through serious trauma.

- She stated that terrorism was ugly and bad. We have not seen anywhere in the world where children and women are killed. I speak as a mother. Let women go through the pain of childbirth, but not the pain of terrorism through the killings of innocent people. What has happened to this country is, indeed, very sad. I condemn it in the strongest manner possible. This should not happen to a country like ours.

- She commended the many Kenyans who came out to volunteer their services. Women from the Asian community were at hand to feed the doctors who came out to give services. This is commendable and further commended the mediaby stating that that Kenya was one country and one people. Indeed, this problem has brought us together as one. This is how we would like it to be in this country.

- She pointed that it was only unfortunate that we tend to forget. When things happen to us, we put into place strict security measures, but it is short-lived. I am even very concerned here in this Kenyatta International Convention Centre (KICC) Building. I would like to appeal that the security in this building be intensified because it is a target. Therefore, the security officers should not relax. Sometimes you find people in your office and you do not even know how they camethere because there is nobody who checks them. Therefore, security should be intensified.

- She stated that the forces tried but questioned why they had to wait until it is late and added that Sen. Sonko cautioned them, but no action was taken. The people who were eating at the Artcaffe on Friday saw people going up and down. This was reported, but no action was taken. Why do we have to wait until we lose people in this manner? As I join the rest in mourning the innocent Kenyans, I think that we need to be very alert as a country.
Date 10th September 2013
Member of Parliament: Sen. Mshenga Mvita
Contribution She Made On: Terrorist Attack on Westgate Mall

- She pointed out that the flag represents a living organ and a living country. It is also called a living thing. In this country, we normally regard the flag as a living thing. You have seen the number of lives which have been lost. These are Kenyans who were innocent just doing their daily duties. Our flag still stands high. I do not know if I am the only one making that observation. Kindly, can we also mourn the way the other countries are mourning with us?

- She questioned why we could we fly our flags at half-mast so that we can all be mourning? Once the flags are at half mast, then even the schools can observe a minute of silence in respect to the dead and added that when a president dies in this country, the flag is going to fly half-mast for one month. When a deputy president dies, the flag is going to fly at half-mast for ten days, if I am not wrong. If the Chief Justice (CJ) of this country dies, the flag will also fly at half-mast for ten days. She suggested flying the flags at half-mast when after such a tragedy.

Date 10th September 2013
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Terrorist Attack on Westgate Mall

- She gave her condolences for the families and friends of the people who had lost their lives at the Westgate attack and added that it was, indeed, sad that some of them had lost their lives and some were terribly hurt. When they start spraying bullets at innocent children--- There is a child who was lost because she had lost both parents and had to be helped by a soldier who now became a daddy to a child he had never seen just because some people have lost it.

- She stated that they had indeed lost it because they do not know how to live in this world. They do not want to live in harmony with their fellow human beings causing us unnecessary and untold embarrassment and suffering by killing our visitors, killing us. Westgate is a place where we take our children all the time. They celebrate their birthday parties there and so on. So, it could have been any of us.

- She pointed out that at the safety of the KICC. It is time we learnt serious lessons from this incident. We should tighten our security because we do not know whether we can go back. We do not know whether there is a bomb beneath our seats. Our Government and the security personnel should learn a lesson and take advantage of this incident and, probably, search the entire
building to ensure that everywhere is safe and then tighten security. We should also look at our neighborhoods. There are neighbors who just move in lock themselves up and people do not know what they are doing. We must interrogate them and be each other’s keepers to ensure that our lives are safe.

- She appreciated the leaders for the political leadership; His Excellency the President, the former Prime Minister and the Senate Minority Leader for coming up together in solidarity to fight this heinous act of terrorism. I urge them to continue fighting a worse monster; that was, corruption. It is clear that all this is happening because of corruption. We have heard these tales in various capacities. As a lawyer when dealing with an election petition, often we hear that people come from Somalia, get identity cards and vote in this country.

- She added that we should keep our borders safe and ensure that our lives are safe. These people are taking us back. When we forge ahead in development activities, we end up going back to think about our security. We divert resources and our economy becomes weaker at a time when Kenyans going through a lot.

Date 10th September 2013
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Terrorist Attack on Westgate Mall

- She condemned the act of cowardice that was taken by a few, who were looking to disintegrate this country. At the same time, I would want to give my heartfelt condolences to everyone who lost someone in that heinous act, including His Excellency the President and our colleague, Sen. Beth Mugo, who were directly affected. At the same time, I want to also condole with those who are not sure even where their kin are, because we still have many of those cases. I want to also empathize with those that are in hospitals and pray that they get quick recovery.

- She wanted also to empathize with the hostages that were freed from Saturday up to today, knowing that this trauma will not go away in one day. Some will be affected for a very long time. We condemn in the strongest terms possible this act. As a woman, even to hear that there is a possibility that there was a woman terrorist, I really want to register my utmost disgust at that, because women do not take lives.

- She pointed out that women bring life to this world and nurture it. I really hope that is not true. I want to quote a tweet that was doing the rounds
yesterday, on a light note. An Army officer was asked: “Would you forgive a terrorist?” The Army officer replied: “Well, God forgives. What we do is to arrange their meeting.” Really it can only be that, because these are not people that we need to even talk about human rights.

- She also appreciated the Kenyan people, starting with the leadership of this country. Before I came to this House, I went to Uhuru Park in the early afternoon and the queues of people lining up even now to donate blood were amazing. You will find a group of artists trying to entertain these donors an another person comes with water to give the people singing to the donors who are giving blood, and the chain continues.

- She further pointed out that there was something that the terrorists have failed in, it was dividing this country. It is not about being Muslim or Christian. They have failed in dividing this country into tribal lines and that has been demonstrated in this House. It is not about being a Somali or Kikuyu. We have had known terrorists carrying the name Onyango and Gitonga. It is not anything to do with tribe. One of the first persons at the scene was the son of the Senator for Garissa, Sen. Haji.

- She pointed out that he was one of the people who rescued the first victims of that blast and he is a Somali. Somali or Islam does not equal terrorism. I want us to really get that out to the country. Since the terrorists have failed, it cannot take the politicians to take Kenyans back there. We cannot be the ones to take the county back there. That feeling that makes me proud to be a Kenyan, as we celebrate this Jubilee year must be nurtured by everyone in this House, other leadership position and even as Kenyans on the streets.

- She pointed out that when one looked at that child who was running, that video keeps on tormenting most of us, she is like our own. You do not see an Asian, Somali or Kikuyu. You see a Kenyan or even if it is not a Kenyan from your county, a human being. That is the basis of having a conscience. There is a saying in Somali that if you have been shot with two arrows, one on your buttock and another one in your eye, you first remove the one on your buttock, so that you can sit down and remove the one in your eye very carefully. I think that this time, it is about removing the one on our buttocks. We should sit down and condole with the country and then, evaluate what we need to do as a country.
PERSONAL STATEMENT

Date 25th September 2013

Member of Parliament: Sen. Beth Mugo

Contribution She Made On: Thanks To The Senate For Supporting Victims Of The Terrorist Attack At Westgate Mall

- She thanked everyone very much from the bottom of her heart and on behalf of my family, my sister Catherine and other Kenyans who have gone through this terrible thing. We were with you yesterday and received your contributions and condolences for all of us who were unlucky to be part of the families that suffered loss. It is very hard to explain how, not only what my family but all the other 60 something families who were caught up in the tragedy, feel. I also thank the Government and our security forces because they moved fast and saved some lives.

- She noted that on that fateful Saturday, her nephew, her sister’s only child, came to my home to have breakfast with us. He brought along his girlfriend and his mother. They wanted to inform us that he has proposed to her. He told us when we would be going to see the parents of the girl. He told us that the father of the girl had allowed him to marry her. His words were; “Rosemary’s dad gave me Rosemary.”

- She further stated that until 10.30 am, we were still together but shortly after that, they left. They were very happy throughout. We prayed together and thanked God. It was barely an hour later when they met the tragedy. I think death beckons because they were supposed to go to the Village Market but they ended up at the Westgate Mall. The rest is history.

- She pointed out that the whole day we expected them, like everyone else. We looked at the screens to see whether we would see a glimpse of them. We were not lucky and at about 8.00 p.m., in the night, we knew that they had been felled by the bullet. My own granddaughters, two of them were also there. Two of my granddaughters were also there. In fact, they are the ones who confirmed that the cousins were there and were among the first ones who were rescued after about three or four hours.

- She further stated that the other niece, the daughter of one of her other sister, who was a professor at the Jomo Kenyatta University of Agriculture and Technology (JKUAT), Anne Muigai, was hit by three bullets through the head and stomach. She is at the Aga Khan and this morning she was having another operation to remove the bullet. She is out of danger.
She noted that Christina Pratt, the President’s sister was also there and there were many members of the family. But, at least, we thank God that some of them escaped and were saved. But, unfortunately, we lost the one who is the only child to the mother. God found it fit to take him. Catherine was an Ambassador to Ireland and is doing well. She has taken heart.

She stated that some of you, including Sen. Kagwe, had really strengthened her. But I want to ask you to continue praying for us and the family, especially for the one who is still in hospital, so that she can come out well. Also pray for all the other Kenyans who were caught in this incident, because they are very many.

She took the opportunity also to console them and send our condolences to them. We thank His Excellency the President and the Government because a lot of work has been done to even secure the mall and the country. These are international terrorists and not just the ones based in Mogadishu. I think that we all need to be vigilant. I also ask that our borders should be secured. How could these people bring in all these arms? I think that we need to look at our security system, especially on our borders. With all these refugees and porous borders, it is a tall order, but I think that Kenya is a great country.

She stated that for a country like ours to be able to withstand international terrorism with our small resources, when we know that they have hit even the Pentagon, the most guarded building maybe on this earth, is commendable. We should praise God for what he has done for us. We are having prayers at St. Andrews today and tomorrow, but we have been holding prayers at home. We will lay my nephew to rest on Friday.