MAY 2016 KEWOPA MEMBERS HANSARD [SENATE]

CHAIRS

Date: 31st May 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

COMMITTEE OF THE WHOLE HOUSE

Date: 3rd May 2016
Member of Parliament: Sen. Fatuma Dullo
Contribution She Made On: The Universities (Amendment) Bill (Senate Bill No.31 of 2014)
‘Mr. Temporary Chairperson, pursuant to Standing Order No.139, I beg to move that the Committee do report progress to the Senate on its consideration of The Universities (Amendment) Bill (Senate Bill No.31 of 2014) and seek leave to sit again tomorrow.’

Date: 3rd May 2016
Member of Parliament: Sen. Fatuma Dullo
Contribution She Made On: The County Assembly Services Bill (Senate Bill No. 27 of 2014)
‘Mr. Deputy Chairperson, Sir, pursuant to Standing Order 139, I beg to move that the Committee do report progress to the Senate on its consideration of the County Assembly Services Bill (Senate Bill No. 27 of 2014).’

(Question proposed)
(Question put and agreed to)

Date: 4th May 2016
Member of Parliament: Sen. Fatuma Dullo
Contribution She Made On: The County Governments Disaster Management Bill (Senate Bill No.40 of 2014.)
‘Mr. Temporary Chairperson, Sir, I beg to move:-
THAT Clause 7 be amended in sub clause 2 by securing the following new Paragraph immediately after Paragraph (h); (ha) set up an emergency command centre within the county. This takes care of the emergencies within the county.
Date: 5th May 2016
Member of Parliament: Sen. Halima Abdille
Contribution She Made On: The Universities (Amendment) Bill (Senate Bill No. 31 of 2014)

‘Hon. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Universities (Amendment) Bill (Senate Bill No. 31 of 2014) and its approval thereof with amendments.’

Date: 5th May 2016
Member of Parliament: Sen. Dullo Fatuma
Contribution She Made On: The Universities (Amendment) Bill (Senate Bill No. 31 of 2014)

‘Mr. Deputy Speaker, Sir, I beg to move that the Universities (Amendment) Bill (Senate Bill No.31) be now read a Third Time. I request Sen. (Prof.) Lesan to second.’

BILLS

Date: 3rd May 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: The Persons With Disabilities (Amendment) Bill (National Assembly Bill No.43 of 2013)

‘Mr. Temporary Speaker, Sir, I rise to support the amendment to this very important Act which is touching on persons living with disabilities. This section of people has been forgotten for a long time, yet they exist in the Constitution.

The amendment is very clear because it is calling for two things: One is accessibility to services and formation of a body that will coordinate the activities of PWDs. It is also addressing the Kenyan sign language (KSL). You know that the official language for the deaf in Kenya is the Kenyan Sign Language (KSL). However, not everybody understands that. Information needs to be interpreted to the lower level so that we have it in Swahili, English and even vernacular so that PWDs can understand the information coming from the top.

This amendment is very important in that, when you read the Constitution Chapter 54 (1), it says:-

"A person with any disability is entitled
(a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
(b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;
(c) to reasonable access to all places, public transport and information;
(d) to use sign language, Braille or other appropriate means of communication; and
(e) to access materials and devices to overcome constraints arising from the person’s disability.”

Mr. Temporary Speaker, Sir, if you look at this particular section, you will find that most counties do not have special schools to cater for persons living with disabilities. The National Government should join with the county governments and make sure that at least one or two schools are set up in every county so that we do not have people living with disabilities going to established schools like Kerugoya which is very far of and we know how means of travel is a challenge to these people.

When you look, for instance, at the public transport, the way buses are built, it is a challenge for a person with disability to get into the bus. In most cases, you find that these people are in the rural areas. They remain at home because of lack of transportation to the city. They cannot also get to services in the city, for example, to look for jobs because they lack education.

These people have not had access to education because of lack of special schools; they come from poor backgrounds and/ or due to stigma, you find that parents do not expose these children. In the past, parents did not want to expose their children to the outside world because they felt that people would laugh at them or demean the stature of the family.

Mr. Temporary Speaker, Sir, persons with disability also have great challenges, particularly the deaf and the blind. They do not engage in public participation exercises since most counties do not offer sign language interpreters during public forums and do not have Braille equipment.

So, it is important that the National and county governments partner to provide such services to persons living with disabilities. These are our people and our children. When you go out there, you find that there is no data. You do not know how many disabled people are there in every county. So, if there is a formation of a body which is going to cater for their services, I think they will be able to get the data and let us know who are disabled and in what manner because some of them are not born disabled. You have seen accidents that can make someone disabled yet you were born a very normal person.
Mr. Temporary Speaker, Sir, you have seen our colleagues here struggling with wheelchairs and yet they are Senators. How about the poor people out there? So, I think it is important that the National Government takes this matter seriously to facilitate the disabled people out there. In my county, they are numberless and they do not come to the city because they do not have the means of travel. It is high time that the national and county governments collaborate and take this matter seriously.

Mr. Temporary Speaker, Sir, I have talked about education which is partly devolved to the counties. It will be encouraging if the national Government works hand in hand with the counties to ensure that each county has at least a primary school. I think I had mentioned about that. A secondary school or a technical institute that can provide education to persons with disabilities should be built to enable them access the essential services in their respective counties.

We need to facilitate them so that they can be able to work and put food on their table. If you lack that education, how are you going to get a job in an office? How are you going to access the 30 per cent procurement jobs set aside for disabled persons when you cannot be able to move? The first thing we need to do is to get the data and facilitate the movement of the disabled people so that they can be able to move around like other people. That way, we shall be making their lives a bit easier.

Mr. Temporary Speaker, Sir, the body in charge of public transport in the country should be able to push their members into providing quality transport means that cater for people with disabilities. If you look around here in Nairobi, you do not find disabled people. Why? They are there but they are not able to move to the city because of lack of transport. So, I think we should have special means where if someone has a job or wants to come and do business, he should be facilitated instead of being carried to the roadside to become beggars. The Government should take it upon itself and help these people who are not able to help themselves.

Mr. Temporary Speaker, Sir, disability, as I said, is not a natural thing. Sometimes, it comes even in your old age. You can find that arthritis catches up with you and you become disabled. So, the Government needs to invest more money in the disabled kitty. If it is money for the disabled, let the money be set aside so that it is not mixed up with youth or women funds. Disabled people cannot compete with normal people who are able to run around and look for these orders. So, we need to put their money aside and make sure that counties cater for these people until such a time that they are able to stand on their feet.

Thank you and I support.’

Date: 3rd May 2016
Thank you Mr. Temporary Speaker, Sir. I wish to add my voice to this particular Bill. I want to say that personally, I have worked with people living with disabilities for many years and I know it is an area that requires a lot of support. These people have a lot of challenges. It is long overdue for this amendment to have been carried, the reason being that it is now almost six years down the line since we had the Constitution in place and the Disability Act should have been amended.

Mr. Temporary Speaker, Sir, Article 54 (1) (a) is very clear in terms of this particular provision that requires amendment of the Act which reads:–

"A person with any disability is entitled to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning."

This is the reason why you will find people calling the disabled with so many funny names. In that way, they are supposed to be treated with dignity.

Article 54 (1) (b) reads:– “to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person.”

Mr. Temporary Speaker, Sir, if you go round, despite having the Constitution and the Disability Act in place, you will find the learning institutions sometimes do not provide for people living with disability. I think it is high time we enforced this particular provision in the sense that these are not lesser people within us.

Article 54 (1) (c) reads:– “reasonable access to all places, public transport and information.”

Mr. Temporary Speaker, Sir, if you go to the matatu stage right now, it is unlikely that you will find people with disability, especially those on a wheelchair, because they cannot access those matatus. This is unfair because the Act is clear and the constitutional provision is also very clear. This is the right that needs to be enforced so that people living with disabilities are comfortable.

Article 54 (1) (d) of the Constitution talks about the use of Sign language, Braille or other appropriate means of communication. This has been referred to by various speakers. I served in the Kenya National Commission for Human Rights (KNCHR) with Sen. Hassan Omar and my friend, Commissioner Tororei, who is blind. Whenever he wanted to read a newspaper he would call us to re-do it for him. This is unfair because persons with disabilities are not lesser citizens. They should be provided for, so that they can read for themselves and access the information that they require.
Article 54 (1) (e) of the Constitution deals with access to materials and devices to overcome constraints arising from the person’s disability. I worked with the The National Council for Persons with Disabilities, which is given money to provide devices for people living with disabilities. Unfortunately, most people living with disabilities in the rural areas do not get these devices. I urge the county government to set aside funds so that people living with disabilities are taken care of. We have a lot of funds in the county governments that are not accessible to persons living with disabilities and this has to be taken seriously.

Article 54 (2) of the Constitution states that:

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

This is only on paper. The county governments or private institutions do not consider people living with disabilities. When I was working in the National Council for Persons with Disabilities, the argument that people brought forth was whether we had to go round looking for people with disabilities to employ. It is up to the institution to encourage persons living with disabilities to apply. This should be a must because we have legislation and a provision within the Constitution that protects the interests of these people.

Disability has various categories and it is important for all institutions to consider all categories of disability. For example, Sen. Omondi is not the same as a person who is blind or somebody who has mental disability. We need to consider all categories of disability whenever we take action.

Mr. Temporary Speaker, Sir, when there is a public function, persons with disabilities are unable to access some buildings. For example, it is hard for persons living with disabilities to access Kenyatta International Convention Centre (KICC), which is a public building. The issue of accessibility is important. This also applies to some residential houses. For example, the building that collapsed in Huruma was not disability friendly to persons living with disabilities. Whenever plans for public institutions and private properties are approved, it should be mandatory that they are accessible by persons living with disabilities.

Penalties are important but in as much as we have the legislation and Constitution in place, the bigger challenge is enforcement. The National Council for Persons with Disabilities has a board which is toothless. We need to create a body that can enforce the provisions of the Constitution and the Persons with Disabilities Act. Disability can occur anytime. A building may collapse and cause disability to many people. Also, one could fall sick and become disabled. Therefore, we should not look down upon these people because they have rights just like any other person. It is time that we considered people living with disabilities and enforced those rights as required in law. There are no two ways about it.
Mr. Temporary Speaker, Sir, finally, the regulations in place will assist in the enforcement of those provisions. We should not have excuses in terms of providing for persons living with disabilities. We must support these people and amend the relevant provisions so that they are in tandem with the Constitution. I support.’

Date: 3rd May 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Persons With Disabilities (Amendment) Bill (National Assembly Bill No.43 of 2013)

‘Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to contribute to this Bill. From the outset, the Constitution has been very inclusive. If there is any progressive Constitution the world over, it is the Kenyan Constitution for the fact that it envisages everybody to play a meaningful role in development. One of the sectors that have been included is that of people with disabilities.

Most studies have established that up to 10 per cent of people living in Kenya are people with disabilities. Most of the time, we look at the physical disabilities that are obvious and easy to see. However, we have other disabilities that are internal, for example, mental disabilities.

Most developed countries have been able to pull in the various categories of people to enable them play a meaningful role. We always say that disability is not inability. However, we need to find systems, ways and technologies to ensure that the people with disabilities can continue to live very productive lives. That is possible because most developed counties have lifts and phones that are fitted with audio facilities, thus suitable for persons with disabilities. The Constitution has been---

Mr. Temporary Speaker, Sir, the issue of discrimination has already been addressed in the Constitution. Therefore, it is a question of how few apply the Constitution and apply the Articles to bring into effect the issue of avoidance of discrimination. Article 7(1) is very clear that the national language is Kiswahili. Article 7(2) says that the official languages are English and Kiswahili. Article 7(3)(b) states that:-

“(3) The State shall—
(b) promote the development and use of indigenous languages, Kenyan Sign language, Braille and other communication formats and technologies accessible to persons with disabilities.”

I, therefore, agree with Sen. Adan that we need to have a strong board which will advocate, lobby, look for funds and mobilize the people with disabilities to make it happen. It is...
starting to happen but in a very *ad hoc* manner. Sometimes, when we go to conferences, midway, someone will come to interpret in Sign language. Sometimes we see interpreters on the side during news time. There is no consistency. Therefore, somebody who is keen on following a programme is unable to do so comprehensively because they cannot hear what is being said. It is disappointing and frustrating for such persons not to be able to follow on important issues for no good reason.

It is possible to have interpreters in every programme. Not having interpreters not only cuts them off from communication but from feeling that they are members of the nation and that they have a meaningful contribution to make. It cuts them off from friends. The level of interaction reduces because they may not be in sync with the happenings and the development at any given time.

Mr. Temporary Speaker, Sir, the board that exists should be empowered to ensure that they follow through what is expected of them; this becomes critical for us. As we make these decisions, we should keep in mind that disability is not segregated for a particular group of people or person. We have had incidences in the past of able people who have ended up with disabilities due to accidents or disease and they become unable to function the way they used to before. We must, therefore, change our mindset when talking about disabilities. We need to know that we are talking about disability and all of us have a potential to be disabled even when we were originally not disabled.

Therefore, the rationale for the amendments is very sound. For instance, there is the proposed amendment that the retirement age for the disabled be increased to 65 years. Before it was 60 years for civil servants, now it needs to be increased to 65 years. It was 60 years for those who with disability and 55 years for those who had no disability. Now, that there is a change to the age of 60 years for those without disability, it is critical, therefore, that age be changed to 65 years. That affirmative action and increment in the five years was already catered for legislatively. So, it is just a question of changing the age bracket because that age bracket has also legislatively changed.

There is also the amendment on allowing persons with disabilities to enjoy services and move from one place to another. We should provide electronic and mechanized system of wheel chairs for them. That should not be difficult. However, as hon. Senators have said, there is a problem because then, sometimes buildings do not have ramps for persons with disabilities. We have talked a lot. Some action needs to be taken especially for new buildings that are coming up to put that into consideration.

Assistive devices and other equipment are critical, including services of a qualified interpreter to guide persons with disabilities, especially the blind. In the Department of Philosophy and Religious Studies, we had a member who was blind, but despite that, he was
able to get through primary, secondary to earning a doctorate degree which is no mean feat. So, it is possible. This subset of persons with disabilities has made it despite all the odds. This should act as a motivator and role model for many other young people who have not made it for one reason or another. Some of the nominated Members especially those in this House and the National Assembly are playing the role of ensuring that persons with disabilities are motivated so that they can move on.

In the County Early Childhood Education Bill, 2014 that is currently in the National Assembly, this issue is tackled from the onset. For example, children will not be discriminated in ECDE centres because of disabilities. They are catered for. Families and communities can look at persons with disabilities in villages, wards, constituencies and ensure that problem does not stop them from progressing. Some affirmative action needs to be taken.

As one speaker recently said, it is about putting ourselves in that place. When you change your lens and perspective, 10 per cent of the population is a big category that is necessary for development. We cannot talk about the Sustainable Development Goals (SDGs) yet a big part of attaining them has to do with how we handle the persons with disabilities and how we ensure that they come to the fore and meaningfully contribute to development. Most of the time they want to contribute and have the ability to do so, but unfortunately, they are not facilitated. SDGs; be it in education, agriculture or environment cannot be attained - at least 70 per cent of them - simply because we have not addressed the 10 per cent of our population.

Mr. Temporary Speaker, Sir, concerning the expectations, political will and energized concerted effort is missing. Countries that have addressed this have done it to very high levels to a point where people do not even think about disability becoming inability. A person with disability does not have to worry when attending a forum because interpretation for persons with hearing impairment has already been catered for.

There is audio and specific equipment that they put in their ears and communicate. It is only fair that we implement this, especially, in the spirit of inclusivity which is the direction that we are taking in this country.

There should also be more availability of Sign language interpretation, and probably encouragement even for those without disabilities to learn that Sign language. So far, Sign language is designated for those who have hearing and talking impairment without thinking about the broader category. It is very easy to learn and apply it. It will create a more inclusive and integrative process. More needs to be done targeting specific regions. Studies also need to be done to look at the levels of uptake of Sign language among the category with disabilities and the category that do not have disabilities so that we can cascade and
improve it across the board. We should move it to various areas. For instance, Kiswahili is in danger of being relegated and forgotten. Sign language probably is facing the same fate. We should not allow this to happen. We should remember that the people we are advocating for in this amendment are our brothers, sisters, grandfathers, mothers and members of the Kenyan society. With those remarks, I beg to support.’

Date: 3rd May 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: The Persons With Disabilities (Amendment) Bill (National Assembly Bill No.43 of 2013)

‘Mr. Temporary Speaker, Sir, I am speaking after Sen. Hassan has made vibrant and firebrand deliberations in this House. The only thing I can say is that he missed a whistle but he had our attention.

Mr. Temporary Speaker, Sir, I rise to support this Bill. I will not belabour what many of my colleagues have said. I just want to add my contribution by saying that this is a very important Bill for us as a country. It is one that breathes life to what is in our Constitution. It is something that majority of Kenyans passed when we all passed the Constitution in 2010.

I just have a rider. I believe we have very many beautiful laws, recommendations and issues that we deliberate on but as a country, we have to be serious about this one.

We have to live by it because it is in our Constitution. This law should bind all of us to make sure that we take care of people living with disability. Mr. Temporary Speaker, Sir, it is important to note that disability is not a state for a certain sort of people. You may have no disability. However, one minute is enough to change everything. You could walk out of this building and get an accident and become disabled. You will want some basic rights stated in our Constitution to be accorded to you, just as they should be accorded to another Kenyan.

This is something we sometimes take for granted until you are personally affected or one of your family members is affected. It is an issue that we should focus on. I like what Sen. Hassan asked; who will keep us accountable as a people? Who will be accountable when we say we need to have areas where people can access? I do not think that needs a law because it is common sense. If we want everybody to access services and institutions that we have, how will they access if they are living with disability?

I would like to commend those who have gone out of their way. We have seen some media houses having an interpreter during news time. That is commendable. Those who have not embraced it should go out of their way to do it because we know that information is power and it should be accessible to all members of the public.
I just want to add one or two issues. It is very important that this Bill touches on counties. We know that most of the functions are also devolved. They are in the Department of Gender and Social Development in most of our counties. There are counties where people living with disability cry because the services do not reach them. There are those who would like to access education, Braille and wheelchairs. It is not just a matter of throwing the wheelchairs to them.

Who is actually looking at whether the wheelchairs serve the purpose they are intended for? We know that some of our counties are very quick to ensure that there is expenditure. So, they think of buying physical things without even going further to see that they will be used in the proper manner in the areas depending on the infrastructure in place.

I implore the county officials and county departments that are supposed to take care of people living with disability to take it as a serious matter that is enshrined in our Constitution. We pray that if for nothing else, then this law will bind them to serve the people living with disability. They should do it consciously and follow the law and our Constitution as we have said. What is happening in most of our counties is very unfortunate.

We experience problems when it rains and when there is drought. It is very unfortunate that floods are causing deaths and displacements and making people live very hopeless lives. The same issues continue to be experienced but no one is being held accountable. Everybody is always blaming the other. County officials are now saying that they had ordered for demolition of such houses. Others are saying that they had not been told to do so. Who is going to do something because it is unfortunate?

Mr. Temporary Speaker, Sir, I was able to visit the victims of the Huruma disaster. I can assure you that if it rains another two or three days, there will be more casualties there. It is just because sometimes we do not make painful decisions to do what is right in order to save lives.

Finally, as we discuss the implementation of this law and even following our Constitution as a country, there are very many other things that we have to agree on, as people who have been given the responsibility. We should follow the law and do what is right, whether it will give you votes or not. At the end of the day, you would have left a legacy that ensures that the safety of Kenyans is guaranteed.

Without much ado, I support this Bill. I look forward to the implementation of the same in all sectors in our counties and also the national Government. Thank you.’

**Date: 4th May 2016**

**Member of Parliament: Sen. Naisula Lesuuda**
Contribution She Made On: The County Allocation of Revenue Bill (Senate Bill No. 3 of 2016)

Mr. Temporary Speaker, Sir, I rise to support this important Bill. This is the effort which I have seen from devoted Senators when they stood and fought for their counties when they worked on the Division of Revenue Bill in ensuring that their counties are adequately resourced and financed, to ensure that services are delivered to the people that they represent. I know that we had a lot of back and forth in ensuring that we have a formula that does not leave any other part of this country marginalized.

Mr. Temporary Speaker, Sir, it is important to note that it is the spirit of devolution and of some Members of this House to ensure that some of the things that we have fought for over a long time will be seen. That is why, even as we look at sharing of revenue, I can see a significant increase in the money that will go to Samburu County, which is my county. There was a lot of 'give and take' for counties. The Senators ensured that no county will feel that it has been neglected or it does not get what it desires.

Mr. Temporary Speaker, Sir, what I would like to say, even as we debate on the monies going to the counties, for a very long time – and it was the aspirations of many Kenyans when we passed this Constitution, and I know many of us have set pace over and over again – that devolution was one of the driving forces. It was one of the things that made Kenyans clamour for a new Constitution because, for a long time, we have seen that when services and resources were based at the national level, then we continued to have counties and people of different parts of this country getting marginalized and left behind.

Mr. Temporary Speaker, Sir, that is why many of us in this House continue to aspire and fight for that aspiration shared by the many Kenyans who voted for this Constitution. They want to see that the resources that leave the national Government go to the counties and deliver the services intended for. Many a times when Senators rise to deliberate on these issues, especially when allocating funds, you would hear comments from other quarters that the Senate does not support devolution. If there is any House that supports and oversees on how the resources are used at the county level, it is this House.

Some people belong to the school of thought that those of us who come from areas that were marginalized for over 50 years should be happy and appreciate the little that we are getting, for example, the tarmacked roads and street lights. I implore our county governments to think of life-changing issues that can stand out in each county, beyond what is almost basic and standard like ambulances, tarmacked roads and street lights. They should have projects that stand out and directly transform the lives of the people in a big way. I implore our Members of the County Assemblies (MCAs) to not only do their oversight work, but also prioritize issues. For example, if they allocate funds for lighting and they
complete it in the first year, they could allocate a huge amount of money to one project in
the county that would have a greater impact and transform the lives of the people of the
respective counties.
I hope that in the near future each county will stand out in the things that they are good at.
For example, counties in the pastoralist areas should stand out in pastoralism since livestock
is a devolved function. Counties should put structures in place and look for markets,
including selling their produce outside the country. They can also work with the national
Government to source for the markets. This will change the lives of people in the counties.
The emergency funds that have been devolved to the counties are important. However,
such funds can easily be misappropriated since one cannot easily determine what an
emergency is. There are loopholes which lead to loss of funds. Floods and droughts can be
considered as emergencies. We implore our county governments to ensure that resources
that are set aside for emergencies are used for the same. In a county like mine, the menace
of cattle rustling should be considered an emergency. Most of the time, a big chunk of
resources goes to political leaders who hire choppers to visit emergency scenes. This money
does not help those who have been affected by emergencies or calamities.
Mr. Temporary Speaker, Sir, health has been devolved to the counties. Apart from
education, all of us will agree that health is a critical issue in our counties. We hope that the
monies meant to elevate our health facilities to Level 5 hospitals will be used prudently, so
that we can have functioning facilities. Likewise, the personnel at the counties should also
be motivated and offered training so that we ensure that we have improved and
professional services in our counties.
The same way we have devolved resources from our national Government, we should also
devolve all resources at the county governments up to the village level. As much as that
thinking is good, we have to think of the impact of the projects that are in the county
governments.
What is the point of setting up health facilities in every village, yet the same facilities lack
drugs or someone to attend to patients? When you go to health facilities, you will not get
drugs or someone to attend to you. We would rather have a proper functioning hospital
even if it is a few kilometers from the residents. Even if they have to take long to get there,
they will be assured of getting treatment and the necessary facilities. Devolution of
resources to the counties is a good idea. However, sometimes we will not be able to have
tangible results that will help the common mwananchi to access those services.
Mr. Temporary Speaker, Sir, the issue of maternity and the grants that are being given is a
good move. For a very long time, mothers in the marginalized or pastoralist areas have
suffered. The free maternity programme will ensure that women deliver safely. I know for a
fact that my county is doing a lot to improve maternal health in partnership with the national Government and the Office of the First Lady. We have witnessed the mortality rate go down as more mothers deliver healthy children in the hospitals due to such efforts. That is something that the funds sent to counties for such purposes should continue to do.

In conclusion, I would like to speak about the timely transfer of these funds. We can allocate the funds but one of the functions of this House is to not always lament about what the county governments are doing or not. It is important that the national Government remits the resources in good time so that there is no excuse that resources are being held at the national level. Some of the bureaucracies should be looked into to see how best the resources will get to the counties in good time without compromising on accountability.

Mr. Temporary Speaker, Sir, we know that we are sending money to the counties at a time when we are heading to the next general election. I know that there are those who think that this is the time to keep some money to themselves to ensure that they win the coming elections. I can assure them that the Senate will be more vigilant. I am aware that Senators will also be preparing and gearing up for elections but we can assure county governments and assemblies that we will be very vigilant to ensure that no coin set aside for development of counties will go into funding elections or will be used inappropriately.

I would also like to encourage the MCAs to be more vigilant. I am aware that some have been compromised by the county governments and the executive to ensure that their role is not ably performed. However, I would like to remind them that a time will come when they will be judged by the electorate on whether they represented them well or not.

I beg to support.’

Date: 4th May 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: The County Allocation of Revenue Bill (Senate Bill No. 3 of 2016)

‘On a point of Order Mr. Temporary Speaker, Sir. I am not sure exactly which article to refer to in the Constitution. However, I know that there is a constitutional cover; that unless the new law comes into effect, the old one holds. Therefore, we are basing our argument on that. We are going to discuss using the old law, but when we have the new law, we can go back and amend. There is no lacuna, as it were, within the law.’

Date: 4th May 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: The County Allocation of Revenue Bill (Senate Bill No. 3 of 2016)
Mr. Temporary Speaker, Sir, I thank you for this opportunity to contribute to this Bill that seeks to allocate the revenue share of Kshs280.3 billion across the various counties. I thank all the players who worked so hard to contribute to this Bill including the Committee on Finance, Commerce and Budget, the Commission on Revenue Allocation (CRA), the National Treasury and all the other stakeholders for the negotiations and level of high participation in addressing the various issues so as to end up with an allocation that is acceptable in the various counties.

The amount of money being given to the counties can transform them. Looking at the coast counties where I have an interest, Kilifi County has an allocation of Kshs8 billion, Kwale County has an allocation of Kshs5 billion, Lamu County has an allocation Kshs2 billion, Mombasa County has an allocation of Kshs5 billion, Taita-Taveta County has an allocation of Kshs3 billion and Tana River County has been allocated Kshs4 billion. The whole idea of devolution was to ensure that counties get the resources that they were unable to access for a long time. As has been said by my colleagues, if this money is used properly within counties, there must be a transformation.

Mr. Temporary Speaker, Sir, at the recently concluded devolution conference, one of the issues that kept coming up over and over again was that of civic education, participation and holding the governors to account. The Senate plays an oversight role, but sometimes we need to put more emphasis and look at the provisions of the County Governments Act by having civic education units within the counties that are able to keep the governor on his toes. We should look at the budgets that the county governments will soon come up with and consider the provisions that they have made in those budgets and the extent to which they adhere to them.

Devolution will work because public participation is key as stated in Article 10, which is very explicit. There is correlation between development and public participation. The world over, in countries where there is extensive public participation, deliverables tend to be higher. I, therefore, encourage that public participation should be adhered to.

There is provision of Kshs5 billion for public participation within the counties and it should be enhanced across the various counties. I would also like to highlight that we are not yet using the new formula but we have discussed that processes can be put in place for amendments to be made later on. However, I would like to mention that we might want to start a formal or informal process of negotiations so that the National Assembly does not have to stay for the 60 days. If we engage them, there is an easier way to go about it. I am sure that we can have a process that can be expedited so that we move forward.

Mr. Temporary Speaker, Sir, we need to ensure that accountability is put in place especially for the conditional grants. Looking through the Bill, I have seen clear conditional grants that
have been mentioned, for example, in technical reporting on matters of health; use of District Health Information Software (DHIS) systems and ensuring that the organizations that receive conditional grants have been registered and they have specifications on what exactly to use their money for.

Various conditional grants have been given apart from the equal share conditional grants for Level 5 hospitals. Those funds can be used effectively to make a change. There were reports in the newspapers that in Msambweni Hospital in Kwale County, patients are sharing beds with the dead. We need to address such glaring misnomers because the money is there. There is also money that has been allocated for free maternity health care that needs to be utilized so that we do not end up naming children in the way that Sen. Murkomen described, which are meant for people who were born on the way to hospital.

The Third Schedule addresses an important aspect of loans and funds from development partners. This is where sometimes we have a grey area. We do not address it as comprehensively as we ought to. We should ensure, for example, that the money that comes from loans and grants is used specifically for what it has been allocated for. In this case, we had organisations like the World Bank and DANIDA financing county health facilities. That needs to be adhered to and followed through to ensure that it is effectively done at every single point; looking through the functions of the devolved governments and ensuring that whatever functions have been devolved and the money allocated for those specific functions is utilized within those specific counties. So, whenever these conditions are put, it is important that they are followed very strictly. For instance, we should address the issue of timely direct payment to the providers. This has been mentioned by other Senators. It will ensure that we do not have money being put in a kitty and utilized for building houses and buying hotels, for example.

There is a submission of quarterly financial and technical reports. This must have been already agreed to. It has to be formulated through the key agencies; the National Treasury, the Controller of Budget and the Commission on Revenue Allocation (CRA). This has to be adhered to so that all those reports are processed at the right time. The idea of having functional management boards also need to be put in place. Having approved work plans are critical for money that has been disbursed to ensure that they are used effectively. The technical and financial reporting that I had already mentioned is key.

Mr. Temporary Speaker, Sir, there are also various allocations that have been proposed by the CRA: Kshs5 billion for rehabilitation of primary and secondary schools for addressing school infrastructure in the counties. It will be key. There has been a lot of pressure, especially for the governors, even though primary and secondary schools is not yet a devolved function. Some of the ECDE classes have been the model of the best classroom. It
has created that need even for the primary and secondary section. The governors feel that there is need to do something.

Also, Kshs5.2 billion has been allocated for establishment of an emergency fund. This is seed money towards establishment of county emergency fund for any kind of emergency that counties might have, for instance; floods, and so on. Further, Kshs6.3 billion has been allocated to build, equip and renovate polytechnics. One of the functions that have been devolved is polytechnics and ECDEs. It is critical because everybody will not go to the universities. There are many people who will not make it to the universities. It is important that the key technical skills are developed appropriately. They will apply these skills in their counties.

Mr. Temporary Speaker, Sir, as we move forward, one issue that has come up is county ceilings, especially, for the county assemblies and executive. There have been various consultations about this. We have county ceilings that have been agreed to and a process that involves both the CRA and the County Assembly Forum (CAF) to ensure that the ceilings have been adhered to and are agreeable on the formula that has been used. Certain components of the formula, for example, the 7 per cent of revenue of the county and personal emoluments (PE) times two factor that had been used have created a disharmony because there is a big variance between the 7 per cent of revenue for the county and the PE times two factor. The variance is very large and no particular process has been adhered to, to ensure that there is a balance. The formula then takes the lower of the two. In most cases, it is the 7 per cent of county revenue across the various counties.

However, engagement has already started between the CRA and specifically the County Assembly Forum to ensure that there is agreement about those specific ceilings. Therefore, even as the budget and the monies are cascaded down to the specific emoluments that need to go to the county, that needs to be taken into consideration.

Mr. Temporary Speaker, Sir, there is also Kshs4 billion which has been proposed for the five county headquarters, specifically Tharaka-Nithi, Isiolo and Laikipia for purposes of ensuring that they have headquarters that can be used appropriately. There is a Senate to oversight but the best eye on the county governments is public participation. Therefore, we need members of the public to be involved so that they understand what all this is about. We cannot overlook the provision of Article 96 of the Constitution which provides that the Senate is not only responsible for disbursement of funds to the counties but also oversight. When we raise the issues of oversight, it will raise sensitivity. Such sensitivity should not be there because we are overseeing public funds. This is not anybody’s money but the taxpayers’. Every Kenyan has a right to raise questions on its use.
The confusion in counties is a self-created problem. If the governors do not work, we should engage in a formal process so that we know what the right and left hand is doing. With the limited information released to the public, we cannot reach a level of success that is expected. The pilferage of funds is unacceptable. The Senate should ensure that it does not occur.

Mr. Temporary Speaker, Sir, the disbursement of funds on time is critical. This will meet the use for specific situations that the counties require. Therefore, we should be looking at it through the County Public Accounts and Investments Committee. One of the things that we discovered when talking about civic education is that the roles of the various organs are sometimes unclear. We need to tell the public what our role is so that when we are playing our role, they know how key it is.

I support.

Date: 31st May 2016

Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: The Anti-Doping (Amendment) Bill

‘Mr. Deputy Speaker, Sir, I stand to support this Bill. Let me start by congratulating both Houses of Parliament for setting aside business last month and passing this Bill because of the timelines that were involved, the international deadlines as well as the possibility and the risk of having our good athletes locked out of the impending games. Having said that, I want to disagree a little bit with the Senate Majority Leader on his view that while passing this Bill today, we should just consider the proposed amendments coming from the international community. I want to insist that we can take this opportunity and consider all amendments, both local and international, bearing in mind that the credibility of our sportsmen and women is at stake.

I will repeat what Sen. Mutula Kilonzo Jnr. has just brought to our attention. We cannot overstate the extremity of the law that we are just about to pass and the possibility that it could have far-reaching legal consequences on anybody who contravenes it and the fact that a lot of legal issues have been raised, bearing in mind that some of us have actually proposed further amendments to the proposed amendments coming from the international community. We will do ourselves a lot of justice as well as to our athletes if we considered all amendments in totality. I believe that hon. Senators will bear with me and stay put in the House as we consider this.

Mr. Deputy Speaker, Sir, lastly, in supporting this, it will put to rest the possibility of our credible competitors from the international community who had over the years been casting doubt on some of our athletes, because of the sustained win by Kenyans, that there could
be something sinister. In passing this Bill and subjecting our athletes to this, it will rest this case once and for all that our athletes are just good. The international community should just ensure there are credible competitors and stop casting doubts on our athletes because they are good and they are doing what it takes to train and win honourably."

Date: 31st May 2016

Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: The Anti-Doping (Amendment) Bill

'Mr. Deputy Speaker, Sir, thank you for giving me the opportunity. I beg to support this Bill, even though some definitions are yet to be clarified. This is an international document that will affect our citizens both locally and internationally. Nothing should be left for people to interpret as they wish.

The definition of the word 'trafficking' is still disturbing. I have been thinking of what "other means" could be. It could be selling, giving, transporting, sending and other means. There is also the issue of sending electronically. Section 2(f) also provides that this definition shall not include the actions of bona fide medical personnel involving a prohibited substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving prohibited substances which are not prohibited in out of competition testing unless the circumstances as a whole demonstrate such prohibited substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

What do they mean by "out-of-competition?" The definitions that they have included are broad. It could be interpreted that an athlete who has used some substance that is considered to be prohibited could lose their medals even when they have trained well.

Unfortunately, the Bill is being rushed. I would have loved a situation where wananchi of Kenya are given a chance to scrutinize it. They should ask to be given examples and correct definitions of the prohibited substances. Where the Senate Minority Leader comes from there is a substance that the Luhya men take to boost energy. I know this because I come from the former Western Province and they are our in-laws. This substance is used by general people. If it is able to boost performance it should not be said that it interferes with the athletes from there. Those married to Luhya men who take mkombero should be more concerned about Kenyans being put through the anti-doping processes and their medals being taken away from them. I am more concerned about the traditional things, which should be looked into carefully. I am sure this will affect so many Africans. I am sure that every country has some traditional herbs. Our brothers and sisters
from the pastoralist region of Maasai hawk a lot of traditional herbs, which help them in their daily lives, including strengthening their bones and appetite.

The proposed New Section 41 B provides that each sports federation shall have rules and regulations. It also states that paramedic personnel should agree and be bound by the anti-doping rules. I would insist that these rules must be clear. We need public participation because Kenya is a country of athletics. Anybody from any part of this country can compete in sports without necessarily having a manager, elite or professional. If people do not know the rules, regulations and code of conduct, why should they be penalised and told that they disobeyed them? This Bill should not be rushed in Parliament without explaining to wananchi what it is all about. I do not know who was sleeping on the job that led to rushing of the Bill.

Clause 14(6) talks of an athlete or his support personnel who violates any of the anti-doping regulations and they go ahead to state the whereabouts or failures. What whereabouts are they talking about? That statement is vague. Everything should be made clear because this is a legal document. It should state the means. We should not leave things to chance that some malicious person can decide to look for the whereabouts, failures and penalize us for it.

Madam Temporary Speaker, possession of a prohibited substance or method is also talked about. We need to know those prohibited methods that are stated in the Anti-Doping Act so that we do not punish Kenyans. There are people whose lives depend on this. We have seen where nations have been developed through sports. Athletes have brought about development in Elgeyo-Marakwet County and Rift Valley region as a whole because of their prowess in sports. That is where they derive their income. We should not take things for granted. It is unfortunate that Sen. Murkomen has walked out but playing around with such serious issues that is a livelihood of many people is unfair.

Athletics have raised the Kenyan flag in many forums. Therefore, we should not be joking around with this matter.

The sports sector is very important. Sportsmen and women compete and there is always a winner at the end of the day. However, if one competes and wins through unfair means that should not be allowed. With those few remarks, I beg to support.’

Date: 31st May 2016

Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: The Anti-Doping (Amendment) Bill

‘Madam Temporary Speaker, I rise to support this Bill. For Kenyans, it came as good news when we finally learnt that we still had a window to pass this Bill in the amended form. That
was when our Cabinet Secretary (CS) for Foreign Affairs and the Cabinet Secretary (CS) for Sports, Culture and the Arts, respectively went to present our case before WADA. We really congratulate them for the good job that they did. We especially congratulate our Cabinet Secretary (CS) for Foreign Affairs for the work that she continues to do internationally to make sure that Kenya is in a good rating globally.

Many of us were almost in panic mode to think that Kenyans will not participate in this year’s Olympics because of this Bill. So, it is an important Bill for us, as a country, to pass and make sure that our athletes who continuously train and work hard will participate in the 2016 Rio De Janeiro Olympics.

As my colleagues have said, as a country, we should look at what is good for us as much as we have other international obligations and other laws that we have to meet.

We do not live in an island, but a global set-up. This means that we have to meet some obligations. We also have to look at what is good for us, as a country, especially for our athletes who continue to bring so much pride to our country.

It is also important to note some issues raised by this law. Since we have continued to perform very well as a country for a very long time, we do not want to be seen as if we are afraid of anything. I believe strongly that our athletes have continued to train and perform well from time immemorial. It is important that the law looks at how we train and educate our athletes, coaches and the support staff. They should be aware about doping and how it happens.

Some could be doing it without their knowledge, through some of the supplements that they are given for training. It is important that they are educated. After we have passed the law, it is important for the Ministry of Sports, Culture and Arts to ensure that our athletes and everybody who is involved in athletics are educated. We know that our credibility will go down if one, two or three are found to have been involved in doping.

Madam Temporary Speaker, with those remarks, I support this Bill and wish our athletes who will be participating in the Olympics the best. We hope that they will continue to participate fairly and bring honour to our country. Thank you, Madam Temporary Speaker.’

**MOTIONS**

**Date:** 4th May 2016  
**Member of Parliament:** Sen. Naisula Lesuuda
Contribution She Made On: Appointment of senators to the select committee to spearhead the processing of the general suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015

‘On a point of order, Madam Temporary Speaker. Is the honourable, Sen. (Dr.) Khalwale, who has eloquently executed this Motion in order to mislead the public and this House that some of the conversation that he has had informally should be generalized to mean Jubilee in totality. Those may be conversations that they could just have had while having tea. Should they be taken to be the truth and the stand of Jubilee Senators?’

Date: 4th May 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: Appointment of senators to the select committee to spearhead the processing of the general suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015

‘Madam Temporary Speaker, I will be very brief because we want to go to the debate for the County Allocation of Revenue Bill (Senate Bill No. 3 of 2016).

If there is a time we needed to stamp our authority as a Senate, this is the time especially being the second Senate. We need to have clarified roles and to have the bravery that goes with it. If you look at all the other institutions, including the Council of Governors (CoG) and the National Assembly, they have been able to remain united, push for their agenda and suppress us in everything that we try to do. We have been asking for oversight money which they know is important but they have not given it to us.

Madam Temporary Speaker, this is the first time the Constitution is being implemented and there is going to be an issue about interpretation and translating it into action. That is understandable. The level of disarray that has been in operation across the various institutions has been disappointing. That is going to have an impact on devolution. Many people are now looking at the various roles. We are looking specifically at the Senate and they think we are the guardian angels of devolution, we should have protected devolution, we should continue to protect devolution and address all the issues.

I know from the Senate perspective that we have done quite a lot in terms of our work in the committees, engaging with various stakeholders but we have had serious limitations. We need to find ways and means of addressing these limitations as a united Senate. We need to put our partisan interests aside, join together and begin to address our mandates and what we are meant to do in order to protect the counties.

Madam Temporary Speaker, I support this Motion and say that what has been outlined in this Motion is critical; budget making processes, revenue allocation and legislative process
especially the interference from the Judiciary. I know from the CoG perspective, that they may praise it and say even the Judiciary has helped to entrench devolution. However, I know from the Senate perspective that many of the problems that we have had are as a result of the decisions of the Judiciary on issues brought by the CoG.

For example, we know we have impeached governors. That was going to be one of the truths that was going to strengthen Senate but it has not worked. There is the issue of oversight over the national Government and some bodies within national Government at the county level; some devolved functions whose devolution has not been followed by the money that is needed for their functionality.

Madam Temporary Speaker, unless all these players come together and find a way of saving devolution and re-focus on what devolution was all about, then we are going to get it wrong. We stand at a pinnacle and a point in history where we must make a difference and be counted. The moment is now. If it is not now, then it is right now.

We need to look at the various issues like slow disbursements of money into the counties, transparency in allocation of money and accountability. We cannot say that the Integrated Financial Management Information System (IFMIS) cannot be used to address issues of money that is lost within counties and spent on buying wheelbarrows at huge costs. It is disappointing that we have not been able to get to the bottom of the various issues affecting devolution. I think this committee is up to the task and they will get there.

I support and I wish this Committee well. It is an important Committee. Let it catapult the Senate to the position that it was intended to be.’

**Date: 4th May 2016**

**Member of Parliament: Sen. Naisula Lesuuda**

**Contribution She Made On: Appointment of senators to the select committee to spearhead the processing of the general suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015**

‘Madam Temporary Speaker, I rise to support this Motion. It was a privilege for me to sit in the earlier Select Committee that looked at some of the constitutional and legislative interventions that this Committee will look at. It will determine how best to implement those recommendations either through popular initiative or come up with other recommendations. It is evident that we need to look at how we can enhance our Constitution. If leaders, both in the National Assembly and the Senate had the good will, we would not have had to change our Constitution this early. We would have continued to implement it and pick lessons of what we can do. However, there has been no goodwill. It is my hope and desire that even after the recommendations are done and the popular initiative carried out, in
future, leaders should learn and invest more on having the political goodwill for serving Kenyans.
We have always talked about the need to strengthen this House. Its role has to be strengthened. In the Constitution, its role is clear but because of lack of---
Madam Temporary Speaker, please protect me from the loud consultations that are going on here.
Madam Temporary Speaker, we have always said that the role of this House is very clear under Article 96 of the Constitution. However, the goodwill that I talked about has been lacking. That is why we have to categorically strengthen the role of the Senate.
It is important for Kenyans and all of us to know that many are the times that debate has been whether we really need this House or not. As Kenyans, we should all know that when we strengthen the Senate, we strengthen devolution and delivery of services to Kenyans. So, it is important for us to look at ways to do so. The oversight role of the Senate should be very clear for it to get resources to do oversight categorically. This will ensure that the public get the services that they desire.
I would like to add to what Sen. M. Kajwang said. It is as if he read my mind. Many of those who sit in this House who have had the experience and always contributed on issues to do with how we should strengthen this House were in one way or another involved in the Constitution making process of this country. I would like those who will sit in this Committee not to think that probably they will not sit in this House again. Many of them will be contesting for the position of governor and, so probably, would not need a strong Senate. We should make laws for posterity regardless of whether in the next election you will find yourself in this Senate or not.
Madam Temporary Speaker, having listened to the contributions of some of my colleagues, even when this Motion was seconded, there is already some suspicion on whether both sides of the House will work in a manner that will definitely deliver for this House and the country. I hope the Committee will work in a bipartisan manner and ensure that it delivers on the spirit of many of the Members in this House and Kenyans who are looking forward to ensuring that we have a strong institution; the Senate. It will also ensure that devolution is properly anchored in our Constitution.’

Date: 4th May 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: Resolution to alter the senate calendar

‘Mr. Deputy Speaker, Sir, I will try to be fast. The idea of a conference was mooted in Mombasa in the first year of devolution. The Members of the County Assemblies (MCAs)
were there and said that it will be a good idea for them to meet with the Senate. It could have happened earlier but it is good that it is happening now. It gives us a chance to stock-take and a possibility of having direct links with the counties to discuss the various matters that we have talked about.

We need to zero down to the County Governments Act, 2012 and the fact that Senators should be entrenched within the counties. Facilities should be made within the county governments so that we can keep in touch and link up constantly. We also need to introduce a Speaker’s Hour, just like we have the provisions of Statements within our Standing Orders. We need a clear forum for Senators to update us on what is happening in their counties, for example, the number of Bills that have been published and the various problems within the counties.

We could also have liaison officers at the county level so that we can keep in touch with the counties at all times and get consistent feedback. Our presence, as we have said, cannot be felt at the national and the county level as we would like it to be, because we are spending the same time in different places.

As we plan for the conference, we should have a clear output. The planners of this conference should have clear, tangible and measurable outputs, so that at the end of it, we can measure the specific goals that we have attained. We should also have a session for specific roles for the Senate vis-à-vis the other leadership. We should have a form of civic education to inform and educate the various key devolution players on our roles, which are not clear. I support.’

PROCEDURAL MOTIONS

Date: 5th May 2016
Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Adjournment of the house pursuant to the approved calendar for the 2016 session

‘Mr. Temporary Speaker, Sir, I support this Motion for Adjournment. I wish to emphasize the importance of the conference that we are planning ahead. Money should be spent prudently and at the end, people should gain knowledge on what the county assemblies and the Senate do.

We would like to see even reviews on some of the Bills that were passed by the county assemblies that we feel are not constitutional. Some citizens also have issues with some of
the Bills that were passed. I hope those who are researching on content will bring out issues that Kenyans can understand so that we can work together with the county assemblies.

Secondly, health is very critical. We only talk about the billions that go to health facilities and forget the basics on health. The Constitution requires that a Kenyan should walk into a hospital and come out better than he or she walked in.

The other issue that we need to address is ethnicity. In this conference, we need to be frank to ourselves, that we devolved ethnicity. How are we going to deal with it? We have just received the Land Bill from the "Lower House". This Senate must bring back sanity. We cannot go the route the National Assembly has gone by proposing that Bill. I hope those are some of the issues we will look at critically. It is the Senate that will unite this country and ensure that no resources will be used by people to kill each other because the law does not allow that.

I hope that the Senate will do this country a favour by passing the Gender Bill. Today, we go home wondering whether the National Assembly really understands why the formula was the only issue we could not put as a principle in the Constitution. We have a clear principle and it is, indeed, a constitutional Bill that has a timeframe.

I would plead with the Senate Majority Leader and the Senate Minority Leader that if we bring the Gender Bill to this House, it should be passed by more than 40 county delegations. We will then take it to the National Assembly and go through mediation and agree on it in the end. It is then that this House will make history and the two-thirds gender issue will never again be an issue. We have to do this before August. I thank you and all the Senators. I wish our staff well as we go on recess.’

Date: 5th May 2016

Member of Parliament: Sen. Liza Chelule

Contribution She Made On: Adjournment of the house pursuant to the approved calendar for the 2016 session

Mr. Temporary Speaker, Sir, I also rise to support the Motion. I thank the Senate Majority Leader for bringing this Motion of Adjournment. I support this because of two reasons: It is very important for the Senators and MCAs to meet and discuss their achievements of the last four years. It is also very important to discuss this because we are representing the people of this country.

I was so shocked during the devolution conference that 81 per cent goes to recurrent expenditure and only 19 per cent goes to development. I mean, this money that comes to the Consolidated Fund in the national Government that is later divided or given back to the county Government is for the citizens of this country.
It is really important for us, as Senators, to sit and have a meeting with the relevant authority to discuss the challenges, opportunities or what we can do as leaders or representatives of the people for this country. I believe that all the Senators will have time to attend to this important meeting. With those few remarks, I support.’

Date: 5\textsuperscript{th} May 2016  
Member of Parliament: Sen. Zipporah Kittony  
Contribution She Made On: Adjournment of the house pursuant to the approved calendar for the 2016 session  
‘Mr. Temporary Speaker, Sir, I also support this Motion of Adjournment. It is a sad day for the women of this country that the National Assembly lost the vote on the two-thirds gender rule this afternoon. Some of us have been fighting for women’s rights for many years. When we go for recess we should take stock and talk to our men that we need one another to develop this nation.

I also take this opportunity to thank two of our MCAs who were Nos. 5 and 6 from Kabomoi and Kwanza constituencies in Trans Nzoia County for being the best MCAs in terms of their contribution. Allow me to wish all the Senators and this country a happy recess.’

COMMUNICATION FROM THE CHAIR

Date: 3\textsuperscript{rd} May 2016  
Member of Parliament: Sen. Catherine Mukite  
Contribution She Made On: Visiting delegation of staff from Homa Bay County Assembly  
‘Mr. Speaker, Sir, I also thank you very much for allowing and facilitating the benchmarking visit to the Senate by staff from Homa Bay County Assembly; other county assemblies should emulate what Homa Bay County Assembly has done. It is cheaper to do it here than to go overseas. As you know very well, the country is going through a lot of cash-flow constraints. I also thank the Governor for opting to take the route to benchmark locally here in Kenya.’

Date: 31\textsuperscript{st} May 2016  
Member of Parliament: Sen. Judith Sijeny  
Contribution She Made On: Visiting delegation of participants in the 9-week legislative drafting course
'Mr. Deputy Speaker, Sir, I would like to add my voice in welcoming my learned friends. I urge them to learn and understand clearly what they are doing, because they are the future leaders of this nation and the country depends on them. Thank you very much.'

**STATMENTS**

**Date: 3rd May 2016**  
**Member of Parliament: Sen. Godliver Omondi**  
**Contribution She Made On: Denial of visa to Mr. Josephat Kimemia**  
'Thank you, Mr. Speaker, Sir, for the opportunity. I want to register my disappointment. When I am raising these statements, it is the issue of equal opportunity. Other statements are given out but when it comes to issues affecting people with disabilities, it takes a longer time. So, the Committee should give the response in two weeks’ time. I am not comfortable with the Chair’s response.'

**Date: 3rd May 2016**  
**Member of Parliament: Sen. Godliver Omondi**  
**Contribution She Made On: Disbursement of free primary and secondary education funds to learners with disabilities**  
'Thank you, Mr. Speaker, Sir. History will repeat itself and it is just a confirmation that another statement has no answer. There is no seriousness. Mr. Speaker, Sir, I want to request that if by tomorrow there is no response, then the Chairman should step down and summon the CS to come and give us the response.'

**Date: 3rd May 2016**  
**Member of Parliament: Sen. Martha Wangari**  
**Contribution She Made On: Affirmative action assistance to pastoralist communities**  
'On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Okong’o to impute that every Chairperson of the Committee is from the Jubilee Government yet we know that some of them are from CORD? Have they been magnanimous despite having majority in committees?’

**Date: 4th May 2016**  
**Member of Parliament: Sen. Dullo Fatuma**
Contribution She Made On: Presence of KDF in Somalia serving under AMISOM

‘Mr. Speaker, Sir, I am sorry I have just come in and I do not have the Statement with me. So, I would request Sen. (Dr.) Khalwale to give us until tomorrow to respond.’

POINT OF ORDER

Date: 31st May 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: The County Industrial Development Bill (Senate Bill No.7 of 2014)

‘On a point of order, Mr. Deputy Speaker, Sir. I further want to also support what Sen. Mutula Kilonzo Jnr is saying. We do not see why we should continue receiving Communication on new Bills from the National Assembly when we have over 18 Bills that we have given them. They have refused to respond on them and nothing has been done. As we seek this ruling from you, I think time has come when we call a spade a spade and the Swahili say kama ni kubaya ni kubaya. The time has come for this Senate to also sit on these Bills.’

Date: 31st May 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Hurried enactment of the anti-doping bill

‘Mr. Deputy Speaker, Sir, I am giving guidance as a Member of the Committee because we have been involved in this matter before. It has come back to the Committee. We are doing everything possible. After the First Reading, we will mobilise stakeholders so that we can fast-track it. Owing to the timeline that we have been given as a country, we must give guidance. We are on it as the Committee on Labour and Social Welfare. We will involve as many stakeholders as possible.’