CHAIRS

COMMITTEE OF THE WHOLE HOUSE

Date: 12th April 2016
Member of Parliament: Sen. Elizabeth Ongoro
Contribution She Made On: The County Industrial Development Bill (Senate Bill No.7 of 2014)
‘Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Industrial Development Bill (Senate Bill No.7 of 2014) and seeks leave to sit again tomorrow.’

BILLS

Date: 20th April 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: The Anti-Doping Bill (National Assembly Bill No.6 of 2016)
‘Thank you, Mr. Temporary Speaker, Sir. I also wish to support this Bill, taking cognizance of judicial notice that Kenya has performed very well in athletics. Our brothers and sisters have made us proud. So, this is an area which we need to protect, safeguard and ensure that we always get the glory. It is sad that once we have celebrated and sung the National Anthem, then you hear that the medal has been taken away from the athlete. This is something which is new to us as Kenyans because it is the last thing we expected that would affect us.
Mr. Temporary Speaker, Sir, as the saying goes, the globe has become a very small place and many things do spread, interferences are there; there are more hungry men and women who venture into our territories and want to make quick bucks out of our people, hence the need for this long awaited Anti-Doping Bill.
Mr. Temporary Speaker, Sir, I am happy because this Bill is domesticating an international instrument; meaning the whole world is concerned. When we look at the provisions of the Bill, I am glad that there is an establishment of the Anti-Doping Agency. It clearly states what the functions and the powers are. The fact that it will be working with some sense of
independence is very important because there should be no interference. Again, nobody is indispensable because it gives the provisions of how a board member is supposed to be removed. Mr. Temporary Speaker, Sir, even though I know there was a rule on reduction of these independent boards in Kenya; this Bill brings the important aspect and the need for enhanced, monitoring and evaluation. Therefore, we applaud the existence of the board and the functions which are stated there.

What I like about the Bill is in Part III on administration and enforcement. This indicates on the prohibited activities. It is important but it should be clear that since it is domesticated, we should not rubberstamp those international laws. We should also look at the unique instances that do exist which are normally performed within the African setup, particularly in Kenya. Those traditional things that we look for; I know like the Maasai’s have herbs and many others.

There are some herbs that are used to strengthen bones and other things. We should be clear that they are not harmful to the parts of the body, which are useful and important. It talks about the human body; an area which I am very passionate about. It ensures that someone’s health is paramount.

Mr. Temporary Speaker, Sir, when we look at the other parts of the Bill on dispute resolution, this will encourage and ensure that disputes, if any, are concluded on time. We will avoid wasting time in court. Being a lawyer, I know the way cases can take forever and for most of these people, this is their only livelihood. So, if there is an issue, it needs to be dealt with quickly and that person moves on. If he or she is clean, he goes back to the field to continue earning his or her living. If there was a problem, it should be sorted out within a certain time to allow the athlete to move on. There is a code of conduct which means everybody must adhere to the rules and regulations as enforced in the Bill.

Mr. Temporary Speaker, Sir, concerning accountability, the sports world attracts a lot of money. All the international athletes like Michael Jordan and the rest are always trying to support many causes. The philanthropic people will always ensure the world of sports is well remunerated. Therefore, accountability should be there. There should not be an issue like when the agency is disbanded or the board, nobody can account for the assets and you find that you still need to engage an authority to come and look at the assets. That will not be in order.

Mr. Temporary Speaker, Sir, I can see that there is a lot of strictness. It has been put in general but I know the time will come that we can look at the relevant amendments which we can put and ensure that it is air-tight and friendly to the Kenyan situation.

Mr. Temporary Speaker, Sir, the authority that is going to be established should ensure that once the Bill is passed and it becomes a law, can we have the people concerned; be it the
board members, Cabinet Secretary in charge of Sports, Arts and Culture or the Ministry to do proper dissemination of the law? Awareness or sensitization to all Kenyans is necessary in all languages that everybody can understand. It should even be translated in Kiswahili to avoid misrepresentation. We have seen instances where the Bill is clear and written in black and white but other people interpret it in their own way and give different meaning. This should be avoided. As we know, in law, no one should ever plead ignorance. With those few remarks, I beg to support.’

Date: 20th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Anti-Doping Bill (National Assembly Bill No.6 of 2016)

‘Mr. Temporary Speaker, Sir, I support this Bill. I thank the Senate Majority Leader and his deputy for ensuring that the Bill is brought before this House.

This is a Bill to provide for the implementation of the United Nations Educational, Scientific and Cultural Organisation Convention against Doping in Sports.

We thank God for the young talented sportsmen in this country. However, there is an emergence of coaches from Europe who are in a competing spree. They are using different supplements to ensure boosting in sporting activities. Therefore, we have experienced challenges on the use of these substances. The athletes use them without knowing their effects. We should create awareness on the use of these substances and the effects of doping.

Mr. Temporary Speaker, Sir, we need to look at the penalties that we have put in place. This is a Bill that we are domesticating from international law. Therefore, most of the amendments will be done after it is enacted. We should look at the established agency and how it will run its activities vis-à-vis the authorities that are established in the sports sector. This is to avoid overlapping mandates among these authorities.

Mr. Temporary Speaker, Sir, how shall we penalise a person who comes to our country to coach and abet doping? This has caused many athletes to be banned for things that they did not know. We have to encourage the country to draft a Bill to ensure that our mechanisms protect our sportsmen. Weightlifting and boxing are areas where substances are abused because of the nature of the sport.

In the administration and enforcement regime under Clause 26, there are many issues that have been raised. Clause (g) is on trafficking or attempted trafficking in any prohibited substances or prohibited methods. We do not need trafficking of substances that are used for doping. Our sportsmen are earning from sports and we need to protect them.
Lastly, I support Sen. (Dr.) Khalwale on the establishment of the Anti-Doping Agency headquarters in the Rift-Valley and especially in Iten, Elgeyo-Marakwet County.

Mr. Temporary Speaker, Sir, Rift Valley is where most of the athletes are from. We have to be proud of them because they have made Kenya shine on the world map. We do not need the headquarters in Nairobi.’

Date: 21st April 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: The Division of Revenue Bill (National Assembly Bill No.4 of 2016)

‘Mr. Temporary Speaker, Sir, I will be brief. First, I want to support this Bill and thank the Committee for ensuring that for the first time, we did not go through a mediation process. The Chairman of the Commission on Revenue Allocation (CRA) said that the tax exemption of the Standard Gauge Railway (SGR) is one of the reasons we are not collecting enough revenue. It is important that we look at all the components of SGR. We have locomotives, scanners and facilities that are supposed to be imported. It is also important to look at their prices.

While the governors continue to build facilities, we need to know how we will deal with the human resource component because ethnicity is high in county governments. The nurses are being sent back to the national Government and their salaries held by the county governments. We, as the Senate, need to work on that and ensure cohesion in the counties.

Mr. Temporary Speaker, Sir, it is also important for us to question the revenue collection in the counties. We should ensure that local revenue is collected and used in a prudent manner. There are rich people who are not educated and, therefore, do not understand the Integrated Financial Management Information System (IFMIS). They have decided to hold on to their money. It is up to the Government to come up with a system that can be used even by those who do not understand the IFMIS, so that it can collect more revenue.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.’

Date: 21st April 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: The Division of Revenue Bill (National Assembly Bill No.4 of 2016)

‘Mr. Temporary Speaker, Sir, I support this Bill because the authors have tried their best to apportion the money accordingly. However, I would have been happier to see more allocation of funds to the free maternal health care because we know how the situation has been and there is still a lot to be done. I hope that we will see a lot of improvement next
time because women are still suffering as their children die. We need to protect the future generation.

On the enhancement of the security operations such as the police vehicles, I wish that there would have been more attention on the welfare of the security officers so that they are more comfortable, confident and encouraged to go about their duties.

On the issue of affirmative action, I would have wished to see more activities planned for the adolescents who are also vulnerable people and need a lot of interventions such as vocational learning. I hope that the next Bill will tell us what they will do for the special group called adolescents.

Mr. Temporary Speaker, Sir, I see that they have also allocated money to the constitutional commissions. I hope that the Independent Electoral and Boundaries Commission (EIBC) will be given more funds because the mass registration of voters was not done adequately. They were shoddy because there were no enough personnel or registration kits to prepare us adequately for the next elections.

Finally, having attended a conference at the World Bank and at the International Monetary Fund (IMF) last week, I know that the world has taken judicial notice that Kenya has overburdened the tax coffers with the infrastructure expenses. It is too high and I hope that it can be looked into next time so that priority is given to what can help Kenyans. I beg to support.’

Date: 26th April 2016
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: The County Governments (Amendment) (No.4) Bill (Senate Bill No.18 of 2014)
‘Mr. Temporary Speaker, Sir, pursuant to Standing Order No.99, I beg to move that we adjourn the debate until a later time, so that we can allow Members more time to debate.’

Date: 27th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013)
‘Mr. Temporary Speaker, Sir, I beg to move:-
THAT, the Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013 be now read a Second Time.

Mr. Temporary Speaker, Sir, this is a Bill that brings in a critical component within the services that we give to Kenyans. Under the Constitution of Kenya 2010, persons with disabilities are entitled to reasonable access to all places, public transport and information.
Hence, the Government has the responsibility to make telecommunications and mass media available to persons with disabilities for their rehabilitation, self-development and self reliance.

This Bill is sponsored by hon. Wanjiku Muhia, Woman Representative for Nyandarua Constituency. After we passed the new Constitution, it is the responsibility of not just the Government, but also the private sector to enable persons with disabilities to access any of their institutions. In some buildings, it is difficult for persons with disabilities to access or move around. We have had challenges even at the airports. A few years ago, we had a commotion at the airport when one senior person was mistreated by one of the airlines. We had to have a series of petitions and I appreciate to see Sen. Omondi seated here because she is the wearer of the shoe. She will tell you the challenges that they face not just in schools but also in hospitals.

Some hospitals with staircases do not have ramps. Sometimes the roads that they have reserved for these people are so narrow. It is the responsibility of their handlers; parents or relatives, to help them. One of the amendments to this Bill is very clear that an institution or a body offering services to the citizens shall enable persons with disabilities to enjoy the services available within the institution or body.

Mr. Temporary Speaker, Sir, we need to get aid devices for the deaf and blind. We should also hire qualified interpreters for the deaf and blind. This morning, we launched civic education documents. Sen. Wako and I attended that function. However, when I read through those documents, I did not see any that will help the blind and deaf to participate in this process. Therefore, by amending this Bill, we will ensure public participation as stipulated in the Constitution. We would also like to see our brothers and sisters with special needs participating in this process.

We do not have to take it for granted, but we have to put ourselves in their shoes to understand the suffering they undergo. There are those who can afford to take care of themselves while there are others who cannot. It is the obligation of institutions, like schools, to ensure persons living with disabilities are taken care of. The Members of the National Assembly who manage the Constituencies Development Fund (CDF) should embrace these amendments so that they hire qualified interpreters for schools. They should also train teachers on Braille so that they can help blind students in their institutions. The kitty that is allocated to the Women representatives should also support such activities within their counties. We are using funds to compete for the same projects, but there are very many programmes that we can run with, using the different kitties to support and sustain those in need, especially persons living with disabilities.
Mr. Temporary Speaker, Sir, language is critical. That is why sign language has become a critical component in our society. Whenever we are holding functions, we hire services of the interpreters. During the recent by-elections, I realized that some elderly persons were not able to read. So, I urge the Independent Electoral and Boundaries Commission (IEBC) to think of ways of assisting them. They can provide them with reading glasses to help them make the right choices. We need to create awareness and understanding of the issues affecting persons with disabilities.

I hope the President who is determined to see us, as a country to change some of our peculiar behaviours, is listening. Many at times, public procurement is done and equipment is supplied. However, instead of making proper use of it, we leave it to rot in the warehouses. It is sad that nobody takes responsibility of such equipment simply because it was procured using public resources. We may be surprised to learn that all these equipment are lying somewhere because we have not started dealing with children with special needs today.

We need to come up with effective mechanisms to ensure that the available equipment and those that will be purchased are sent to the right institutions to be used by persons living with disabilities. I have realized that we have weaknesses in our follow up and monitoring mechanisms. I hope that we, as legislators, will go to stores to inspect what has been left to rot there. We need to shame people who misuse or mismanage public resources. After the equipment has been purchased, no one cares how it is used or maintained.

Mr. Temporary Speaker, Sir, we need to deal with the issue of wastage in our country. We need to get value for the Kenyan taxpayer’s money. We should also not take advantage when tendering to make provisions in our building facilities for persons with disabilities, for instance, overpricing the cost of constructing ramps. In a country like the United States of America (USA), when an architect designs a building, before it is approved for construction, he or she must prove that it can be accessed by persons living with disabilities. When you also visit some countries in Europe, you will notice that they have fixed facilities on their roads to alert the blind people when to cross the road. They do not rely on other people to assist them to cross the road.

I beg to move and ask Sen. Omondi to second this Bill because it will go a long a way to support many others like her.

Date: 27th April 2016

Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: The Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013)
Mr. Temporary Speaker, Sir, I take this opportunity to second this important Bill which concerns my area of representation. I speak from experience because as the saying goes, “the wearer of the shoe, knows where it pinches most.” The contents of this amendment Bill explain the life of a person with a disability in Kenya and other countries. Although we, as a country, have made progress in dealing with issues affecting persons with disabilities, we still have to put more effort and have more passion for persons with disabilities.

Issues of disability should concern every Kenyan because we are all potential members. It is a club that one can join any time. It is easier to join the club than it is to leave it. The issue of accessibility needs to be considered critically. Everyone has to be put into consideration depending on the type of disability and its unique needs. We, as a country, fail when we do not consider the needs of a person according to the type of disability as well as meaningful involvement of the user of the services and resources that we provide.

We now have a devolved system of government and learners with disabilities are the most affected when looking at resource allocation. Unequal distribution of resources in the education sector is a major setback.

Mr. Temporary Speaker, Sir, I have been involved in solving cases where county governments construct Early Childhood and Development Education (ECDE) classes without considering learners with disabilities who will use them. You will find that learners with disabilities are put in one classroom without considering the size of class and level of education.

This hinders learning. A learner with disability cannot acquire quality education. This is despite the fact that he or she competes in the job market like any other Kenyan.

We are treated like second class citizens in each and every area. In any discussion, we are considered as persons with disabilities. There is no where we are considered as first class citizens. It is so alarming. When the country has many persons with disabilities who are not considered and no structures are put in place, then we cannot fight poverty.

Mr. Temporary Speaker, Sir, allow me to talk about the issue of sign language interpretation. On television, persons with disabilities are told to use the numbers that are running on the screen yet a visually impaired person also needs to follow the news. It discriminates and continues to do so. I fail to understand this; as a person with disability, you are limited on the programmes you can watch on television because it is only during news hour that some media houses provide sign language interpreters. However, persons with hearing impairment are left out of other social programmes that follow after news. In addition, when an institution is looking at laying off employees to reduce the wage bill, the most targeted people are persons with disabilities. I would like to use the example of Mumias Sugar Company. They are struggling to do away with employees with disabilities.
simply because they want to reduce the wage bill. The Persons Living with Disability Act gives protection to persons with disabilities. They should not be touched simply because it is not easy to get employment. It takes time for them to get education and once they are absorbed somewhere, whether there is a problem, they should not be targeted as a measure to improve the performance of the institution. They should continue to work so long as they can perform and have the capacity to do so.

Mr. Temporary Speaker, Sir, in conclusion, if this Bill becomes law and it is implemented, it will change the way we treat persons with disabilities. Sen. Elachi talked about assistance to persons with disabilities while crossing the highways. In developed countries like the United States of America (USA) and Japan, they have speaking robots whereby a visually impaired person follows the sound of the robot and will just go direct and press a gadget and the vehicles will stop to allow that person to cross.

Mr. Temporary Speaker, Sir, for the physically disabled, we have outlets whereby you use the wheel chair without much hustling but in Kenya, we do not care about disability. Every house has stairs and once we put a ramp, everybody sees its importance and wants to use it. In buildings and social places such as hotels, persons with disabilities cannot use a social place like the bars or even rooms in the hotel. Where do we leave Kenyans with disabilities?

As a country, we need to wake up and say enough is enough. We must be prepared. If we take account of what is happening in our homes; you build your house and plan that you will be sleeping upstairs not knowing what will happen tomorrow. You may go out in the morning and come back on a wheel chair in the evening maybe because of an accident. It will force you to sleep in the kitchen. It will also cost you to renovate the house to suit that disability. Let us be prepared and make our homes accessible to persons with disabilities.

Mr. Temporary Speaker, Sir, as I second this Bill, it will empower and direct Kenyans on how to serve persons with disabilities meaningfully. With those remarks, I beg to second.

Date: 28th April 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Division of Revenue Bill (National Assembly Bill No.4 of 2016)

‘Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Division of Revenue Bill (National Assembly Bill No.4 of 2016) and its approval thereof without amendments.’
Date: 12th April 2016

Member of Parliament: Sen. Mvita Mshenga

Contribution She Made On: Thanks for the presidential address

'Asante Bw. Spika wa Muda, kwa kunipa fursa hii ambayo nilikuwa nimeingojea kwa hamu na gamu mchana wa leo. Nilikuwa likizoni lakini nilijua kwamba badala ya kupiga filimbi nitapata fursa ya kuongea na kusikika kwa njia inayokubalika.


Date: 12th April 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Thanks for the presidential address

‘Bw. Spika wa Muda, nafikiri mwenzangu alikuwa anamaanisha waathiriwa waliopata hasara kutokana na ghasia za uchaguzi. Hata hivyo, watu hao waliathiriwa kwa sababu za kisiasa.’

‘On a point of order, Mr. Temporary Speaker, Sir. Is my friend, the Senator for Machakos, in order to say that the President would have told the Speaker to let the Members demonstrate yet he knows very well that with our new constitutional dispensation, he is a visitor? He can only come and give us an address and leave. He is not even allowed to interrogate his Address. There is no provision in the Standing Orders that allows him to intervene.’
Date: 12th April 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made On: Thanks for the presidential address

'Mr. Temporary Speaker, Sir, first, I want to thank the President for addressing us, which is a constitutional mandate. I also want to raise a few key issues that he talked about. He asked us to salute our heroes who have been in Somalia fighting the Al Shabaab. We know that it was a requirement by the African Union (AU) that we deploy the African Union Mission in Somalia (AMISOM).

Therefore, Kenya deployed her army to Somalia courtesy of the AU and the agreement with the United Nations (UN) to have the AMISOM taking care of us. We know that terrorists have never been a friend of anyone. They could find you in Parliament or anywhere. Therefore, it is very important for us to appreciate that terrorism is not just an issue that affects Kenya but it is a global threat to everyone.

Mr. Temporary Speaker, Sir, the President also talked about a very critical agenda that we need to relook at as politicians. That is the covenant that our founding fathers had re-imagined; what they would have seen in our country. They had a dream and a vision and they left this country for us and moved to the next world to be with our Father in heaven. We salute them. The most important thing that we need to ask ourselves as the second generation, as we take over our country is how we will protect our heritage, dignity and diversity that we are proud of and, especially, our ethnicity. How do we use it in a positive way but not the negative way we have been using it as elites and Kenyans have been suffering because of that? How do we turn that around and make it an opportunity for all of us to ensure that we appreciate? We have 47 counties and one country called Kenya.

Mr. Temporary Speaker, Sir, we have seen achievements. I know one of the biggest challenges that we faced and delayed to start; the laptop project. This was a result of lack of solar power or electricity in some schools. Today, all primary schools have electricity and now we can roll out the project. I thank the Cabinet Secretary (CS), Dr. Matiang’i, who has come out very strongly to ensure that the education sector is back on track and that there is cohesion between the unions and teachers. By June, he will have rolled out this programme.

The President brought out a very fundamental issue that this Senate has done. For the last three years, the Senate has ensured that county governments receive Kshs1 trillion. When we talk of Kshs1 trillion, it means that the local revenue that has been collected for the last three years is more than Kshs2 trillion. If you put together Kshs1 trillion which is just a drop in the ocean from the national Government, yet we have left county governments with their local revenue which nobody questions or does anything and they have a leeway to do anything with this money---
No county has come out clearly to say that my money from the national Government will be specifically for development. All we have seen is county governments still incurring debt. This is something that the Senate should be very worried about. We need to ask ourselves, if you are going to be a governor, will you take over a county that is on its knees with debts amounting to Kshs10 billion or Kshs14 billion? These are the issues that we should raise.

We also thank the President for Kshs87 billion for the Constituencies Development Fund (CDF). I was shocked and thought that Kenya is a rich country. If we have a Kshs1 trillion pumped into counties and we have Kshs87 billion in CDF, why do we not see development in counties? We are crying and still seeing children studying under trees with no classrooms. There is something wrong with us, as leaders, who have been given the responsibility to run these counties. We must be very serious. When we have a governor who decides to play public relations, buy choppers and bring hooligans to start their own campaigns, something must be wrong. That is a security threat. We must be very worried when we see Nairobi City County askaris on television killing people in daylight and it is documented.

Anyone who is vying for a political seat should ask himself or herself if we will really have a free and fair election, or people will just use goons to destroy your meeting, kill people and have you blamed. We must stop it. This Senate must take the lead to ensure that the hooligans that governors have created and those askaris are stopped. We must bring a petition to this Senate to determine who trains these askaris and where they are trained because they handle business people the wrong way and yet you expect revenue. How will we have a conducive environment to collect revenue when we harass the small business people on the streets?

Mr. Temporary Speaker, Sir, as we look at the President’s Address, these are some of the issues that we must raise as we move to the next level. Before we do the Division of Revenue Bill in this House, we must ensure that we raise very critical questions to county governments. Why are they in debt? It is time Senators had the right to decide that this money will not go to your county until a few things have been done. I would wish to see that. The President also talked about investing and improving the lives of Kenyans. He talked about infrastructure and mining and we have just passed the mediation Bill on mining. I hope that we can now move to the next level and ensure communities with natural resources are given the opportunity to, first of all, just get that responsibility of being part of the projects that are on their grounds. We have coal in Kitui and Mwatate. It has been there for many years. We now want to see these communities benefiting. We have the Information Communication Technology (ICT) projects; we want young people to be innovative in bringing up projects, solutions and applications that can be used for farmers
and any other sector that we have. We have different solutions in applications that can transform and give information to people. He talked about us moving to the digital era. We now have different radio stations that are there.

Mr. Temporary Speaker, Sir, the most important thing that we now need to deal with in our country is cohesion. We must be serious when we talk about cohesion. We must stand, sacrifice and ensure Kenyans feel part of the Government. We must ensure that this country becomes one. God has given us that opportunity. Having moved out of the ICC, the next agenda should be to bring the country together.

I also want to tell those who are now trying to bring a few political connotations that do not matter at all, that will again break this country---’

Date: 13\textsuperscript{th} April 2016

Member of Parliament: Sen. Liza Chelule

Contribution She Made On: Thanks for the presidential address

'Bw. Spika wa Muda, asante sana kwa kunipa nafasi hii ili kuunga mkono Hotuba ya Rais. Nachukua fursa hii kumpongeza Rais wetu kwa kusimama kidete ingawa alisumbuliwa na kulikuwa na changamoto ya sauti za firimbi ndani ya Bunge.

Hata hivyo, alistahimili na kusoma Hotuba yake mpaka mwisho. Pia, nawashukuru Wabunge wa Mrengo wa Jubilee ambao walikuwa na nidhamu ya hali ya juu wakati Rais alikumbana na changamoto ya sauti za firimbi ndani ya Bunge.

Hakuna njia nyingine Rais wetu anaweza kuongea na wananchi wake isipokuwa kufika katika Bunge la Taifa na kuhutubia Wabunge ambao walichaguliwa na wananchi wa Kenya.


Bw. Spika wa Muda, ningependa pia kuchukua nafasi hii kuongea juu ya matumizi ya pesa katika serikali za kaunti. Matumizi ya pesa za kaunti yanatuhusu sisi viongozi. Pesa ambazo zinapelekwa katika serikali za kaunti ni kwa minajili ya mwananchi wa nchi hii. Kwa hivyo, itakuwa ni aibu sana wakati hesabu ya pesa ambazo Seneti imeidhinisha zitumwe kwa serikali za kaunti inatolewa na kupatikana kwamba hazikuwasaidia mwananchi kwa njia yoyote.

Kwa hivyo, ni vyema ikiwa umechaguliwa kuwa kiongozi, jinsi magavana walivyochaguliwa katika kaunti zao, kuongoza na kuangalia jinsi rasilmali zetu zinavyotumika. Itakuwa aibu sana iwapo itapatikana kuwa pesa za wananchi zinatumika kwa njia isiyofaa. Nachukua

Date: 19th April 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: Adoption of report on the second basis for equitable sharing of revenue among county governments

‘Thank you, Mr. Deputy Speaker, Sir. I also stand to support this report. As we have discussed, the allocations are quite clear. There are very few changes for equitable sharing that has increased. That is good because it means more equitability within the counties. Poverty has reduced which should be as a result of counties having improved from equitable share last time.

Mr. Deputy Speaker, Sir, the process has been involving in terms of ensuring that members from various stakeholder communities have been incorporated in the discussion. Over time, they have been able to impact into the formula and we have been able to look into the experiences from other communities and bring this on board to ensure that county optimization takes place. This will lead to stable and predictable allocation of revenue within the counties and that development, both economic and social, is possible within these counties.

Mr. Deputy Speaker, Sir, moving forward, other factors such as infrastructure and urbanization might need to be put into consideration so that we make this formula more robust. Thank you and I beg to support.

There being no more interests, could I request that we defer the voting on this particular Motion to a later time when we have quorum in the House?’

Date: 20th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Adoption of mediation Committee Report on the Statute Law (Miscellaneous Amendments) Bill (No. 2) National Assembly Bill No.33 Of 2014)
Mr. Temporary Speaker, Sir, I also support the Report of the Mediation Committee and thank the team. We know that it has been a learning process for the past three years. I believe that the National Assembly understands why the drafters of the Constitution felt that mediation would be part of our process where you bond and learn from each other. In the mediation team, you will realise that everyone reasons the same. You will wonder why conflicts arise when we are in our respective Houses. Mr. Temporary Speaker, Sir, having said that, I also thank hon. Kajuju, Sen. Murungi, hon. Linturi and the whole team from Meru who stood very firm when the challenges facing miraa started in this country. They even travelled to Europe to petition that Britain assists in ensuring that the crop continues being exported there. Miraa has contributed a lot to our Gross Domestic Product (GDP).

We need to support and ensure that there is a framework that will enable them to trade, not just abroad but they can also look at new places where they can trade. They can look to the East and see whether it can work. We can also now see other products coming out of the same miraa and not just chewing it. I believe that this is a product that can even give us juice. We also need to do more research and see how else it can be useful to us.

Mr. Temporary Speaker, Sir, the only challenge that I face - I now throw it to the Senate - is the issue of oversight funds. We only have one year to finish our term and I think it is time for the Senate to let go off this issue. We need to go back to court. I do not believe in the Constituencies Development Fund (CDF) where you find that the revenue that is being shared is accumulated before you even share revenue from the counties.

If, indeed, that is the fund for supporting national issues, then their revenue has to be driven from the national revenue after they have shared it. Therefore, it is only that Senators were being a bit diplomatic and sensible by saying that: “These are our brothers and they have had CDF for a while.” However, I think it is time for CDF to go. It is time the courts let us now finish the issue of legislators running funds. Let us all be equal and concentrate on our oversight role.

This House must lead by example so that we do not have conflicts and abuse each other as we debate. It is time we did the right thing according to the Constitution. I hope the Attorney-General Emeritus, Sen. Mutula Kilonzo Jnr. and Sen. Murkomen will look at that draft, take it to court and allow us to close this chapter. Thank you.

Mr. Temporary Speaker, Sir, I meant that we should do what the drafters of the Constitution appreciated, that the legislative arm of Government will legislate without implementation as an executive role. I think they clearly defined what we are supposed to do. It is only that we have refused to go by that because we are the ones who amend and prepare laws. All I am
saying is, when you look at how Members have just debated the Fund, you feel that it is time, as a legislative arm, to come out and deal with our legislative agenda.
I support.’

Date: 27th April 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Adoption of Mediation Committee Report on the Political Parties (Amendment) Bill (Senate Bill No.3 Of 2014)

‘Mr. Temporary Speaker, Sir, first, I would like to thank the mediation team. I also thank Sen. (Dr.) Khalwale. I am one of those who benefited from the small parties. I am still the Secretary General of our party. I want to thank Kenyans because we got 51 MCAs across the country. We also have three Senators and one governor elected on our party ticket. That aside, I also got 1.1 million votes.

Mr. Temporary Speaker, Sir, he can even check that on the Independent Electoral and Boundaries Commission (IEBC) website and he will see how many votes every party garnered.

Mr. Temporary Speaker, Sir, having said that, you will also remember that we had a challenge of not getting the 5 per cent and the funding for the parties. The reasons were that the formula was based on the total votes cast. Moving forward as a country, it is important to understand that it would be fair if we have few parties with ideologies that people believe in because we have ethicized political parties within our regions. I know that my party leader will be a presidential aspirant. He is moving to counties to ensure that other regions are brought together and that is very critical. Therefore, the fewer parties we have, the better for even a minority presidential leader who comes from a minority tribe. He or she will be able to move across the country calling for support from other counties. If we leave it that way, bigger tribes will continue to rule because they know they have the numbers.

This proposal will discourage ethnicity and enhance national unity. Not many political parties will have 20 elected Members of the National Assembly, three elected Senators and three governors. That is a tall order. Therefore, this will help to bring healthy competition and fewer nominations where people will compete. I hope this will also reduce party-hopping because people will be aware of the fact that if you have the numbers in any House, you will tap from the kitty. That has been happening. You could find a situation where somebody knows that they have a briefcase, which is a political party, and, therefore, they could still get money from the kitty as long as they marshal the numbers. This proposal will make people to work hard to ensure that their parties have elected MCAs, governors and MPs.
The issue of mediation is now coming out very clearly. Maybe going forward, we have different committees like the committees on health and agriculture that are very critical, both at the national and county level. It would be important if we can be having ad hoc joint committees together as we work on some of these Bills. That way, we will not end up pulling against each other so much and taking a lot of time. It has really taken a long time since this Bill was done. I urge the leaderships of the two Houses to negotiate and see that both the Senate and the National Assembly work on some of these Bills that are very concurrent. I believe Members can do it. We can see how we can mobilise each other and work so that we do not end up taking a lot of time.

I commend our representatives in the mediation team, especially Sen. (Dr.) Khalwale. I hope we can also talk to the Member of National for Kiminini, hon. Chris Wamalwa, and see how we can have one Bill instead of having two Bills that are similar and with the same issues. We can see how we can collaborate. If most of his issues were picked on this, I think they can join hands and ensure that we have one Bill that will be assented to. This will unlock the many issues that we have faced within political parties. With those few remarks, I beg to support this Report.’

‘On a point of order, Mr. Temporary Speaker, Sir. Is my good friend, the Senator for Homa Bay County, in order to talk about the funding, knowing very well that even Parliament itself has not passed the Bill for financing political parties?

Therefore, it would be very difficult for IEBC to even try and monitor how we are using the funds.

Is he also in order to say that we had Cabinet Secretaries (CSs) campaigning in Kericho County, while we know both sides of the Malindi and Kericho counties had malpractices in their by-elections? If IEBC wants to deal with the issue, it has to do so in a holistic manner. Is he in order to just point out Kericho County, forgetting that Malindi was even worse with violence reported there?’

Date: 28th April 2016

Member of Parliament: Sen. Judith Sijeny


‘Thank you, Mr. Temporary Speaker, Sir for giving me the opportunity to contribute to this report. I wish to commend the PAIC for the serious work. There were a lot of man hours put into this report. Looking at the report, there are some mistakes which have been done when it comes to the management or the leadership of Homa Bay. I have been to this and it is a beautiful county. I have seen a lot of improvements since devolution came in place, but
having looked at this report, I can see that a lot better could have been done and the people of Homa Bay County would have enjoyed more and better fruits of devolution which they passed through the Constitution.

Mr. Temporary Speaker, Sir, the problem with most counties is that the leadership believes in this maxim of “me, myself and I.” This issue of teamwork is not fully embraced. There are some people like the deputy governors, in fact, the reason Sen. Murkomen found it fit to bring the Bill that we passed a while ago to give the deputy governors more teeth. When we looked at the Petition from the people of Embu County, we could see that disconnect. That disconnect is what leads to such mistakes which have been pointed out by these Committee Members.

I know that in some counties like Machakos, some revenue was collected and it is utilized. There was a time that it was done according to the information that we were given. Those are the kind of mistakes that we make and you are not able to account for the money when the right time for accounting comes. The people of your area who contribute do not see where the sweat they go through is taking them.

Mr. Temporary Speaker, Sir, this money belongs to the people and it should serve them wisely. It should be looked into and protected and guarded. If you do not protect the interests of the people, this is how you get such reports.

This is how to get such reports. I agree with the Committee that the county governments should use restricted-tendering sparingly, if it is not giving the results that they want.

The recruitment of personnel is not done on need-basis, but on ‘scratch my back’ basis. Opportunities are given to chief campaigners, people from a particular clan and so on. Such incidents make people not to adhere to the strict rules of employment. If the rules and regulations governing the procurement of goods and services in the public sector are not obeyed or adhered to the letter, there will not be any uniformity or way forward. We shall continue going round and round without any progress. By now, at least, all counties should have laid firm foundations, so that within no time----’ (Interrupted by a power blackout)

**PROCEDURAL MOTIONS**

**Date:** 20th April 2016  
**Member of Parliament:** Sen. Beatrice Elachi  
**Contribution She Made On:** Resolution to extend the day’s sitting  
'Mr. Temporary Speaker, Sir, I stand pursuant to Standing Order No.33 to move:-
THAT the Senate resolves to extend its sitting time until the conclusion of business in Order Nos. 13 and 15 on today’s Supplementary Order Paper.’

PETITIONS

Date: 19th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Alleged unprocedural appointment of the Chairperson of the Board of the Kenya Medical Research Institute (KEMRI)
‘Mr. Speaker, Sir, I would like to congratulate the lady who has been appointed because she is a woman of substance from a minority community which has been marginalized for the last 50 years. Very few women have been beneficiaries of such appointments in the past from that community. We all know that the Jubilee Government is serious on the issue of affirmative action. Therefore, it is so unfair for us to bring petitions to question the integrity of women when they are appointed to key positions in the Government.’

Member of Parliament: Sen. Agnes Zani
Contribution She Made On: Alleged unprocedural appointment of the Chairperson of the Board of the Kenya Medical Research Institute (KEMRI)
‘Mr. Speaker, Sir, I would like to laud this petition because it gives a chance for organizations to look at regulations and the security that goes therein. Most of the processes and regulations are held within the institutions. Therefore, when institutions flout those regulations, it is difficult for outsiders to get into the nitty gritty of that process. Petitions give a fantastic opportunity to tackle such issues. I hope that this process will be replicated in the counties. With regard to personnel issues, ethnicity and nepotism is rampant in the counties. Therefore, such petitions should be encouraged because they will help us to effectively do our oversight role.’

COMMUNICATION FROM THE CHAIR

Date: 26th April 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: Visiting delegation of staff from Samburu County Assembly

‘Mr. Speaker, Sir, I want to echo the same. I welcome the staff from the County Assembly of Samburu. I wish them a fruitful learning here. I hope that they will pick the best practice from the Senate and take it back to the County Assembly.’

STATEMENTS

Date: 12th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Violence in Kakamega town during the launch of Sen. Wetangula’s presidential bid

‘Thank you, Mr. Speaker, Sir. First, I want to thank the Senator for Kakamega County and he proved that anyone can be in Kakamega at any time and you will be able to have a meeting. What we now want the Government to do is to ensure that those who were caught are investigated and justice must be done. We had one person who passed on courtesy of the hooliganism.

When you ask who brought the teargas; it is obvious that governors in this country are able to do anything. They are “small presidents” in every county and they have put police in their “pockets”.

Mr. Speaker, Sir, you find that they are even able to manipulate the police to be on their side rather than on the side of the citizens. So, we must ask ourselves, as we go to 2017 election whether we will ensure that nominations are done in a manner that people will appreciate. That is very critical and we must come out clearly and tell those who are used to violence when doing nominations that no Kenyan will pass on for the sake of one person becoming a leader in this country. May it be a curse to their families!’

Date: 12th April 2016
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: Violence in Kakamega town during the launch of Sen. Wetangula’s presidential bid

‘Thank you, Mr. Speaker, Sir. I would like to join my colleagues and thank Sen. (Dr.) Khalwale for bringing this matter. I also congratulate the Senate Minority Leader for being bold in trying to sell himself to Kenyans. What we are discussing is a serious issue and we
should give it real seriousness. We should come up with solutions because it affects the future of this country. This House is a House of order and integrity and we should come up with the solutions that will protect the future of our citizenship because we seem not to be serious about what transpired.

Mr. Speaker, Sir, it is a serious issue and, therefore, we should not take it lightly. We should find solutions by trying to safeguard future incidences of this nature. It is upon the leaders to make sure that citizens understand the security and safety of each person because everyone is entitled to good living.

Therefore, we need to go out and educate Kenyans to be real Kenyans and not hooligans because we are degrading the name of this country. We are losing integrity internationally because of hooliganism. It is upon the leadership of all to make sure that people that are supporting us behave in a manner that is befitting our safety and our good environment.’

**Date: 13th April 2016**
**Member of Parliament: Sen. Beatrice Elachi**
**Contribution She Made On: Status of public-private partnership projects**

‘Mr. Speaker, Sir, I heard the Chairman say that very soon, a serious housing project will come up. I would like him to clarify to the residents of Nairobi whether this is the same programme we know is about to start. He should also inform us where the people who will be affected will be taken to. Will they be taken to safe places where they will wait for these houses to be built or will just move people and then in the end, since it is a PPP programme, they will never come back to those houses and that will be the end? Especially now that we will have elections soon, we would like to know whether we are moving people or what will happen?’

**Date: 14th April 2016**
**Member of Parliament: Sen. Dullo Fatuma**
**Contribution She Made On: Status of the Managed Equipment Service for Meru Level 5 Hospital**

‘Mr. Speaker, Sir, I join my colleagues in condemning this situation in Meru. What the governor for Meru is doing is a crime. Women and children are suffering because of lack of equipment. The governor is doing this because of his personal interest; nothing else. He should be held accountable for this heinous crime.

For some of us who come from Isiolo and part of upper Eastern region, we consider Meru to be where we can go to, whenever we have challenges in accessing some of those facilities. The constitutional provision is very clear in terms of the right to health care in this country. As leaders we should not accept such a situation to happen in our country.
We should hold the governors accountable, especially the governor for Meru, for this action. This is very serious. We should come out and condemn it. The money he is refusing to pay is not his money. I do not know where he will get money to buy his own equipment. He is not taking that equipment to his own house. We have to condemn this and make sure he is held accountable. He should be responsible for his actions.’

**Date: 19th April 2016**

**Member of Parliament: Sen. Agnes Zani**

**Contribution She Made On: Kenya’s Participation in Open Government Partnership**

‘Mr. Speaker, Sir, I rise pursuant to Standing Order No.45(2) to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding Kenya’s participation in and commitment to the Open Government Partnership. In the Statement the Chairperson should:

1. State measures taken by the Government of Kenya to comply with and implement the Open Government Declaration.
2. Explain whether Kenya has developed and adopted a country action plan on the Declaration.
3. Clarify whether Kenyans were consulted in coming up with the action plan, if any, and indicate whether in accordance with Article 35 of the Constitution, the plan is easily accessible.
4. State measures taken by the Government to ensure compliance and guarantee commitment to independent reporting mechanisms on the process towards realisation of the principles of the declaration.
5. State measures taken by the Government to ensure sustainability and continuity of Kenya’s membership to the Open Government Partnership, and, in the spirit of open governance, provide quantified data on information relating to spending by the two levels of Government, specifying what has been spent on essential public services and activities.’

**Date: 19th April 2016**

**Member of Parliament: Sen. Godliver Omondi**

**Contribution She Made On: Denial of Visa to Mr. Josepah Kimemia**

‘Mr. Speaker, Sir, pursuant to Standing Order No. 45 (2) (b), I seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the denial of a visa to Mr. Josepah Kimemia who is a person living with disability to travel to China.
In the Statement, the Chairperson should state whether he is aware that Mr. Josephat Kimemia who is a person living with disability and a senior officer in Nakuru County Government, was denied a visa to travel to China. The Chairperson should explain if the reasons for Mr. Kimemia being denied a visa were connected to his disability status. The Chairperson should enumerate the steps taken by the Ministry of Foreign Affairs and International Trade to address the matter in order to ensure that in matters of international travel, persons living with disabilities are accorded equal treatment like other Kenyans.’

**Date: 19th April 2016**

**Member of Parliament: Sen. Godliver Omondi**

**Contribution She Made On: Sign language interpretation during release of national examination results**

‘Mr. Speaker, Sir, pursuant to Standing Order 45 (2) (b), I seek a Statement from the Chairperson of the Standing Committee on Education regarding sign language interpretation during release of the national examinations results. In the Statement, the Chairperson should state:-

1. Why the Ministry of Education has failed to provide sign language interpreters during the release of the Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) national examinations results.
2. What measures the Ministry has put in place to ensure sign language interpreters are available during the release of future KCPE and KCSE results.’

**Date: 19th April 2016**

**Member of Parliament: Sen. Godliver Omondi**

**Contribution She Made On: Disbursement of free primary and secondary education funds to learners with disabilities**

‘Mr. Speaker, Sir, pursuant to Standing Order 45 (2) (b), I seek a Statement from the Chairperson of the Standing Committee on Education regarding the disbursement of free primary and secondary education funds for learners with disabilities.

In the Statement, the Chairperson should state:-

1. Why the Government has delayed to release free primary and secondary funds meant for learners with disabilities.
2. When funds for learners with disabilities will be released in full and on time.
3. What measures have been put in place to ensure that in future, the release of the said funds is not delayed.’
Date: 19th April 2016
Member of Parliament: Sen. Liza Chelule
Contribution She Made On: Death of baby Stella Adhiambo Owino at the Nakuru Level Five Hospital

‘Mr. Speaker, Sir, pursuant to Standing Order 45 (2) (b), I seek a Statement from the Chairperson of the Standing Committee on Health regarding the death of a newborn baby girl; Stella Adhiambo Owino, born to Mrs. Elizabeth Adhiambo at Nakuru Level Five Hospital. In the Statement, the Chairperson should:-
1. Give a comprehensive report on the circumstances surrounding the death of the infant at Nakuru Level Five Hospital.
2. State the circumstances that led to the disappearance and eventual death of the said baby in the hands of the hospital nurse. Thank you.’

Date: 19th April 2016
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: Death of baby Stella Adhiambo Owino at the Nakuru Level Five Hospital

‘Mr. Speaker, Sir, I will attempt to give the answer within two weeks.’

Date: 19th April 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Operations of Kenya Airways

‘Mr. Speaker, Sir, on 23rd March, 2016 Sen. Leshore requested for a Statement from the Chairperson of the Standing Committee on Roads and Transportation on the operations of the national carrier, Kenya Airways (KQ), seeking the following:-
(1) The financial status of KQ.
(2) The status of KQ grounded planes.
(3) Whether KQ has implemented the resolution of the Senate of 3rd December, 2015, arising from the Report of the Ad hoc Senate Committee that inquired into the affairs of Kenya Airways Limited and its subsidiaries.
(4) Why KQ has sold off its prime morning landing slot at London’s Heathrow Airport.
Appendix 1 of this Report contains the financial report for the business for the half year up to September, 2015. Kenya Airways is quoted on the Nairobi Stock Exchange (NSE) and regulated through the Capital Markets Authority (CMA). The next release of financial results will be for the year ended 31st March, 2016 and will be ready in July, 2016.
As an overall commentary, there has been a significant improvement in the underlying business, with a reduction in the losses comparing the two years. This demonstrates that
the underlying business is sound. The losses are increased by three significant impacts; additional borrowing by the company to finance working capital, deterioration of the Kenya Shilling against the dollar and huge losses on fuel as a result of the reduction in international oil prices. On the status of the Kenya Airways grounded planes, two planes of the 777-220 series have been sold to Omni Air International (US). Two others are pending sale and have been actively marketed through the Kenya Airways sales agent, Cabot Aviation. An agreement for sub-lease of the 777-300 series has been reached with Turkish Air and is awaiting implementation. One 787 series aircraft has been transferred while a second aircraft will be transferred in May, 2016 to Oman Air for three years, as part of an agreement on slot sale. Two E170 aircraft have been returned to lessor, GECAS, as part of early return conditions agreed with them.

Regarding the status of implementation of the resolution of the Ad hoc Select Committee on Kenya Airways Limited and its subsidiaries, the Committee recommended that the shareholders inject new capital to facilitate the turnaround of the airline. The process towards recapitalization started in February 2016. Kenya Airways appointed PJT Partners as transaction advisers in the process. The Committee also recommended that the shareholders should provide financial bailout in form of equity under the following conditions:-
(a) reconstitution of the board of management by the major shareholders;
(b) restructuring and putting into place a management team with sufficient skills and experience in the aviation industry with the ability to turn around and build the company; and,
(c) hire a new marketing director with proven international experience to turn around its ticketing system and ensure proper accounting of revenue from market sales.

The composition of the board is governed by the Articles of Association of the Company. The company has 11 directors, two representatives of Government of Kenya, two representatives of KLM and five independent directors voted at the Annual General Meeting (AGM) by shareholders. Out of the five, three are less than two years old in the Board, while the chairman and executive director were elected at the AGM in October, 2015. There are only two executive directors in the Board; the Group Managing Director and the Finance Director. The Board regularly evaluates the skills and capability of the management team through its human resource committee. Currently, there is an international search process ongoing for the Finance Director and Commercial Director, responsible for selling, distribution and revenue management and network. The Committee recommended the review and restructuring of the Board of Directors’ composition since the management team is over-represented in its current composition and are undermining the Board’s advisory role. The composition of the Board is governed by the Articles of Association of the
company. The Board has 11 directors and only two are part of the management team; that is, the Group Managing Director and the Finance Director. The others do not sit on the Board, but are part of the management team, carrying out executive functions as mandated by the Board.

The Committee recommended that the new management team should explore arbitration alternatives with employees and their unions with an aim of ending longstanding litigation. It also recommended that the new management team should apply prudent outsourcing of services, without compromising the morale and efficiency of the existing employees and review the joint venture with KLM, especially on code sharing, revenue management and sales tracking to ensure equity. Arbitration alternatives have continued to be applied as part of the dispute resolution and continuous engagement of unions. No new outsourcing contracts have been entered into so far. The joint venture with KLM on the commercial side is undergoing review for the optimization, as part of the overall commercial focus.

There is an annexure on the sale of the landing slot in London, which I can read. Up to March, 2016, KQ operated a daily night schedule to London, Heathrow (LHR) with a ground time of---

Mr. Speaker, Sir, regarding the annexure, I can summarize that the management of KQ reviewed the value, cost and implications, and after consultations with the various stakeholders, they all agreed to sell the morning landing slot. The sale proceeds were shared equally with KLM. That was the best that could be done in the circumstances; the expenses were many, including parking and staff. Therefore, it was not cost-effective to keep the slot.

Appendix 1 shows the summary of audited results for the period ended 30th September, 2015. We are a few months away from the end of the financial year when we will get the proper audited results. The results show losses and what KQ has done to improve the situation.

The rest of the annexure contains an explanation as to why the London landing slot was sold and why the Boeing 787 has been subleased to Oman Air.’

**Date: 19th April 2016**

**Member of Parliament: Sen. Catherine Mukite**

**Contribution She Made On: Operations of Kenya Airways**

‘Mr. Speaker, Sir, I am also concerned about the composition of the directors of the Kenya Airways and the decision they make. Recently, they terminated a contract to expand the Airport yet the contractor had already mobilised all the resources and machinery which were on site. This will lead to a very huge loss.’
Date: 19th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made on: Report of special committee on proposed removal from office by impeachment of Hon. Mwangi Wa Iria Governor of Murang’a County
‘Mr. Speaker, Sir, this House had a clear recommendation that after the Report was tabled we would relook at the issues that were raised in three months. We debated this issue and even condemned some of the Committee’s recommendations. It would be proper if we finalize so that the House keeps its word. People will appreciate if we finalize the Report of the County of Murang’a.’

Date: 19th April 2016
Member of Parliament: Sen. Dullo Fatuma
Contribution She Made on: Affirmative action assistance to pastoralist communities
‘Mr. Speaker, Sir, we will respond to that Statement in two weeks’ time if that is okay with the Senator.’

Date: 19th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made on: Funding of Council Of Governors’ activities
‘Mr. Deputy Speaker, Sir, it is very important to understand the expenditures. We need to interrogate office rent, for instance. In 2013/2014 they spent Kshs41 million. What happened in 2014/2015? They went overboard to spend a whooping Kshs134 million. They spent this on office rent in Nairobi yet we passed a Motion the other day that we have county governments that do not have offices in their counties. We are looking for money to build those offices. This is double expenditure considering that they also have offices in Nairobi. We need to curb this. In addition, there is expenditure on fuel and lubricants. Is this for the staff or do governors spend money for fuel in the counties then, again when they come to their Nairobi offices, they claim mileage allowances? We need to look into this. Lastly, concerning capacity building; the Committee on Finance, Commerce and Budget has questioned it and asked the National Treasury to take action. It is time we stopped this. Regarding consultancy fees; despite having staff and the so called public economic officers and advisors, they have spent Kshs8 million on consultancy fees. We need to interrogate whether this office was created to use the backdoor to have a county government office in Nairobi rather than having them in the 47 counties.’
Mr. Deputy Speaker, Sir, I will be brief because I think much has been mentioned. I would like to just get a clarification on where the budgets for this money came from. There was an agreement that this money is being put into the kitty but we need to know exactly where the money was obtained from because budgets were very clear. The budgets were through participatory processes within counties and so they have a mandate, even to the citizens of those counties in terms of how the money has been spent. This is why it is important for us to continually want to know where the money has gone to. It seems to have been diverted and gone to different places. When these budgets are given, they are given for specific socio-economic activities that need to be conducted within counties.

Secondly, Kwale County contributed Kshs27 million and I would like to know, where there was a shortfall. Can that shortfall be indicated? What suffered as a result of that money going into this kitty? Was it somebody somewhere who missed a bursary or a particular allocation? We need to know that.

Thirdly, what is the role of the county assemblies as oversight agents within counties? Could we have more clarification as to how so much money has disappeared in counties, without county assemblies even raising a finger, mentioning or talking about it?

Last is the amount that has been collected vis-à-vis what has been spent. There seems to be almost a whole proportion of 80 per cent that continuously remains in the kitty. Obviously, this county is collecting far more than it really needs to collect. What is the reason for that? Is it probable that there might be some money that is being used specifically to gain interest for the particular counties? I think we need to tell this to the governors on their faces. No puncture will happen to the cars that will go to Meru County. We need to speak from the same forum and say it as it is so that as they say something, we tell them the alternative point of view. I think we owe it to the counties.’

Date: 19th April 2016
Member of Parliament: Sen. Fatuma Dullo

Contribution She Made on: Funding of Council Of Governors’ activities

‘Mr. Deputy Speaker, Sir, a lot has been said, but I have one or two points to contribute. My question goes to the donors because they are really particular about the usage of their money. Why are development partners acting as conduits of money siphoning by the
governors? The donors should go back to the drawing board and inquire how the money is used.

The second point that has already been raised is in regard to the person who approved the allocations. We, as Senators, sit here and ask for money to be allocated to the counties, but we do not know how the money ends up with the CoG. That is very unfortunate for the Senate.

How is each and every county benefiting from this allocation or contribution? Does it mean that the more a county contributes, the more it benefits or the less the contribution the more the benefit? It is important for us to know. Why do we have double allocation both from the county and the CoG?’

Date: 19th April 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made on: The killing of two people in Kajiado County by marauding elephants

‘Mr. Deputy Speaker, Sir, I would like to seek clarification on two matters very quickly. How many such cases have occurred? We are just seized of these two cases because Sen. Mositet brought them out. However, it would be useful to understand the level of human being-animal conflict in this region.

Secondly, obviously the measures do not seem to be working. Could we get more clarification on more dynamic measures that they intend to put in place to ensure that such cases do not happen again? We do not need to have even a single person losing their life. It is not about compensation here, but the loss of life. Could we have clear measures, whether it is clear demarcation, use of electric fences or something definite so that we can be assured that such incidents do not recur?’

Date: 21st April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made on: Status of compensation of integrated IDPs

‘On a point of order, Mr. Deputy Speaker, Sir. We know that during the Grand Coalition Government, Internally Displaced Persons (IDPs) received Kshs10,000 and land was bought for them. Maybe we now need to know who these were and who received the land that was bought by the Government. We even had others who received Kshs25,000 and houses were built for them. He has to bring a comprehensive response which will explain why they received Kshs10,000, at how much was land was bought, where was the land and who the beneficiaries were. More importantly, we need details of the Kshs25,000 and the houses that were built by Government.’
Date: 21st April 2016  
Member of Parliament: Sen. Dullo Fatuma  
Contribution She Made on: Status of compensation of integrated IDPs  
'On a point of order, Mr. Deputy Speaker, Sir. I wish to support the proposal given by the Senate Majority Leader because this matter is simply very important to the people of this country. If these questions will be asked by all of us, I am sure he might not be able to exhaustively answer most of them.

I support, come Tuesday, if possible, the Cabinet Secretary (CS) for the Ministry of Devolution and Planning should come and answer most of the questions that will be asked by Members.’

Date: 21st April 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made on: Misappropriation of public funds by the National Bank of Kenya (NBK)  
'Mr. Temporary Speaker, Sir, I do not know whether I am in order to request the Senate Minority Leader; my leader, to tell us his interests since he told us that his law firm used to act for the National Bank. I am worried there can be conflict of interest because he might get the information from the law firm.’

Date: 26th April 2016  
Member of Parliament: Sen. Dullo Fatuma  
Contribution She Made on: Participation of CID officers in vetting committee sittings for ID card applications in Trans Nzoia County  
'Mr. Speaker, Sir, at a Sitting of the Senate held on Tuesday 29th March, 2016, Sen. Henry Ndiema requested for a Statement regarding officers drawn from the Directorate of Criminal Investigations participation in the vetting of applications of national identity cards. He particularly sought to be informed whether the Government is aware that the said officers are participating in vetting applications for identity cards in Trans-Nzoia. He also sought to know why the officers are interrogating and intimidating innocent applicants as if they have committed crime. He further sought to be informed on what action will be taken to withdraw the officers from the vetting committees.

Mr. Speaker, Sir, I wish to respond that the Government is aware that in some instances, officers drawn from the DCIO attend identity cards vetting committee meetings in Trans-Nzoia County. Their attendance is necessitated by suspicion of doubtful applicants. However, the Government is not aware that the officers are interrogating and intimidating innocent applicants as if they have committed a crime. The actual interviewing process is carried out
by elders and technical officers, and not DCIO officers who are only meant to observe the vetting process.

The Ministry of Interior and Coordination of the National Government has no intention of withdrawing the DCIO officers from the vetting committees as their attendance is only required when there is suspicion of criminality.

In addition, we had a meeting with the Registrar of Persons who appeared before our Committee and this issue came up. The registrar confirmed that he will not allow intimidation of the members of public by the Criminal Investigations Department (CID). I believe that Sen. Ndiema attended that particular meeting. Thank you, Mr. Speaker, Sir.’

‘Mr. Speaker, Sir, I wish to respond to interventions sought by various speakers. First, let me confirm to Sen. Ndiema that according to the information that I have, the CID officers are just observers in that process and not carrying out the actual vetting themselves. That has been indicated in the Statement. In the event that they are harassing any citizen, if there is evidence to that, we will ask the relevant departments to investigate and give feedback on the same.

Mr. Speaker, Sir, regarding the question of the CID officers not doing their core mandate; I believe issuance of ID cards is a sensitive security matter. Therefore, it is important for them to be involved whenever there are cases of irregularities or criminal cases that may come up in the process.

Mr. Speaker, Sir, with regard to what Sen. (Dr.) Khalwale has said about the Ugandan girls who are required to go back and get documentation, this matter came up when we had a discussion with the Registrar of Persons. We are informed that the regulation is that as long as one has proper documents to show that they are married and have lived in the country for years, there is no problem. Therefore, if Sen. (Dr.) Khalwale has a case that clearly shows that there is evidence to that effect, I can follow up and ensure that it is sorted out.

An issue was raised regarding politicians using Registrar of Persons to issue IDs to foreigners, especially the Ugandans. This is a criminal offence. If there is evidence to that effect, I would request that we give the information to the relevant Ministry to investigate and give us feedback, because that is not allowed.

A Member indicated that usage of the CID officers in vetting process does not help at all. I know that there are several problems and challenges that have come up, but this is a matter that we can follow up and review the challenges faced in this process. I will report back to the Senate in two weeks’ time regarding the issue of failure by CID officers to do the right job. Kenyans have a right to get their IDs and should not be intimidated by CID or any other officers in the process of acquiring them. Thank you, Mr. Speaker, Sir.’
Date: 26th April 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made on: Participation of CID officers in vetting committee sittings for ID card applications in Trans Nzoia County

‘Mr. Speaker, Sir, we have several cases in Nairobi. Some parents to young men and women get married and live in Nairobi slums and so, they do not have IDs. When I was going round in Kariobangi and Mathare during the Okoa Kenya Initiative, I saw many ladies who do not have birth certificates or IDs, yet everybody knows them. They have children and some are grandparents. Could the Vice Chairperson seek proper interventions, so that these people are given IDs?’

Date: 26th April 2016
Member of Parliament: Sen. Dullo Fatuma
Contribution She Made on: Participation of CID officers in vetting committee sittings for ID card applications in Trans Nzoia County

‘Mr. Speaker, Sir, let me confirm to Sen. (Dr.) Khalwale that I will follow up on the particular case that he has raised and give him feedback in two weeks time. I know there are a lot of challenges, especially in the way the vetting of individuals in the counties is done. However, I do not know specifically how the vetting process is carried out. I will discuss this matter with the Ministry of Interior and Coordination of National Government to find out the kind of information they require in the vetting process.

We, as a Committee, have organized a conference involving all the county directors and the Senate to follow up on the issues we face in this country regarding registration of persons. I hope we will all participate in that conference. Thank you.’

Date: 26th April 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made on: Management of Masinde Muliro University of Science and Technology

‘Mr. Speaker, Sir, I want to thank the Chairman of the Committee for that response. When I raised these issues, the university was still open, but it is closed right now. Having said that, let me start with the second issue about the drop in student population. We need to verify the numbers. There is no way you can have students dropping from MMUST to go to Kibabii University Campus. Kibabii is a branch of MMUST and maybe the students went somewhere else.

Let me now go to the issue that most students raised and that is the issue of his Curriculum Vitae (CV); I would wish the VC to come out and tell the students that he is a
resident of South Africa and that he teaches in Tswana University of Technology and his resident nationality number is 5610205933089 and that during the time he was doing the interview, he did not remember to tell the panel that he has a job in South Africa. The law is very clear about a state officer in our country. The reason why I raised this issue is that the Petition came to the Senate in 2014 and either we were unable to take it to the Committee to handle the issue or we decided to leave it like that. When the students came up, I thought the best way is to bring it up as a statement so that the Senate can assist the university to move on to the next level.

Mr. Speaker, Sir, in terms of residence, he knows he is a resident in South Africa and he works there. It is clear and I will table the evidence on the Table of the Senate. We still need to understand that he has a lot of conflict with the staff and he has to find a way of working together with his deputy chancellors who, at the moment, have decided to leave. That is something that needs to be addressed so that the university can move on. This is what made the University of Nairobi go on strike and I wish the council manages these issues well.’

‘Mr. Speaker, Sir, the Chairperson of the Committee on Education should understand that it would be very wrong for us in the Senate to respond to the issues raised by the students who would like to resume their studies in a manner in which he has. The questions were very simple. First, to ascertain if Prof. Otieno is a resident of our country where he can manage his work properly or he is running two offices. If he is running two offices, this means that he is earning two salaries; one in South Africa; and this hinders his commitment to the work that he is supposed to do at Masinde Muliro University of Science and Technology. I wish he could have just clarified on that and stated the way forward.

The Chairperson is aware that Article 78(1) and (2) of the Constitution on dual citizenship is very clear. It states:-(1) A person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya.

(2) A State officer or a member of the defence forces shall not hold dual citizenship.”

We are questioning the constitutionality of this situation. Regarding the university management, the Chairperson should be serious. All the Deputy Vice Chancellors (DVCs) are not working in tandem with their Vice Chancellors (VCs). We must assist to curb this. The university is closed because of mismanagement, exams---

Mr. Speaker, Sir, all I am asking is that he should be clear in his answers. He should respond so that we can hand it over to the public. We do not seek statements for our own sake. We
do so, so that we can give feedback to the people who would have wished to receive a proper answer.’

Date: 26th April 2016  
Member of Parliament: Sen. Daisy Kanainza  
Contribution She Made on: Management of Masinde Muliro University of Science and Technology  
‘Mr. Speaker, Sir, may I inform Sen. Elachi that Masinde Muliro University of Science and Technology went on strike because of the zero balance issue and not because of mismanagement of the institution. However, the university is back on course and the students are sitting their examinations. Thank you.’

Date: 26th April 2016  
Member of Parliament: Sen. Naisula Lesuuda  
Contribution She Made on: Management of Masinde Muliro University of Science and Technology  
‘On a point of order, Mr. Speaker, Sir. Is Sen. Kanainza in order to try to answer a question that has not been asked? There are questions that Sen. Elachi asked and we were trying to get to the bottom of them through the Chairman.’

Date: 26th April 2016  
Member of Parliament: Sen. Judith Sijeny  
Contribution She Made on: Demise of Mama Lucy Kibaki, former First Lady of the Republic of Kenya  
‘Mr. Temporary Speaker, Sir, I also wish to condole with the family of the former President, hon. Kibaki. I know losing a loved one, especially a mother no matter how old she is, is the most painful thing. The gap she has left can never be filled. I know the entire nation is mourning. She was a darling to many people. I remember when she protested at the Kenya Television Network (KTN) studios, I had a daughter then who was just four years old but she really loved Mama Lucy. She asked me to invite the First Lady home for tea. When I asked her why, she said she is tough and she protects her family which is very important. She has left a legacy to her family and, indeed, the entire nation. The family unit must be loved and protected at all costs. She gave us that teaching and we live to remember that. As a family lawyer, I did not have to say much after Mama Lucy spoke because she loved people and had very strong values. She protected the girl-child and even the vulnerable people living with or affected by HIV/AIDS in one way or another. We shall miss her. May the good Lord rest her soul in eternal peace.’
Date: 26th April 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made on: Demise of Mama Lucy Kibaki, former First Lady of the Republic of Kenya

'Mr. Temporary Speaker, Sir, I also send my condolences to the former President and his family. I know the family has lost its pillar. Indeed, Mama Lucy was the pillar of her children. I hope that as they prepare to celebrate all that their mother has done for them and for this country, they will always remember the values that she instilled in them.

We celebrate Mama Lucy. First of all, she was the first to chair the Organisation of African First Ladies Against HIV/AIDS (OAFLA). I remember very well that she stood very firm for the less fortunate, especially children whose parents could not even bring them out. She went out to celebrate with those children and ensured their parents appreciated them and overcame that stigma.

We celebrate Mama Lucy and remember her humour. She taught us, women, one thing; that it is up to you to stand and fight for your family. She also taught us courage in the sense that you can stand and believe what you believe in without thinking of anything else. She taught us that one needs to be determined and believe that they can make it in any way, whether there are barriers or not. That is what she did.

As we celebrate her life, may the Lord rest her soul. We will continue to remember her as a teacher and mother for this country.'

Date: 26th April 2016

Member of Parliament: Sen. Daisy Kanainza

Contribution She Made on: Demise of Mama Lucy Kibaki, former First Lady of the Republic of Kenya

'Mr. Temporary Speaker, Sir, on my own behalf, my family and the youth that I represent in this country together with Likuyani Constituency in Kakamega County, I pass my dear condolences to the family of Mama Lucy Kibaki. We remember her for the virtues of leadership and commitment that she showed in this country. As a mother and wife, there is a lot to learn from what she did. It is also important that as male Senators talk about women, they should also emulate the same.

She fought for the rights of women and girls. On the same note, I urge male Senators to join us in ensuring that the two-thirds gender rule is achieved.'

Date: 26th April 2016

Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made on: Demise of Mama Lucy Kibaki, former First Lady of the Republic of Kenya

'Mr. Temporary Speaker, Sir. I want to join my colleagues in conveying my sincere condolences to the family and friends of the former President Mwai Kibaki. Today, we are paying tribute to Mama Lucy Kibaki and, as a woman, I would like to pass condolences from all the women of Kenya. We know that Mama Lucy Kibaki stood for the rights of girls and women. As one of my colleague said earlier, she spoke her mind even on issues that touched on ordinary citizens.

Mr. Temporary Speaker, Sir, I remember when there was a tanker that burnt many people at Sachang’wan, she stood and asked for accountability and said it was important that the life of every Kenyan is taken seriously. I will always remember her for that and many other incidences. Also, from Samburu County, we will always pay tribute to her for fighting for the nomination of one of the greatest women from Samburu County; Hon. Maison Leshomo. She came to Samburu, liked her, liked her courage, what she stood for and regardless of what many have continued to say - that Hon. Maison is not educated - Mama Lucy Kibaki stood by her and said leadership sometimes is not about education but what you do for your people. So, for us as Samburu County and women of Kenya, we will always be grateful.

Mr. Temporary Speaker, Sir, as we pay tribute to Mama Lucy Kibaki, her death reminds us of the fact that as we talk about this; what legacy would you want to leave behind so that when your time is up and others will be seated in this room, or Kenyans will be paying their tribute on social media and other fora, what will they have to say about you? What did you stand for? So, we want to tell Kibaki’s family that we celebrate and cherish---’

Date: 26th April 2016

Member of Parliament: Sen. Liza Chelule

Contribution She Made on: Demise of Mama Lucy Kibaki, former First Lady of the Republic of Kenya

Date: 27th April 2016
Member of Parliament: Sen. Dullo Fatuma
Contribution She Made on: Frequent power outages and surges in Kinna Sub-County
‘Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.45 (2) (b) I wish to seek a Statement from the Chairperson of the Standing Committee on Energy regarding the surge of electricity and destruction of personal property in Kinna Sub-County, Isiolo County. In the statement, the Chairperson should:
(1) Explain why there is loss of power for long periods of time every week and frequent surge of electrical power in Kinna Sub-County.
(2) State and explain what measures the Government is taking to prevent the frequent surge and loss of electrical power in Kinna Sub-County.
(3) State when the Government will take the necessary measures to reduce the loss and prevent the surge of electrical power in Kinna Sub-County.
(4) State and explain how and when the Government will compensate the residents of Kinna Sub-County for the loss of property such as electronics, shops, houses and animals due to the frequent power surges.’

Date: 28th April 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made on: Transfer of various classes of roads to the county governments
‘Mr. Speaker, Sir, I will convey the request, but I think the time is too short. The issues will be answered, if possible. But if they will not be addressed, I will seek for at least two weeks. The Cabinet Secretary could highlight some of the issues when he comes.’

Date: 28th April 2016
Member of Parliament: Sen. Dullo Fatuma
Contribution She Made on: Presence of KDF in Somalia serving under AMISOM
‘Mr. Speaker, Sir, I do not have this Statement at the moment and I would request Sen. (Dr.) Khalwale to give us one more week to respond to his Statement.’
PAPERS LAID

Date: 19th April 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: Report of the Third Global Open Government Partnership (OGP) summit
‘Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 19th April 2016. Report of the Third Global Open Government Partnership (OGP) summit held in Mexico City, from 25th October to 1st November, 2015.’

Date: 19th April 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: Report of the Third Global Open Government Partnership (OGP) summit
‘Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 19th April 2016. Report of the Third Global Open Government Partnership (OGP) summit held in Mexico City, from 25th October to 1st November, 2015.’

Date: 21st April 2016
Member of Parliament: Sen. Dullo Fatuma
Contribution She Made On: Report on petition: Violation by the national registration bureau of the rights of residents of Vihiga county to registration and issuance of national identity cards (IDs)
‘Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 21st April, 2016:-
Report on the Petition on the alleged violation by the National Registration Bureau (NRB) of the right of the residents of Vihiga County to registration and issuance of National Identity Cards.’

Date: 26th April 2016
Member of Parliament: Sen. Fatuma Dullo
Contribution She Made On: Annual report of the NIS for the year 2015
‘Mr. Speaker, Sir, pursuant to Section 28(1)(f) of the National Intelligence Service Act, 2012, I beg to lay the following Paper on the Table of the Senate today, Tuesday 26th April, 2016:- Annual Report of the National Intelligence Service for the year 2015.’