CHAIRS

Date: 16th February 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

Date: 18th February 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

Date: 23rd February 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

Date: 24th February 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

Date: 25th February 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

COMMITTEE OF THE WHOLE HOUSE

Date: 16th February 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.’

Date: 18th February 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: The Office of the County Attorney Bill
‘On a point of order Madam Chairperson, it is not that I am opposing this but I do not know how this Clause shall be, considering that this is an Act of Parliament because under the Constitution, the CEC Members are provided expressively under the Constitution. If we now raise them to the rank of executive committee, how will that be in tandem with the Constitution because this is just an Act of Parliament?

Madam Chairperson, does it mean that when a governor is appointing an attorney, he must include in his executive committee an attorney so that he can be at that rank because he will be appointing as per the constitutional provisions or would this be a separate clause that we are providing for knowing that the rules that an Act of Parliament cannot override the express provisions of the Constitution? I just wanted a clarification. Thank you.’

Date: 18th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Kenya National Examinations Council (Amendment) Bill

‘Thank you Madam Chair. First, I commend Sen. Musila for this new amendment. I know from the Committee of Education that there has been a lot of discussion in trying to streamline and solve the issuance of examination certificates through the district education office. The issue of the result slips has also caused a lot of problems.

Students usually wait for a long time before they get their examination certificates. With this amendment, it will be possible for them to collect their certificates quickly and they will be doing this from a central point which is their respective examination centres. From there, they can be scrutinized to ensure that they are the exact owners. The amendment gives the provision for that scrutiny and a time limit of two months from the release of the certificates.

The amendment moved away from the District Education Officer who would be deemed far removed from the examination centres and probably keeping the control of the issuance of the certificates within the centres. With this, the issuance will be expedited without the head teachers holding on to them because of fee issues. Thank you.’

Date: 18th February 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: The Kenya National Examinations Council (Amendment) Bill

‘Madam Temporary Chairperson, I just wanted to support the New Clause 2A that is being introduced. We know that the Mover of this Bill has been very passionate on this issue. I
think the intention is to make it extremely impossible for teachers to withhold certificates; that they must immediately release them. That is the idea of New Clause 2A. In other words, if you do not release certificates, it means that you will have to pay the Kshs200,000 fine or face imprisonment for six months, or both. I think it is a necessary provision. I thank you.’

**BILLS**

**Date:** 10th February 2016  
**Member of Parliament:** Sen. Judith Sijeny  
**Contribution She Made On:** The Constitution of Kenya (Amendment) Bill, (Senate Bill No. 16 of 2015)

‘Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to move this Bill. I beg to move the Constitution of Kenya (Amendment) Bill, (Senate Bill No. 16 of 2015). This is a very important Bill because it will help with implementation of the Constitution.

Under Article 27 (8), the Constitution provides that:

“In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.” This will be a self-regulating mechanism, which is set out in Article 177 (1) (b) of the Constitution. It implies just lifting up Article 177 (1) (b) to Articles 97 and 98 of the Constitution.

Various stakeholders have been involved in discussing this matter together with the Attorney-General. Therefore, it contemplates that if by any chance one gender does not have one-third representation, which can either be the male or female--- It also adjusts Article 81 (b) of the Constitution to enable it to be enforceable. The National Assembly should have a maximum of 117 Members of the minority gender and the majority should have 232 Members. However, currently it has 68 women and 281 men.

Definitely, the gender threshold has not been met. The Senate requires a minimum of 23 Members of the minority gender and the majority should have 44 Members. However, currently there are 18 women and 49 men. This is the reason the Attorney-General sought for advisory opinion from the Supreme Court, which was given and the mechanism should be in place by August, 2015.
Why do we need an amendment? It is known that we have the male and female gender and everybody should be brought on board. When President Obama was in Kenya, he said that we should not move with half of the team left out of governance. If this is implemented, we will move in the right direction. Currently, the female gender is really suffering because it has been left behind. This is not unique to only Kenya. In Burundi, men form 65 per cent of the membership in Parliament and women 35 per cent. In Rwanda, men form 42 per cent and women 58 per cent. In Uganda, men form 65 per cent of the membership of Parliament and women 35 per cent. In Tanzania, men form 64 per cent of the membership and women 36 per cent. In Kenya men form 79 per cent membership and women only 21 per cent. What we are asking for is equal opportunity and it is enshrined in the Constitution. Article 100 of the Constitution says that legislative measures should be brought in to enable affirmative action to be implemented.

I will demonstrate how the top-up system will work. For example, if one woman Senator is elected, we will only require five women to top-up. If four women Senators are elected in the next general elections, we will not require any top-up in the Senate to meet the threshold. We have deliberated this matter in detail. The Bill also stipulated that a person who shall benefit under the affirmative action shall be eligible for re-election under the clause for only two terms. It is not permanent. It has a sunset clause and shall be reviewed after 20 years. By then, we shall have sensitized all the Kenyans – men and women, young and old – to elect enough women and men, so that we adhere to the gender rule as is enshrined in the Constitution. Mr. Deputy Speaker, Sir, I beg to table a report by the National Women Steering Committee in partnership with the Institute of Economic Affairs. This counters the myth that if affirmative action is implemented, it would be too expensive for the Government. If implemented to the letter, it would cost one Kenyan only Kshs58 annually. The Government should prioritize when budgeting, so that women are given a chance. I beg to table the report.

Mr. Deputy Speaker, Sir, once this Bill is passed, it will not affect the current august House. It will strengthen future parliaments and give a chance to other women and all people who fall within the affirmative action, including persons living with disability and the youth. The will be given their constitutional right of governance.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move and ask Sen. (Prof.) Anyang’-Nyong’o to second.’

Date: 10th February 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: The Constitution of Kenya (Amendment) Bill, (Senate Bill No. 16 of 2015)

'Mr. Deputy Speaker Sir, I want to react to what Sen. (Dr.) Khalwale has said. The Mover of the Motion mentioned that we were lifting Article 177 to Article 97 and 98 so that we can have affirmative action and the way forward on how we are going to meet the two-third gender principle which is already in the Constitution. The point I was trying to make is that the Mover of the Motion stated that we are lifting Article 177, to Article 97 and 98 which talks about the composition of the National Assembly and the Senate.

We are proposing on how we can harmonize the three Articles without having to go to the referendum because already in the Constitution, there is a provision of the nominated Senators or nominated MPs. The county assembly provides for special seats. I looked at one of the amendments and it talks about inserting a new word, “special seats” instead of “women” or “marginalized groups”.

Date: 10th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Constitution of Kenya (Amendment) Bill, (Senate Bill No. 16 of 2015)

'Mr. Deputy Speaker Sir, this issue was debated for a long time and the issue of whether it should come as a referendum was brought up. However, realizing the path that will be taken following the path of a referendum and what it would mean and imply in terms of not complying specifically with Articles 27(8) and making sure it happens is what drove the whole process. Instead of moving and bringing it up as a referendum, we bring it up as something that would amend specific provisions of the law.

Those provisions are already there.

The provision in Article 177(b) is already there for the county assemblies. We thought therefore, it is easier and probably a straighter path to lift that amendment at Article 177 and give that same provision because it has already been accounted for.

Article 177 clearly shows how to attain the two-thirds principle within the county assemblies. It is only that the provision is missing in Article 97 that is referring to the National Assembly and in Article 98 that is referring to the Senate.

Therefore, we settled on that instead of going to a referendum, as if it is a new thing all together, and requesting for a process. The issue that arose is how to make sure that we attain the “no more than” two-thirds representation which can also be referred to as the one-third which is the opposite of the two-thirds. So, how do we get the one-third within the National Parliament, both at the National Assembly and the Senate?
If we went to the referendum therefore, we would be addressing it as a whole new issue. That would be first, a very lengthy road to take, and secondly, the provision is already enshrined in the Constitution. So we are not going back to the people to ask them whether we should have the two-thirds. We already have provision in the Constitution and we are looking at how to highlight and make it easy for it to apply to the two organs; the National Assembly and the Senate where that provision had not been put in place.

That provision has already been put in place in the county assemblies. Rather than go for a referendum therefore, the proposal is; if already Kenyans have already agreed it can be done in the county assemblies, why not do it at the National Assembly and the Senate rather than going back again and asking them what provisions we have.

So, starting with that, the various organs, organizations, women movements and men organizations all came together to see how to go about it. The first thing is that an opinion was sought from the Supreme Court by the women themselves. An advisory opinion was given on how to do it so that it is not progressive and would help us find a mechanism that would help us do that. That is why various organizations and Bills came in. We have the “Soipan Bill”, another one that was going to be proposed by Hon. Neto, and a taskforce that was working for the Attorney General.

We then clearly moved away from the issue of a referendum, to an issue of making a provision which is missing from a specific Article in order to apply that law.’

(Later in the debate)

‘On a point of order, Mr. Deputy Speaker, Sir. My point of order is exactly in line with what Sen. (Dr.) Khalwale spoke about. With your permission, if I may clarify, it is not that the same women need to be nominated twice. In fact, on the contrary, no woman should go beyond two terms and she has to go through the nomination process, which will be changed. Article 100—’

Date: 10th February 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: The Constitution of Kenya (Amendment) Bill, (Senate Bill No. 16 of 2015)

‘Mr. Deputy Speaker, Sir, with the danger of delving into the substance of the Bill, I would just stick to the issue that has been raised by Sen. (Dr.) Khalwale before he raised the second one on the nominations, because that is not how it is in the Bill. However, he has raised a very interesting issue that we need to discuss and canvass. I know this process has been very rigorous. In fact, by the time we brought this Bill to this House, we had numerous meetings discussing this issue. We canvassed with different institutions that are mandated
by the Constitution, especially the Commission on the Implementation of the Constitution (CIC), the civil society and legal advisors.

We need to step back again as you make a ruling. When we speak of Article 255(1)(c) about the sovereignty of the people, the very same sovereignty can be exercised by the representation at both the national and county level. The question is: Does it suffice? We should ask ourselves which one weighs more than the other. Is it Article 1(2) or Article 255(1)(c)? That balance will guide this debate. I know you will give guidance on this. We need to strike the balance about which one is heavier - in terms of Chapter One and Article 255 – so that we do not make this a rigorous process or subject it to a referendum. We know how tedious and rigorous it is to do a referendum, when it could be achieved through a constitutional amendment done by Parliament as per Article 256. Thank you, Mr. Deputy Speaker, Sir.’

Date: 10th February 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)

‘Thank you, Mr. Deputy Speaker, Sir. I beg to move The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015).

This Bill seeks to amend the Employment Act in order to provide for maternity leave for adoptive parents. The way the Employment Act is today, it only contemplates that you only get maternity or paternity leave if you have sired and have a biological child. The Constitution is very clear on the rights of children, read together with the Children Act, in terms of protection by the law and they do not anticipate the separation of these children, whether an adopted or biological child. Therefore, the process of adoption in this country is quite tedious --- Mr. Deputy Speaker, Sir, I beg to move:-

THAT, The Employment (Amendment) Bill 2015 be read a Second Time.

I had just started explaining that in this country and the world, generally, issues have arisen where parents or even individuals seek to adopt children for one reason or another. We have issues where the fertility rate has declined over the years, of course, out of different issues like sickness, lifestyle and different factors. That said, therefore, you will find that we have people in this country who are opting to adopt rather than give birth to children.

The Children Act, 2001, read together with the Constitution, upholds the rights of children. The two legislations do not anticipate the separation of a biological or adopted child. What we have been having and the way the Employment Act is worded, it only grants maternity
and paternity leave to the biological parents of a child. That is discriminatory and against the Bill of Rights as provided in the Constitution and the Children Act.
Not just that. Article 3 of the United Nations Convention on the Rights of the Child requires that state parties ensure children are protected and cared for. It specifically compels state parties to render appropriate assistance to parents and legal guardians.
Mr. Deputy Speaker, Sir, if you read Article 2 of the Constitution, you will find that any international instruments that we will ratify as a country are part of our law.
Article 24 of the African Charter on the Rights and Welfare of the Child requires that state parties that recognise the system of adoption shall ensure that the best interest of the child shall be of paramount consideration. These are just a few of the international instruments that we have domesticated and have formed and become a part of our law.
Most importantly, the International Labour Organisation (ILO) recognises that adoption leave is important for a worker’s ability to reconcile work and family life.
If you go through adoption – I have not gone through the process personally but I have interacted with people who have gone through the process – it is a tedious process.
In fact, the way the law is today, even in surrogacy where someone carries your egg and gives birth, you have to go through the adoption process to call that child legally yours.
That is how the law is. We have so many women and families suffering out there because you cannot legally adopt your child. Even if you do and you adopt a one day old child, you will not get maternity or paternity leave by law. In fact, if you tell an employer that you plan to adopt a child, they will ask you: “How do we know?” At least when you are going to give birth, they see you pregnant and they know that, of course, in nine months, you will give birth.
In terms of adoption, even if you go through the rigorous process the way it is today and an order is granted by the court, you still cannot get a leave by law. In fact, such an individual is at the mercy of the employer. As Sen. Wangari, I may decide that I will be magnanimous and give you a few days. Whether a child is one day, six months or twelve years, whatever the age, you do not get even a single day by law.
Mr. Deputy Speaker, Sir, this Bill, therefore, seeks to correct this problem. We recognise that in the last five years, we have completed about 1,000 adoptions. As we were doing our public participation, we visited one adoption agency. The statistics from the adoption agency; Thomas Barnado’s Children’s Home along Lang’ata Road, show that there were about 100 or 200 successful adoptions. Others, of course, are in the process and others are still going through verifications.
That, therefore, means that if we have five fully registered adoption agencies in the country, we are talking about say, 1000 adoptions every year. These children will need care from
their adoptive parents. We even spoke to parents who are going through this process and you cannot imagine what they are going through because employers just quote The Employment Act and say that you do not have a right and you cannot demand for it because you have not given birth. That is what we need to correct because the Constitution does not segregate children. When it says that children must be taken care of, it does not matter whether you gave birth to them or you adopted them. It means they need the necessary care and guidance at whatever age in order to become productive members of the community and society.

Mr. Deputy Speaker, Sir, several issues arose as we went through this Bill. I know we will be deliberating on them at the Committee Stage, so, I do not want to pre-empt debate. One of the issues that was thoroughly canvassed--- In fact, the way this Bill is, we had indicated that the amount and number of days that you get as maternity or paternity leave depend on the age of the child. The thinking was, initially when we look at biological parents, the granted maternity leave by law is three months after birth. At that time, we tend to assume that all a child needs is breastfeeding.

However, we have come to realise that you need more of that connection than just breastfeeding. You will be in a situation where you adopt a child who is one or two months old. By the time they start speaking, probably at two years of age, they call the house-girl “mum” and you “auntie.” Those are the situations we are living with. That affects even the development of the child and how they relate with other children. If you adopt a child into a home that has more children, they will always wonder, how come I never stay with mummy and daddy.

Mr. Deputy Speaker, Sir, after deliberations, we have come to realise that maybe even the older the child, the more important the leave is because teenagers need more time. This is because they go through a phase of development and self-identity which is a crisis among most adolescents.

So, we have deliberated and decided that we will move these amendments at the right stage. But most importantly, this process has been a myth. It is not publicized. There is a lot of stigma in adoption. The process and the way the country and the laws handle adopted children only deters others from adopting. If you get a six months old child who will keep you up at night and still you cannot get two weeks off duty, then you tend to shy away from adopting.

We took our time with the Committee on Labour and Social Welfare to visit these children. There are several issues that we canvased. Other issues also emerged. You will find that boys are not being adopted. First, it is because the law is very clear that if you are an
unmarried woman, you can only adopt a girl. Of course, for obvious reasons if you are a man and not married, you can only adopt a boy.

Therefore, men in this country are not going through the adoption process for one reason or another, societal or other issues. So, boys grow and reach maturity in the children’s home because of the fact that these laws are stringent, tight and discriminatory. These are just some of the issues that we will be looking at.

Mr. Deputy Speaker, Sir, this Bill also addresses the paternity leave. As it is today, a man gets two weeks if his wife delivers a child. Yes. Of course, we have got interesting proposals for amendments. Some men feel that we need to increase that but, first of all; we want to apply that to adoptive children. Let us apply the minimum. If I give birth, I get three months of leave. The same thing should apply, that if I adopt a child, I will get three months.

Mr. Deputy Speaker, Sir, initially, our deliberation was that this maternity leave from employers be given after the court gives an adoption order. However, we have done a lot of canvassing and realised that the custody of a child meant to be adopted is actually given prior to the order. So when they need this time most is when the adoption agency puts the child in your care so that they can see whether you are compatible or test your ability to bring up the child. That is the time we need this leave most.

Therefore, we will be moving amendments so that leave is given prior to the court order and order of adoption being given by the courts. That will take care of the fact that when you go through the adoption process, first of all, you are given maybe two Saturdays, you visit the child at the children’s home, look at the compatibility and the agencies help you go through that. The critical one is when that child is placed in your care and you are supposed to take care of him as if he was your own child.

Therefore, we will move that this leave be applicable just before the adoptive order is given so that we can give the right as given by the Constitution and deal with this segregation; that, if you adopt a child, you are a lesser mother, employee or father as it is today. This leave should be given so that the parents of the adopting family can get enough time to bond with the child. We realise that it is not just breast milk that is required for a child. We need this bonding to develop the child.

Mr. Deputy Speaker, Sir, in the first three years is when there is development of a child, especially society-wise. If there is detachment from the adopting parent, this child will grow with an identity crisis. That is what happens when they grow up. They later realise they were not treated as they should have been treated under the law. We feel that they are being discriminated against. Of course, some issues were raised. For example; what do you present to your employer as an employee to show that you will adopt a child? We have deliberated and asked several people who have gone through the process. As I indicated,
with pregnancy, it is obvious and is in the public domain. But how do we prove to the employer that you will adopt a child?

We have also proposed that we will have an exit communication from the adoption agency that will indicate that this child will be placed, for example, under Martha Wangari’s care or another person. That certificate together with other legal documents can be placed and presented to the employer to facilitate this leave, at least four days prior to that.

Without going to further details, it is a very simple amendment but it will make a lot of difference on how we deal with children and according them their rights as it is in Children Act and the Constitution which is supreme law in this country.

Mr. Deputy Speaker, Sir, with those remarks, I beg to move and request Sen. Kanainza to second.’

**Date: 10th February 2016**

**Member of Parliament:** Sen. Daisy Kanainza

**Contribution She Made On:** The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)

‘Mr. Deputy Speaker, Sir, I rise to second the Employment (Amendment) Bill (Senate Bill No. 1 of 2015) brought by Sen. Wangari. She has thought it through maybe because she is a mother and she has been thinking about these other children who do not have biological mothers.

Article 53(1)(e) of the Constitution states:-

“Every child has the right—
(e) to parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not.”

This Article does not point to the fact that it must be your biological father or mother. That is why it is important that we get paternity or maternal leave for the adopting parents. Sometimes you will wonder if it is a punishment that is being given to people who adopt children. You are denied this leave because they have not seen you pregnant or if you are a man, you have not presented a birth certificate showing that the child who has been born belongs to you. Therefore, it will be important for us to consider this amendment.

Mr. Deputy Speaker, Sir, people adopt children because of the challenges they face, or the challenges they see these children face or by will. Case studies show that we have children who are in the children’s home and do not have parents. Sometimes the owners of these children agencies appeal to people who are ready to take up responsibility of taking care of these children. Sometimes it is through defilement. You find that children have been defiled and do not have parents to take care of them and have been living with guardians.
Therefore, when we get a well-wisher who is ready to live with these children, they face a lot of problems. Some people have given birth to children and maybe because their parents who are supposed to provide paternity care are not willing or ready to take up the responsibility; women decide to throw children on the streets. Therefore, people volunteer. However, because of the tedious process of adoption, many children have been left to suffer. If the Government can make this process easier, I believe that it would be a lesser burden to the people who are ready to take care of the children.

Mr. Deputy Speaker, Sir, this amendment is important because paternity and maternity leave will grant these parents an opportunity to bond with the children. As Sen. Wangari pointed out, this leave is not just for one to breastfeed the child. It is meant to create time to bond with the child. While bonding with the child, you are working on its development. As a parent, that is the time you will realize the challenges that some children face. When you leave your child with a third party, you will not realize the problems that your child has during development. This is because we have seen children develop with speech problems or with deformed legs that can only be detected by parents. Detection of problem such as these can only be possible if the parents are given opportunity to spend time with their children and monitor their growth. This could also be beneficial to young children because they will not suffer adolescence crisis because they have had ample time to interact with their parents.

I beg to second this amendment Bill by saying that parents should be granted leave. It is also important for men in our society to know that they have to make use of their leave. If they have not benefitted from them before, they should be granted leave days in arrears.’

Date: 10th February 2016
Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)

‘On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Madzayo in order to use the word that he has used on persons with disabilities, “kipofu”? Is he in order to compare a human being to something that has no life? Sen. Madzayo said “Kipofu huwa anazaa”. In the disability world, “ki” is something that has no life. For instance “kijiko” or “kikombe”. He is comparing a person with visual impairment to a spoon, knife or something that has no life. Quoting Article 54 of the Constitution—’

Date: 10th February 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)

‘Let me explain, Mr. Deputy Speaker, Sir because I cannot do it from the legal perspective as you would like me to do. The general term that people have been using when referring to a blind person is ‘Kipofu’. However, Sen. Omondi is saying that from the disability movement, it implies to a non-living. So, from that perspective, it should be “Mpofu” but the real word that is used is “Kipofu”. I think her argument is that in the disability movement, you do not use “ki” you use “M” for “Mpofu”, which, again, from the Kiswahili perspective, is not a word that is often used. However, from the perspective of a social construct and how she is using “Ki”, then she is coming from a different perspective.

Mr. Deputy Speaker, Sir, I think here we have two issues. We have linguistic and the social construct issues. They are totally different.’

Date: 10th February 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)


Date: 10th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)

‘Thank you Mr. Deputy Speaker, Sir. For a long time, the whole world of adoption has been sort of mysterious and not well encouraged, especially in Kenya. It was felt that it is so natural for everybody to be able to give birth, every woman will give birth and that every man will be able to get a child. The reality is changing and many factors are creating this change. Part of that change is coming about because people are staying longer before they get married. In the 1960s and 1970s, the marriage age was about 20. It has now risen to about 30. Definitely with age, problems in terms of fertility, pregnancies and giving birth do occur.

Over time, Mr. Deputy Speaker, Sir, there is a new notion that is coming in. That is the notion of adoption. The reason there has not been enough legislative action towards issues
of adoption is because for a long time, there has not been some sort of serious discourse that has taken place along the issues of adoption. In fact, even along the issues of fertility or lack of it, I know there is a Bill that was coming in the National Assembly on for example, invitro-fertilization. I think it has caused quite a stir because people are looking at it and thinking if it is something pertinent for us in Kenya, if it is something we should be discussing in Kenya and if it is really real.

Therefore, Mr. Deputy Speaker, Sir, I want to congratulate Sen. Wangari for bringing this amendment to the Employment Act and looking at the specific sector of people who have been left out for a long time. What is interesting about this Bill is that it just does not touch on those who are even adopting; it touches on those who are adopted.

The Bill really gives us clear classification of the various times that should be given for maternity and paternity leaves that should be provided depending on the age of the child. That is very critical because we know the younger a child is, the more bonding there ought to be.

When you are the biological mother, the bonding is easier because you might be breastfeeding or you feel that there is a hereditary link to the child. Therefore, it is very easy and natural for the bonding to take place. It is more difficult for those who are adopting somebody’s child; sometimes you know or you may know the parents or it could be a relative and therefore, you need more time. This is critical because as Sen. Kanainza said, it is not just about physical growth but about psychological and social growth and becoming a member of the family.

Mr. Deputy Speaker, Sir, we know that adoption rules do not allow recanting of adoption. Once you have adopted a child, then that is your child. That is as good as your natural child.

Mr. Deputy Speaker, Sir, if one can seek leave to take care of their natural child, there is no reason one should not take leave to take care of an adopted child. The moment a child is adopted she must be taken care of. Therefore, all that is stipulated must be put into effect.

We should get to a point where we express how the three months should be spent. For example, when paternity leave is granted, many men will not be anywhere near the baby. When they are given the baby to hold, they look at the mother and ask if she is crazy, because they do not consider that to be part of their duties. However, things are changing.

From many studies--- Mr. Deputy Speaker, Sir, this Bill goes beyond the technical aspects to the emotional and psychological aspects that are very critical. These children’s rights are protected under Article 53 of the Constitution, which includes, among others, the right to parental care and protection. These rights need to be availed to all children, including the adopted children. The rights of the child need to be protected within an environment that allows that protection to take place.
In Clause 29(a) for a child who is above three years of age, but below the age of 12, the parent shall be entitled to two months adoptive leave with full pay. It is important that the aspect of pay has been put in. I know many organisations that dismiss employees because of such, yet we need a prosperous and reproductive nation, so that it becomes a productive. According to the adoption rules if you are a single woman, you can only adopt a girl and not a boy. If you are single man, you can only adopt a boy. In developed countries, partners are allowed to adopt but this has caused a lot of problems. This Bill is important since it introduces the aspect of payment and also entrenches the level of responsibility that parents should have for their children. With this we shall end up building a better and healthier nation.

Mr. Deputy Speaker, Sir, moving forward, we should consider in detail issues of paternal leave and adoption by partners, so that they are not abused. On the issue of whether parents will stay at home during the period of the leave, that is a personal issue. Everybody can determine how to go about it. But, as legislators, we encourage people to use this time substantially. Thank you and I support.’

**Date: 10th February 2016**

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

**Contribution She Made On: The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)**

‘Thank you Mr. Deputy Speaker, Sir. I support this amendment because I understand what it is all about. I speak from experience that, indeed, it is important for a parent who has adopted a child to get a number of days as maternity leave, to allow that parent to understand the needs of the child they have adopted. This will also enable them to understand the feeding habits of the child and the health condition. It will also help in terms of bonding with the child that has come to the family.

Mr. Deputy Speaker, Sir, just as in the case of a new house help, it takes time for a mother to ensure that she acquaints herself with the daily routine of the house. When there are no problems in the house, a mother will deliver in her duties as assigned by the employer. This will benefit the institution one is working for.

Therefore, this amendment is important as far as family issues are concerned. It also gives the child the constitutional rights. When the opportunity is given by a well wisher, who adopts the child, that parent should be appreciated by being given a number of leave days to take care of the child and ensure that, that child fits in the family. As we amend this section, it reminds me that a child who has not been given an opportunity to be in the
hands of parents lacks a number of things like correction and having parental care. It will give opportunity to many people to appreciate the importance of adoption. This will also reduce cases of vulnerable children who suffer in the hands of people who do not understand why they adopted them. I support.’

Date: 10th February 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: The Employment (Amendment) Bill 2015 (Senate Bill No. 1 of 2015)

‘Mr. Deputy Speaker, Sir, I take this opportunity to actually thank all the Members that have contributed to this Bill. As I said, it is a simple amendment that will make a difference. It is a simple amendment that will help us nurture generations and our future.

Mr. Deputy Speaker, Sir, I want to confirm to the Members that we have taken into account the issues that have been raised and need more canvassing. I am sure that it will follow the due process of legislation in this House. We shall move some of these issues as amendments in the Committee Stage, in order to perfect this Bill, so that it is applicable even for posterity. We can look back 10 or 20 years down the line and see that we actually made a difference.

Mr. Deputy Speaker, Sir, I do not want to add any more to this debate. The Constitution is the supreme law of this land. It anticipates that children, whether adopted or biological, be treated as equals. Some of the issues that we came across include the health of a child. According to the World Health Organisation (WHO), most children actually die before the age of five. Some of the children in the children’s homes have been abandoned out there in the cold and have health complications. Those of us who have given birth know how tricky it is to keep rushing a child to the hospital and the uncertainty that comes with the first formative months. So, it will go a long way in protecting and ensuring that such children get that right.

By making the adoption process friendlier and ensuring that more people adopt children who have been abandoned in children’s homes and elsewhere, we shall definitely take care of a large population of this country that is lying in the children’s homes. Employees are scared that whenever they take that approach, they will have to get extra help which comes at a cost or lose their jobs all together.

With those remarks I beg to move and request that you defer the putting of the question, under Standing Order No.54 (3), to a day that the Chair will find suitable. Thank you, Mr. Deputy Speaker, Sir.’

Date: 16th February 2016
Member of Parliament: Sen. Agnes zani  

Contribution She Made On: The Cancer Prevention and Control (Amendment) Bill (Senate Bill No. 3 of 2015)  

"Mr. Temporary Speaker, Sir, I would not mind being a professor as well. I thank you for this opportunity. Levels of cancer are increasing at an alarming rate. The type of people who are being affected by cancer is also different. Sometimes back, it looked like an affluent man’s disease. Not anymore. Women, to a large extent have been affected by ovarian and breast cancer. It has become one such common disease. It is becoming like malaria. Every other day you hear that somebody has died of cancer. A lot of information is going out for early testing but I think people are either, first, not taking it seriously. Secondly, maybe, they do not have the money to go for some of these tests. Even though there is information that if you go early enough you can be cured, there is still a lot of work to be done in that area.

So, it becomes very expensive for those who are finally afflicted. Many people have to go to hospital and undergo chemotherapy. Some of them have to travel abroad. As you may be aware, India has become one of the destination points. This is what is called "medical tourism." People go there to get help. It is becoming quite a problem. There must be something wrong somewhere. I do not think we have yet as researchers put our finger on it. It could be something to do with the environment, for instance, pollution. I am worried because I remember in the ad hoc Committee on Natural Resources, when we went to Mrima Hills in Kwale, we had inhabitants complaining about the level of lead pollution, for example, but what options do they have? You have a river flowing and it is your only source of water, you drink it. We are killing ourselves.

There are also other reports in the media regarding vegetables that we buy even in supermarkets: A study recently showed high levels of pollution. So, somebody somewhere is sleeping on their job. Either there is not enough scrutiny that is going on to clear the products that we are eating and maybe even importation of products. So, something has to be done.

However, this Bill and the amendments thereof are critical. First, the change of venue; this might be because of having a system of ensuring that we have a pinnacle to where everything comes to, and, a clear assertion that it has to be at the capital. Then, there is a big contribution in terms of the county committees, their functions and membership. Most of these amendments have been driven by various factors. First, is the fact of devolution and the need to therefore, come up with structures that will enable the Mwananchi right at the ward level to have his or her issues addressed. The spread of cancer has become severe. It
is almost afflicting everybody. It is more likely now to hear that somebody is suffering from cancer and before you know it, that person is dead.

The main thrust of this Bill is in the creation of the cancer prevention and control committees right at the counties. It is imperative to ensure – I was discussing earlier with Sen. Mutula Kilonzo Jnr., that, we can have all these Bills and create all these structures but if they are not supported at the counties, especially, by the governors and the county governments, it will be an exercise in futility. Therefore, right from the onset, there needs to be a lot of information and dissemination on what these committees are all about so that county governments become interested in what is going on there so that they can support them.

Clause 12(a)(2) talks about the committee. I am worried about Clause (2)(a) which talks about “one person with knowledge and experience.” Knowledge and experience are completely different. You could have a lot of knowledge but what sort of experience do you have in terms of health matters? It talks about knowledge and experience generally but I thought we need to be very specific about the sort of person who will be appointed by the governor to become the chair of the committee. We need to find some qualifications that are critical for this person who will have such an important mandate in this committee. I found it a little bit wishy washy; not defined.

That is important because if I am the governor or I am aware that this is the governor making the appointment, one person with knowledge and experience, I will just pick one of my friends who I will assert has knowledge and experience. How will you determine whether this person has knowledge and experience? Though, in all fairness, and the same is replicated for the county executive committee member who will also appoint one person, but, again; on the basis of what sort of knowledge and experience.

Clause 12(b) addresses this. It states that there will be a competitive process by the County Public Service Board (CPSB) but again, that is neither here nor there. If you have not given the parameters for the competitiveness, then you are putting yourself in the same situation of lack of clarity. Could we have those positions and qualifications streamlined and tightened so that we get competent and dedicated people, even the number of years of experience? Could we think of cancer survivors, for example? Those who have survived have the passion, dedication and first-hand knowledge. We can make considerations and make sure that process is competitive. However, looking at some of the functions, they are important. Previous Senators who spoke on this have outlined them. For example, the issue of training and skills; making sure health professionals know what is going on in the area of cancer so that they can give the right recommendations and quality screening.
I have a friend who walked into one of the hospitals in Nairobi for a routine check up to ascertain if she had cancer. She went through her routine check and left. She went to India to visit somebody else and she just decided to pop into a hospital. She was surprised to discover that she had stage four cancer. The shocking thing was how everybody missed to notice it when it was in the initial stages. We are told how it is good for patients to undergo chemotherapy. Some people undergo it, but end up dying immediately. Some people argue that chemotherapy is what kills people faster.

Mr. Temporary Speaker, Sir, a lot of research needs to be carried out so that we get information on cancer screening. It may be expensive, but we know that county governments have been allowed to have equipment. They have been supported in the budget to have the necessary equipment. Many people go for screening, but they will not be sure what the results of the screening is; the exact situation.

We need to support and promote implementation of preventative diseases. When Sen. (Prof.) Anyang'‐Nyong’o was contributing, he mentioned the propensity for food, disposition for the type food and sort of life style. A lot of that information is not out there in the public. I would recommend the Committee be very proactive in this because people have a tendency to wait until they come before the Committee to give information yet there are people who might not know about this Committee. There is need to be proactive. We should go out there and advertise that there is a Bill that Sen. Mutula Kilonzo Jnr. has come up with and tell people of the provisions that he is giving in that Bill so that people can know rather than relying on word of mouth from one person to another. The beauty in this Bill is that the coordination aspect within all these issues will be handled by the committees. That is essentially what is missing in the structure. At least, we will now have a body that will give all this information and ensure that they have disseminated it. They should hold a lot of conferences and seminars and get people involved. They can even have an advance team of people who can go out into the community even as volunteers and hope that if they hear there is somebody with cancer, reach out to them and give them information and assistance that is necessary. This committee can also ensure that hospitals are equipped with medication that is acceptable and not the business of Panadol.

Mr. Temporary Speaker, Sir, the worst thing about cancer patients is the pain and suffering they have to undergo before they die. Sometimes there is a delicate balance between keeping patients alive and reducing the pain. Sometimes, the more drugs are given to reduce pain, the less the time the patient will have to live. Cancer patients should have a choice to get the medication and the palliative care that is very important.

All these programmes and strategies have to be incorporated by the county committees where two people are elected by the governor and the County Executive Committee (CEC)
member for health depending on their level of education. However, that is not enough. Therefore, moving forward, it would be very important that this committee’s work is integrated completely within the county government. The county government must be very proactive. They must scrutinize the budget to see how much of it can go to these committees even as a secondary measure. Mr. Temporary Speaker, Sir, I like the part of this Bill that deals with the secretariat because that means that they will be enabled to do their work well and that their salaries will be regulated by the Salaries and Remunerations Commission (SRC). The technical aspect of this board will be handled by the secretariat. Clause 12(e) deals with the issue of vacancies which is straightforward. Clause 12(f) says the report will be submitted to the institute. This is a great idea. However, the annual report needs to be actionable. I would like to make an amendment so that the annual report is very specific because it allows for some action. At the end of the day, if you have this report, it will not catapult us to the next level where we are addressing key issues that are very essential. There is a lot of information that needs to go to that report so that it is clear that it is not just a report of status quo, but on improvement and a way forward and making things better.

The question of cancer and its prevention as an effort towards curing the disease is very important. I hope that the implementation committee will pick up on this and ensure that it is implemented. On our own, we need to make a direct connection between the counties and explain what is going on so that by the time this Bill is passed, there is enough sensitization. I do not know what effort you have made in terms of reaching out to the public because this is very critical as this Bill is being discussed. Let us urge the media outlets to pick up on this. Let us also encourage the communities to be empowered enough to see this as life and death because that is what cancer is.’

Date: 16th February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: The Cancer Prevention and Control (Amendment) Bill (Senate Bill No. 3 of 2015)
‘Mr. Temporary Speaker, Sir, thank you for this opportunity and I also offer my congratulation to you although we had done that last week in absentia and I had indicated to the House that I had known you before we came to this House and that I am very proud of you because you will do justice to that position. Mr. Temporary Speaker, Sir, last week, while you were away, I said that I knew you when we were real hustlers and it generated quite a debate.
However, the Chair ruled that I do not need to breakdown the meaning of the word “hustler”. I congratulate you and I believe that your star will keep shining. I also congratulate Sen. (Dr.) Kuti for this Bill because it is critical. We know that globally, the deaths that occur from cancer are more than the deaths resulting from HIV/AIDS, Tuberculosis (TB) and Malaria combined. It is quite a shocking revelation that 70 percent of the deaths are in underdeveloped countries, including the low and middle income level countries where Kenya lies.

Cancer does not know age, tribe or class. It affects all of us. In fact, if you do a quick study in this House, you will find that almost all of us have been affected in one way or another by cancer. The pain that families go through is quite indescribable. I know that most Members of this House go to constituencies over the weekend to attend fundraisers, most of which are out of the death of cancer patients or the medical Bills that are out of reach that cannot be handled by affected families because a majority of the population is below the poverty level index. We are still doing badly as a county and having this additional burden does not help matters.

Mr. Temporary Speaker, Sir, 10 to 20 years ago, the cancer disease was still very alien. People did not understand exactly what cancer was. We gave hype to Malaria and HIV/AIDS and had many campaigns. However, the deaths that are occurring from cancer are shocking. It is gruesome to know that if you go to the Kenyatta National Hospital Children’s Ward, you cannot stand the pain that those children go through. It is a sad scenario and a sorry state knowing that this is something that can be avoided because 30 per cent of cancer cases can be cured if they are diagnosed early. Those are the statistics but we are doing badly in terms of this education. How do people know that they can be tested and cured of cancer? In Kenya, cancer is the third in causes of morbidity. In fact, it is after infectious and cardiovascular diseases that cancer is discovered.

Mr. Temporary Speaker, Sir, there are many myths that are associated with this. I know Sen. Musila has already alluded to some of them that you will get cancer and people will say you are bewitched, others will say you ate someone’s money that is why you are suffering, and most importantly is that there is miscommunication about cancer.

It is stigmatizing because people do not know. They think that if you sit with someone who has cancer of the throat or share a plate, you will be infected. This stigma is not going well especially in the villages where people think it is communicable while it is not. These are the myths that these committees that we see being established should be able to break. They should be able to explain to the communities what cancer is and what it means and explain to them that it is not communicable so that they do not stigmatize those that are already going through the problem of cancer. Mr. Temporary Speaker, Sir, I want to touch on two
issues. First is the report. The other issue that I want to touch on is the amendment. May be the Chair and his committee can think about it in terms of the submission of this report to the county executive. In a way, we need to rope in the county assembly. I do not know whether when they are presenting the Bill, they can explore whether they can present this annual report to the Health Committee or to the Clerk’s office so that it is debated in the county assembly. How do we oversight these county assemblies? If we want to anchor it, then we should be able to include the county assemblies so that they buy into the idea, and being the primary oversight at the county level, they should be able to not only allocate money if they understand it better, but let us break it down so that they are able to feel a part of it.

Mr. Temporary Speaker, Sir, the other issue is that we do not have a problem with laws. I think we have excess laws in this country. We have many Papers and Bills. What matters is the implementation. We already have some of these strategic plans that have been developed by the Ministry, the National Cancer Control Strategy 2011 and the National Guidelines for Cancer Management 2013. So, what we need is the implementation of this Bill. I hope that after we have passed it, we should be able to follow with the Implementation Committee so that we ensure that it is implemented to the letter.

Mr. Temporary Speaker, Sir, we will be able to break so many myths at the community level and we will reduce the rate at which this disease is devouring our country. If you look at cancer in children, in the developed world, we are able to save many because seven out of ten survive. In developing countries like Kenya only one out of ten survive. I think these are very gloomy statistics. With prevention, we can be able to save more souls and enlighten members of the community and ensure that we have a healthy nation so that we make progress. The other issue is the budgeting in terms of health. We know the limitations that we have in terms diagnosis is not only the machine but also the manpower. We have less than 10 oncologists in this country. I think we are doing badly in terms of human resource and most importantly the funding. If we follow the Abuja Declaration, we should be able to compel the counties through the county assemblies to allocate at least 25 per cent of their budget to health because if we have a sick nation, even if we build good roads, they will not make sense. We must be able to push not less than 25 per cent in terms of the budgetary allocation. I know we have not been able to push it at the national level but we can try it at the county level.

Mr. Temporary Speaker, Sir, the other issue is the one for part 12 (a) in the Bill about nomination. I am actually confused because if the CEC is the appointee of the governor and has the power to appoint into this control committee and the governor still has the power to appoint under Part IIA (12A) (2) (d) which says:-
“One man and one woman appointed by the county governor to represent such special interest within the county as the governor shall determine”.

Part IIA (12A) (2) (b) of the Bill says:-

“One person nominated by the county executive committee member responsible for health in the county who shall be the secretary to the committee”.

I think we should streamline it so that we leave it with the county governor’s office or we decide that the CEC can act for the governor so that we do not have conflict in terms of executing. I beg to support.’

Date: 16th February 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: The Cancer Prevention and Control (Amendment) Bill (Senate Bill No. 3 of 2015)

‘Thank you Mr. Temporary Speaker, Sir. I also rise to thank the Chairman of the Health Committee. In our country, the month of October is a month where everyone rises up with a pink ribbon and either creates awareness on cancer or breast cancer but I want to thank the Senate that we are talking about it in the month of February when the country is still quietly waiting until the month of October which is the cancer awareness month. It is only during this month that we talk about cancer yet we know that it is one of the diseases that is really killing people in our homes. People are facing various challenges and they do not know what to do. They look at their family members who are ailing and they wonder what they can do. Some of them even do not understand that it is cancer.

Mr. Temporary Speaker, Sir, we know that the Government promised to buy the facilities and the equipment to put in the hospitals. I know it has taken a while. When you go to Kenyatta National Hospital (KNH), you find a patient who is supposed to go through dialysis is supposed to stay for three months. That patient already has an appointment but that appointment will wait for three months for him to see a doctor and yet when I look at KNH, I ask myself - I hope the Health Committee will do that - that it is supposed to now be a hospital of in-patients and not out-patients.

We must stop this thing of people thinking they can walk to KNH and to the casualty and be treated so that we also give a bigger leverage to those who are suffering from “big” diseases. I hope as we move on, Sen. (Dr.) Zani talked about Panadol. It is unfortunate that the governors themselves have decided that when they are requesting for their medical facilities, there is a footnote that you must give them drugs of this pharmacy. It means it is business as usual.
Mr. Temporary Speaker, Sir, we also need to ask ourselves what happened to our Pharmacy and Poisons Licensing Board. Is it doing its work? Today when you look at the medication we are taking, it is part of the reason why we are also going to get cancer.

Asians in this country – I am sorry to say so on the Floor of the House - have industries that are doing crazy things in our country. We need the Pharmacy and Poisons Licensing Board to come out and tell us what they are doing to ensure Kenyans are safe, we are able to get quality and to ensure---’

Date: 16th February 2016
Member of Parliament: Sen. Agnes zani
Contribution She Made On: The Cancer Prevention and Control (Amendment) Bill (Senate Bill No. 3 of 2015)
‘On a point of order Mr. Temporary Speaker, Sir. I think what Sen. Elachi is saying is very important and it needs substantiation. Could we have a substation of the crazy things that are being done by Asians?’

Date: 16th February 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Cancer Prevention and Control (Amendment) Bill (Senate Bill No. 3 of 2015)
‘Thank you Mr. Temporary Speaker, Sir. What I meant - I believe if we leave it to the board to go to Industrial Area and do their own research in all those pharmaceuticals that we have, I believe the way we did with Kenya Airways, we can get a report that can sensitize Kenyans just to know when they are taking the drugs, some are generic, some are original but you are not told how you will differentiate between the original and the generic. It is only a pharmacist who tells you if you want the generic or the original. As a Kenyan, I would wish to have the original.

Mr. Temporary Speaker, Sir, the Committee has the powers to summon the Board and represent the interests of all Kenyans.....

Mr. Temporary Speaker, Sir, yes, I withdrew. Let them bring us a report first. On the issue of cancer, we used to know and it is still a fact that cancer cells are a product of a lineage of a family, but nowadays, even those without that hereditary nature are also diagnosed with risks of cancer. This is because of what we eat. If we do not take a step and sensitise people on the management of chemicals that are used to spray crops, we run the risk of being infected by cancer. We should know the period that some of these chemicals used to spray vegetables should take before consumption.
The current statistics are wanting. When I look at the Bill and its Memorandum of Objects together with the establishment of a committee, my question is on the exodus of doctors because of the devolution of health services. How shall we ensure that the Members of the committee understand and have expertise in dealing with this disease? When we dealt with HIV/AIDS, many people were taken for training and, therefore, this committee should also be trained in order to manage cancer.

They should be trained on how to deal with families that are affected and to provide programmes just like patients suffering from tuberculosis undergo. The community health workers go for serious health programmes to help these patients. Doctors should have the skills and if they lack such skills, a programme should be put in place to equip them. Mr. Temporary Speaker, Sir, people should gain confidence in our health centres.

Everyone visits Kenyatta National Hospital because of the able doctors. How shall we create an incentive that will bring back the doctors to the county hospitals? This will help us to gain confidence because people will know that if I walk, for instance, to Kakamega County Hospital, I will get dialysis services. Patients normally find themselves at stage four of cancer because of doctors who administer wrong treatments. We should have trained doctors who can easily diagnose cancer diseases. I know they are there but they are expensive to the wananchi. I hope that as we put up these structures at the county level, we shall have people with expertise to provide the correct services. The Bomet County Governor’s daughter - I am sorry to use this example – was diagnosed with cancer after a long time. That is how we lost a young energetic girl. As soon as we had contributed the amount to enable her obtain medical services in the United States of America (USA), she died. The only other person who bravely fought cancer is Mary Onyango. You will remember she is the one who stood with the organisation that chose October as breast cancer awareness month. There are many other people who have succumbed to cancer. Therefore, I hope as we move on, we have learnt the lesson.

Many people die of cancer, not because they cannot afford the medical services but it is because of lack of immediate diagnosis. I lost a woman friend I trained with in Kisii yet she did not know that she had cancer. When she went for screening, she was diagnosed with breast cancer. First, you receive the news with shock when told directly. Therefore, we need to know how to approach a patient who is suffering from cancer so that when he or she goes back, one is not worse than before. After six months, we lost the lady. Mr. Temporary Speaker, Sir, as the Senate legislates on this, we should rectify some of the small mistakes that will save our people from the disease and the waste of money that occurs. Some sell their lands, cows and other properties to get treatment but in the end,
patients succumb. Nowadays patients are taken to India but we should change that and have doctors come to Kenya. It will be helpful for a county that can afford to hire the services of doctors from India to do so than patients going there. I hope that this legislation will help put in place that arrangement. Mediheal Hospital is already practicing that and we can partner with them so that many doctors can come to Kenya than patients travelling to India.

Lastly, as we amend the Bill, I hope that the resources will be available. If we change all these and not provide resources to deal with cancer, then all will be in vain. The treatment of cancer is expensive and it needs a lot of money. Therefore, if we are talking of the equipment that we should have in the hospitals, then they should be adequate. We must allocate enough resources to ensure that this work is done. Kenyans are willing to fundraise for this through Mpesa and other means. As we do this, we should ask ourselves if we are raising monies to help patients or we are raising them to be misused in counties. Since Kenyans are willing, they also should have confidence and transparency. They need to know the transparency and accountability of every shilling that they contribute. We will pass the Bill and I believe the structures are very well stipulated. All we need are the skills but more important, if we want to conquer this, we must be clear in our minds that we need resources to move this agenda to the next level. With those few remarks, I beg to support.’

Date: 17th February 2016
Member of Parliament: Sen. Agnes zani

Contribution She Made On: The County Outdoor Advertising Control Bill (Senate Bill No. 11 of 2015)

‘Madam Temporary Speaker, I stand to second this Bill. In the last 40 years, we have witnessed a high level of economic liberalization in this country. The level of competitiveness has risen to greater heights in the last few years. For example, production of goods has gone up and more people are producing a lot of goods for our market. Therefore, for them to sell their goods, they must take them to the next level by convincing their consumers to buy those goods. One of the best ways to do so, is through advertising. The more high scale advertising they will do, the more customers they will get for their goods.

We need to see billboards erected in the right places. Sometimes we find billboards that have been erected in places that are not appropriate on the road and some distract drivers.
Therefore, it is very important to balance the factors. We need to strike a balance between the interest of the consumers and those who have competing interests.

I congratulate Sen. Mutula Kilonzo Jnr. for tabling this Bill because it addresses key components of fairness; of equitable distribution, flexibility and responsibility in advertising which is very critical. As much as we have industrial growth, it should grow within a controlled environment. Without this Bill, people can do what they want to do at any time. This Bill will regulate and ensure that there is a level of public safety beyond which nobody should be able to go. At the end of the day, we want to see our people protected and doing their businesses in a conducive environment. For example, there have been cases where advertisements have been put in place for long, the paper has wasted away, moving into rivers and other public space creating quite an issue. It is a pity that after elections, people forget about their campaign posters. This becomes hazardous.

Posters are flown all over and create quite a problem in terms of environmental degradation. This Bill addresses very key components. The section at the beginning covers the whole spectrum of the issues that are raised in this Bill. For example, issues like entertainment, the functional meetings or any other similar event, giving an exact provision for the context of this Bill. The Bill also moves to indicate that there are certain areas where it is okay to advertise. It gives provisions of that in Clause 3(1). It says:-

“This Act applies to all advertisements but does not apply to any advertising display used exclusively for any of the following purposes:

(a) To provide directions to property for sale, lease, or exchange where the display is not visible from a highway

(d) (iv) An advertisement displayed inside a building and not within one meter of any external door, window or other opening through which it is visible from outside the building.”

The Bill balances the various situations and contexts of where you can advertise safely and where you cannot advertise safely. However, it is always very critical when you have such a Bill, especially like this one that tends to control the way advertising is done or the way people do things. Then, you must have a mechanism in place to ensure it is done that way.

This Bill creates a committee, the County Outdoor Advertising Committee. It is a small committee of five members who are very well selected. One Member who is a County Executive Committee Member in charge of advertising and another Member is a County Executive Committee Member in charge of environment. This is because these two sectors intertwine very closely. Therefore, someone who has that background of what it means, how and what sort of adverts to put into place becomes very critical for this committee. We should also have someone who is aware about environmental issue so that they can see
where there will be a negative impact in terms of environment and then they might advise on the same.

Madam Temporary Speaker, I can see that the business community’s interest is taken care of. There is gender balance because we have a man and a woman. We also have one public officer. It is a concise Committee, but with a lot of work. One of the pieces of legislation and pieces of work that this committee needs to do is process a licence, all the way through application, considering and even revoking. This Bill does not mean that once you have been given a licence, you can do what you want for a particular period in excess of ten years. One is going to follow a process for that licence, but once they have it and things change, for instance, if the advertisement was not in a school compound and suddenly a school is erected, then that licence can be revoked. That is important so that it takes care of the dynamism and changing situations that might come as a result.

When that committee is in place, an application needs to be made, the time frame specified, consent has to be given, the locality and a planned position of what you want to display has to be well articulated. Going through all the provisions of Clause 5, they clearly indicate that, at the end of the day, this committee is very careful to contextualize and make sure that by the time you are putting up a board to advertise, it is in the right place.

One of the other things that this committee will do is ensure that in any way your consideration of application should not affect certain scenic places like historical areas that have a particular aura to them. For example, Fort Jesus is one such place. You find people coming to put up posters on the building when it is meant to remain exactly as it is. This Bill then goes on to look at specific circumstances where you should not just advertise in any way; such general examples like archival aspects, landscapes and cultural characteristics are very critical for that.

Madam Temporary Speaker, another provision that is very important is to ensure that this advertisement does not hinder somebody from seeing important information. For example, if there is direction that has been given or traffic rules, and someone puts up a poster on them. Then they directly have an effect on the safety of people. We have seen a lot of such instances, but many at times, people do not come to complain that there was a warning somewhere which they missed because the warning had been covered. I think that sometimes our interests override the general public safety. You find somebody putting up a poster without thinking much about what the implication is. Some posters hide important information that creates a lot of problems.

Sometimes the posters just spoil the beauty of buildings. There are certain buildings that are very beautiful with nice walls yet somebody just erects an advertisement. The ability to control economic interest while allowing liberalization is critical; while on the other hand
ensuring that consumers have a right to advertise, but within a safe space and operate within that space.

Madam Temporary Speaker, information on when the licence will be given, when and where application will be made is very clear. Consideration of the said application will be 14 days after receipt and the steps for processing that application are very clear. However, the licence does not last forever. It lapses six months after approval. Therefore, because we expect that there might be several changes within six months, one is given a provisional period of six months within which you must implement your advertising. After that, you need to seek a new licence and start the process all over again. The time process is critical so that at any one time, there is constant evaluation of the features of where you want to put up the advertisement and exactly what is happening. That should be timed and not left open ended.

The licence is not to be issued in an open ended manner. That licence can be revoked and Clause 12 is very specific; that the committee may revoke any approval given pursuant to Section 5 to amend, impose or change a particular condition. If the committee says that the situation for a particular advert will be detrimental to an area or a danger to somebody within that area, it needs to be taken into consideration.

When Sen. Mutula Kilonzo Jnr. moved this Bill, he made it clear that this Bill has been discussed and that there has been a lot of public participation. However, with devolution and counties becoming more interested in economic outputs and people getting more interested in what is happening in the counties, this critical area needs to be addressed. If it is not addressed, it will cause situations which otherwise we could have avoided in good time. Therefore, the preempting of this phenomenon tends to be seen more in towns and not much in the county areas. However, it will happen in the counties after some time when population increases and when those who are born want to make economic break through that will be critical for them. One way or the other, the issue of advertising will eventually come out.

Madam Temporary Speaker, in this country we now have more and more affluent and speedy group of young people who want to achieve their goals and make an impact within a very short time. The whole idea of rules and regulations may not be palatable when you are dealing with somebody who feels that they are going to have an impact as a result of putting up a billboard or advertisement; they do not want to be stopped.

Therefore, if you do not put in place the right legislation at the right time, you will find out that a certain pattern will take hold and it will be very difficult to change within the counties. I like the fact that this Bill is coming at the onset of devolution and that it will be applied across the counties by each of the committee that will do its work; license appropriately and
follow up to ensure that we have order in advertising, not just for order’s sake, but for safety and precaution to Kenyans. I beg to second this Bill.’

Date: 17th February 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The County Outdoor Advertising Control Bill (Senate Bill No. 11 of 2015)

‘Thank you, Mr. Temporary Speaker, Sir. I also rise to thank Sen. Mutula Kilonzo Jnr. knowing very well that outdoor advertising is a very critical component because it targets the masses. Therefore, whether you will use it positively or negatively, it captures the minds of those doing the adverts. It brands you. Therefore, the governors are always branded whenever you see those billboards of theirs.

Mr. Temporary Speaker, Sir, their audiences at the grassroots understand that they have only one person within the county called the governor. When I look at the Bill also – I would wish to ask the Senator - we need to look at the payments of damages. Sometimes there is a mishap. Where will the ordinary citizen go to complain? When they put up those billboards, you will find that sometimes there is a breakage and people who were seated or passing there are hurt. Measures of safety should also be put in place.

The other important thing is ensuring that counties benefit from the adverts. Most of the time, the adverts involve only those who have the money. The county assemblies cannot do an advert in any of their counties. I have never seen an advert showing the County Assembly of Makueni, for instance, and what they have done. The only adverts in counties are more of individuals. We have to bring in measures to ensure that if Makueni County is good in coal or sand, they have a right to put up a billboard that shows what their economic empowerment is. What do they have that other counties do not have?

What is the nature of that county? How do you ensure that the county assemblies safeguard that? I also wish that within the Bill, the county assemblies are given powers to approve some of these things especially the big advertisements. It should be approved by the county assemblies. We should not leave it between the committee and the governor.

The county assemblies should be empowered to safeguard this.

Mr. Temporary Speaker, Sir, there should be a central registry so that we do not rely on the renowned Magnate Company as if it is the only advertising company that many people have known for years. There should be a register of the practitioners to show those from national and the county levels. The registry should safeguard the small firms from being overshadowed by big ones like Magnate. We must ensure that when advertising business is given out, those growing in the sector should be given an opportunity. A law has been
passed both in the National Assembly and the Senate that 30 per cent should go to youth and women.

They should benefit from the park benches advertisements too. Since they have not understood how to override the others who have dominated the business, they should be given a chance. We have worked for three years in this House and we have seen what is happening in counties. We shall save Kenyans from the entire hullabaloo we have witnessed in the counties. Today, if we do not go to our counties, people will forget us and it is a fact that many Senators, if they joke, they will be rejected.

I hope we can change that narrative. The governors have perfected the narrative through outdoor advertisement. A governor makes sure that he advertises himself either verbally, through a billboard, in a vehicle or through a boda boda wearing a jacket and all these are advertisements. We should help Kenyans to come back to sanity and understand that advertisements are not just meant for the governor but the whole county to help it build its economy. Unless we put laws in place, it will be very difficult for Kenyans at the grassroots to understand that advertisement is also part of collecting revenue.

Mr. Temporary Speaker, to ensure maintenance of billboards, we need to ask ourselves – as my Leader said – if we need to give a timeframe, because somebody could decide that they have the money. Therefore, you will be seeing their billboards for the whole year because they have the money. Therefore, nobody should question why their billboard is there. Even if you give the person the leeway to renew before expiry, then, we need to also have---, especially if it is an individual on the billboard. However, if it is the county, then, that is a different thing. A county assembly can give an approval that it still needs a certain billboard because of certain reasons. We must ask ourselves questions if we see billboards with pictures of certain individuals, for example, a governor.

When you enter Kakamega County, you will see a billboard welcoming you to the county. Six months later, I still see the same billboard. If you conduct an inquiry, you will find that the governor does not even pay for the billboard. Those are some of the issues we need to put into consideration, to ensure that many other things are advertised.

Therefore, we should put in place measures to ensure that an advertisement on a billboard does not exceed six months. Another advertisement should be put on the billboard after six months. Thereafter, an earlier advertisement could be put up again.

We must also ensure we put in place measures regarding advertisements in the parks within the counties. When you visit many parks in the counties, you will find many advertisements of governors. When you are seated in a park – because that is the only place where people go to relax – the only things you will be reading are advertisements of the governor and the executive. We must also safeguard our parks because they are not just for governors but for
the people belonging to the county. Parks are public land for people to go and relax. We should also put measures in place to ensure that only adverts concerning the county are put on billboards. Therefore, water or something that is viable for the county should be advertised. We should safeguard parks in order to make counties generate revenue from them. When I want to feel our culture, let me feel it in the park knowing that, it is our culture and, therefore, what we believe in. We should have such measures put in place. When you visit some counties, go beyond and sit in a park somewhere, you will appear lost and wonder because you may find advertisements full of party colours. For example, we have very many parties in western Kenya. Why should somebody advertise a party colour? They should, instead, advertise about our culture, diversity or what we believe in and we will appreciate that. Many counties have such advertisements. You will find advertisements of party colours, yet we are saying that billboards should be used for advertisements. If anything, all parties should be treated equally. Let us also put in place parameters of what should be advertised. If the party wants to advertise, that is fine. However, the party should pay money to the county for advertising in the county because they are also national parties. Mr. Temporary Speaker, Sir, I thank the Senator because this Bill has come at a time when we are just about to see all sorts of advertisements until you would not see any road signs. We will be seeing individuals competing in the name of running for governor seats. I do not think somebody will advertise that they want to be a Member of Parliament (MP) in the county. Let us try and safeguard how advertisements should be made for the sake of the whole county and Kenyans.

I know that if this Bill goes to the National Assembly, Members of the National Assembly will look at the issue of goodwill. I understand there is something called goodwill where you suppress things that are supposed to safeguard the country. That is why we face the mess because of the National Assembly. If Members of the National Assembly would be consulting and considering some of the Bills that we felt should safeguard the country, we would not be in some of the messes we are in.

Mr. Temporary Speaker, Sir, I support and hope that we will propose amendments to this Bill during the Committee of the Whole to safeguard our counties.’

Date: 18th February 2016

Member of Parliament: Sen. Agnes zani

Contribution She Made On: The Kenya National Examinations Council (Amendment) (No. 2) Bill

‘Mr. Temporary Speaker, Sir, in the report where Prof. Kaimenyi gave the results for the 2014 group, around March, 2015, he indicated at that time that the grades of 2,975
candidates had been cancelled. This included five national schools. That sent shivers down the spines of most Kenyans that even in national schools, this cheating scam was rampant there. At that time, when he was the Minister for Education, he reported that this was a significant drop from 3,812 candidates. This was a drop in figures. However, 2,975 is a bad figure to report when it comes to issues of cheating.

What comes into your mind is: What is happening to our young people, their confidence and reading abilities? They want to score “As” without working for them. They want to look for all means to get there. What was most shocking is that when he gave those results, he went on to further assert that in one way or another, teachers and principals were part of the cheating.

This reminds me of a story my father told me many years ago about students in Form Four who were sitting for an exam and there was somebody who was herding cattle just around the corner. All those students would just be looking up and when the herder said something, everybody would write. Apparently, this was the teacher pretending to be herder and giving answers---’

Date: 23rd February 2016
Member of Parliament: Sen. Agnes zani
Contribution She Made On: The Kenya National Examinations Council (Amendment) (No. 2) Bill

‘Mr. Deputy Speaker, Sir, I stand to support this important Bill by Sen. Obure that addresses the whole issue of setting up a tribunal. It is an amendment to the Kenya National Examination Council (KNEC) Act.

There have been various cases of cheating and the then Cabinet Secretary of Education Prof. Kaimenyi gave figures. In a report on the results of 2015, he alluded that 2,975 cases of cheating had been noticed. Prior to that, in 2013, 3,012 cases of cheating had been reported. The Senators who spoke before me talked about the worry that is consuming this country in terms of the cases of cheating. It is for this reason that the Kenya National Examination Council (KNEC) has been so strict that sometimes it cancels result. When students cheat, it means the grades that they get are not theirs. A student should be able to read, understand, articulate, answer the questions and then get a grade. The Council has reason to be worried about cases of cheating and bring provisions to ensure that cheating does not take place.

In some cases, however, results in some schools have been cancelled even when some of the students did not cheat. Indeed, there are cases where one student could have been sitting in one room and the other 49 or 50 students were sitting in another room and then
all their results are cancelled. Definitely, this well supervised student was not part of the case. The Council has been trying to address all this.

Section 45 of the Act specifies the conditions under which the results can be nullified. Where the Council is satisfied that there is any sort of irregularities in the course of the exam, it can suspend or nullify the examination. Where the results have been obtained by any irregular means, the Council can nullify those results. The Council can conduct investigations on results and come up with conclusions. Investigations can be conducted and witnesses called. That is provided for in the principal Act. The amendment to this Act seeks to introduce the idea of a tribunal. In the principal Act the force and the authority of the Council is completely automatic and supreme. Once the Council has made a decision, there is no recourse for that student to later on come and say: “This and that are my circumstances.” That is the reasoning behind this particular amendment; that a tribunal is created.

In the New Part 4(a), the National Examination Appeals Tribunal is proposed so that it can handle these specific components. We need to be careful because at the end of the day, the Council was doing its work up to a particular point and validly so. We have cases of students who may want the results to be relooked at, especially where they have been cancelled or nullified all together. Therefore, this is important because it sets a different precedent from what we have had in this country. Most of the times, we have had situations where people do not have recourse, so that they can state exactly what happened or what can be investigated.

Clause 2 of this Bill says that the principal Act is amended by inserting the words “to provide for the establishment, powers and function of the National Examinations Appeals Tribunal” immediately after the words “and the conduct of examinations.” This is very clear and well stipulated. Clause 3 introduces terminologies that are not there in the Principal Act.

I want to go to the specific aspects of the amendment at Clause 40 (a), especially on the composition of the Tribunal, which has about five people. We have somebody from the Judicial Service Commission and another one from associations. This issue was discussed by other Senators; it seems that the membership is skewed towards one side and it does not give the student ability to have more support. We need to think of other associations that can cause this to happen.

When we look at the composition of the tribunal, it has five members but at Clause 40(f) of this amendment, we have a provision that states that a tribunal shall be properly constituted with at least three members. I feel that for a tribunal that is going to discuss something very critical like cancellation of results for a school, it needs to be spread out in terms of diversity. Therefore, when we shall be making amendments, we will want to have the
composition of the tribunal to be increased and to have the sitting members increased to five members. This is to enable people to have confidence that a wide breadth of people from different backgrounds have been part and parcel of the process. This will make people feel more confident about the findings of that tribunal and the direction that is given for that tribunal at any one time.

The other issue is the nominating bodies and the idea of bringing in the Cabinet Secretary. This is fine because of due process. The Cabinet Secretary should deal with those specific nominees who have come from associations and key stakeholders. This will bring people who are very well-versed about examinations. In making the appointment, we should also ensure the adherence to the two-thirds gender rule. As much as we have this provision in most of the Bills and amendments, but in practice, it is not adhered to. We need to find a provision to make sure that the provisions are implemented. Somebody needs to put emphasis that no more than two-thirds from one gender should something be enacted and not just put on paper. The time for this tribunal is a two four-year term. The second term is to build up on the experience and the time is long enough to have stability in terms of solving cases. They will be paid by the Salaries and Remuneration Commission (SRC). That is in order.

I have a problem with Clause 40(e) where it says that the tribunal can sit at such place and time as the tribunal may appoint. This is will be a national tribunal and many people will want to be heard. If we have the tribunal moving so much from place to place or county to county, people would have a problem finding out where they are seated at a particular time. The idea of devolving it to different counties is a good one but I think it would be better to have sub-committees sitting at various locations for a specific issue.

For example, if a particular school in Baringo County has their results cancelled, then the tribunal can go to investigate that issue in Baringo. I want this tribunal to have a level of regularity that allows people to quickly put their issues across. I fear that the ad hoc nature of this tribunal moving from one place to another might make it not have regularity.

Madam Temporary Speaker, the tribunal’s mandate is wide but primarily they will be looking at the cancellation of results to allow for more investigation. It is giving 14 days for registering a complaint. This is ample time. We need to put a very clear caveat and caution about what this tribunal is going to do. I know that some Kenyans are going to misinterpret the work of the tribunal by thinking that if someone has a mean grade of C, he or she can request the tribunal to change it to a mean grade of A. I know that many students tend to complain and think that they have been downgraded. This is not a tribunal that will be looking at results relooking or remarking.
It will be important to put some cost element to it so that when someone presents a case to the tribunal, it should be vetted as an important matter. If there is some cost implication, it would reduce cases that are not very strong. We have to be careful because on the other hand, we do not want a poor student, who cannot afford the tribunal being unable to have their cases prosecuted. Therefore, some sort of due diligence needs to be done so that we can decipher the actual key cases. In the tribunal, it will be clear because we are talking about exam results that have been nullified or cancelled and cases of cheating. We might want to think about another forum where people can address the issue of remarking of examinations. This happens, for example, in the universities but there are conditions to be fulfilled. This tribunal is not about remarking but cancellation. A person who is aggrieved and is a minor, the application will be done by a parent. This is good so that the parent can do due diligence and provide the right information. There is a provision for the tribunal to make a decision in 30 days. This will give the tribunal enough time to do investigations, come up with findings and present them. Let us improve on this amendment and give the details of what it will entail. What are we going to do if somebody is not satisfied even after the tribunal has pronounced itself on the appeal? Are we going to open up and say that there is another forum that somebody can follow up? Are we saying that the decision by the tribunal is final, if so, we need to have a sense of confidence and nobody needs to worry. This is going to be achieved because if you look at Clause 40(k), a process for verification has been put into place.

We need to think through this very carefully so that we can know whether we have a budget for this. I do not want to over-indulge and thank you for the one minute. With those few remarks, I support this amendment Bill.’

Date: 23rd February 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: The Kenya National Examinations Council (Amendment) (No. 2) Bill

‘Mr. Temporary Speaker, Sir, I thank and congratulate Sen. Obure for this timely Bill. I know that Kisii County and its surroundings have really been affected by cases of examinations cheating. As much as we condemn cheating, we must also look at the rights in the Constitution. Article 47 guarantees every person a right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair. We have had very many cases of cheating reported every year. We have had cherished dreams of children who have worked for very many years crushed in a day or through a decision made when results are released.
This Bill must not in whatever form be seen to condone cheating. It must give fair hearing to the aggrieved parties. As it is, the KNEC has had unilateral power and they have applied it as it is. However, we must have recourse in terms of having an appellate system where, if you feel that you do not agree with a decision taken by the KNEC, then you have a forum to air your grievances.

The issue of cheating in this country has been so rampant and it is getting worse by the day. We, as a country, have also glorified examinations. As the Cabinet Secretary indicated, the Ministry is reviewing the curriculum and this is something that we must consider. The pressure that we put in three days of examinations to our children is too much. We must ask ourselves whether the curriculum is serving the market that we are dealing with or not. The market is very dynamic. How we were learning and examining students 20 years ago is not the same way we are doing today. Today, we even have virtual classes.

Mr. Temporary Speaker, Sir, we must look at the curriculum and ask ourselves whether it is serving requirements of the market both nationally and internationally or not. To children, the issue of cheating has been a psychological one. We have seen children commit suicide because they felt that was the end of the world for them. Some students cannot fathom the idea of their peers going to universities while they remain at home because their result slips are showing "Y". Some end up committing suicide.

This tribunal is timely. However, I do not agree with parents sitting in this tribunal. Recently the Ministry disbanded the Parents’ Association headed by one person who was collecting money from parents purporting to recruit parents in his association. The Ministry wrote to all public schools to stop dealing with this particular individual. The Cabinet Secretary warned all head teachers and principals against engaging with that person. Parents are also a very interested party in this matter.

‘Mr. Temporary Speaker, Sir, I thank Sen. Karaba for the information. However, my understanding is that the person nominated to sit in this tribunal is one nominated jointly by the associations representing the interests of the parents. That is what I was talking about. We are all parents and even the person appointed under Clause 2(a) is a parent. However, he or she is not sitting to represent parents. He or she is sitting to represent the appointing authority who we will decide whether it is the Judicial Service Commission (JSC) or the Ombudsman as has been suggested by Sen. (Dr.) Khalwale. I feel that we need to replace the Association of Parents and get someone else who is impartial to this matter.’

‘Mr. Temporary Speaker, Sir, our understanding is at different levels. I do not want to belabour this point.
From the outset, I support this Bill. The issue of cheating has always affected children and their parents. We have become a callous nation. We have actually lost our souls because we also have some unscrupulous headteachers who want their schools to shine. We also have parents who are colluding to help their children cheat. We, as a county, must interrogate our souls. We must desist from cheating through the WhatsApp platform.

Mr. Temporary Speaker, Sir, it is a pity that some parents see these papers, they print them for their children. You will find that these cases are very rampant whether it is the police officer guarding the papers or the examination invigilators. We must get people to take responsibility and not load blame on a child yet nobody is arrested. We have the machinery to track the information shared on WhatsApp using our arms of investigation, we should be able to know where the paper originated from. This Bill is not to say that we condone cheating. The criminal responsibility must also be well administered and our bodies involved giving us results because we get examinations irregularities yet no one goes to jail for that offence. We take it as a joke yet we are talking about the future of our country. We are at a point where you get a university student who cannot construct a sentence in English. It is very important that we also separate the issue of cheating as has been alluded to by Sen. Wetangula, that it is not schools that cheat and it is not always that Alliance High School will top examinations. We can have another school topping because it is the students that matter.

It is not the school that performs, but the students. We must give equal chance to every child of this country to make a difference.

Mr. Temporary Speaker, Sir, I beg to support and hope that the necessary amendments will be included at the Committee of the Whole stage.’

**Date: 23rd February 2016**

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

**Contribution She Made On: The Kenya National Examinations Council (Amendment) (No. 2) Bill**

‘Mr. Temporary Speaker, Sir, I rise to support the Kenya National Examinations Council (Amendment) (No.2) Bill (Senate Bill No. 14 of 2015). I recall that students from Maranda High School suffered because of examination cheating. This happened in the computer examination. We need to interrogate whether the Kenya National Examination Council (KNEC) at that time had mechanisms of understanding that exams done by computer can bring other issues.
How do you then verify that the students cheated knowing that it is not done on paper where a student writes his or her own examination but this is a computer? Therefore, you will find identical marks; either all students getting good grades or failing.

The challenges that Sen. Obure has come across in Kisii are some of the things that we need to look at. When the KNEC decides that 122 students have to repeat a whole year in school because of cheating, we need to interrogate the teachers and the preparations that were done. This does not apply on the example that I gave earlier but in most cases, I believe the teachers are also culpable. How do you handle the case of students from the same school having identical grades? It does not mean that the students are the only ones guilty of cheating; it means that they colluded with a teacher who gave out the examination paper and guided them on how to do it. As we insist on a tribunal, we must know that the students, teachers and even the supervisors are part of examination cheating.

In addition, cheating in examinations reflects declining ethics. We need to find out whether the KNEC still has the capacity or we need to revamp it. As a country, we have left people to serve in an institution for more than 20 years. We witness decline in performance and negative reports but we still leave the same people to deal with the same challenges. It is time when an institution records a decline in performance, we need to change it; bring in different and vibrant blood that can come up with new ideas and technology to change that institution.

Cheating in examinations and cancellation of results is like an annual event in our country. It is normal! Every year when our students are going to do their examinations, we talk about cheating. It is a norm. How can we change this? It starts with attitude. It is a form of corruption. People just talk of corruption in monetary terms. However, this is the worst form of corruption. This is how we finish our children completely. As at that time, parents have paid school fees for four years and you are expecting that the teachers have prepared students for exams, then, all of a sudden you are told, “No, your school cheated, therefore, the examination results are cancelled.” Hence students need to repeat the same class. It is a burden to parents.

Mr. Temporary Speaker, Sir, I thank Sen. Obure for bringing this amendment. We have a Cabinet Secretary who is willing to transform the education sector. He has quietly and without notice visited schools. This is very important because that is when you can find out whether students are alone; do we have teachers in school? Where have we reached in the syllabus? Days are gone when the syllabus was concluded by second term and revision started for the examinations. Nowadays, many schools go even up to third term without completing their syllabus yet they have finished their mock examinations.
Those are some of the things I hope the Cabinet Secretary will look at and help the students and teachers to ensure that schools finish their syllabus by the end of second term so that children are left to revise all that they studied. This will reduce examination cheating.

The other issue is the senior officials at the KNEC who are doing thriving business by selling examination papers to schools. However, when they are caught, you will never find them in the courts or know how the case was handled. The only thing you will know is the cancellation of examination results when the Cabinet Secretary is announcing the results.

Examination cheating does not start on the day of the examination, it starts earlier. Therefore, you can use a mechanism to ensure that cancellation of examination results does not happen but because it is a thriving business and we are in a digital era, examination papers end up in the hands of students by June, even before they do their mock examination.

As you may recall, there were days you could gauge the performance of a school by looking at their mock examination results. Those days are gone. Mock examinations then prepared students so that there was no cheating. If a student, for example, scored grade B upwards, he or she knew that there was excellence in the main exam, go beyond grade B and get an A. If you scored grade C, you knew very well that you are an average student and you can try your best to move to grade B. However, today, you cannot gauge the performance of your students in the main examination based on the results of the mock examination. It has become difficult.

It is also important to look at the issue of ranking based on schools. As Sen. Wangari has suggested, we need to rank the individual student. Therefore, in any school, even one in the remote area which is a day school, a student can excel as in other schools.

Even those students who come from a small school and have performed well have a chance to be ranked with the rest. People will wonder how they passed. That is where we went wrong. We believed that it is only Alliance High School, Starehe Boys’ Centre and School and Precious Blood that are the schools that when our children join, they will perform and go to the university. That is how we have made students to cheat because if a student is not in Alliance High School and he or she wants to join university, he or she has to do anything to ensure they go to the university.

As was the case before, today, we do not have education officers who used to go round schools at random to monitor progress. As we realign this, the Government should come in. We also have many other factors that influence examination cheating. If we ignore these factors, even if we bring in a tribunal, we will still have the same problem. So, it is important for us to look at the causes of examination cheating.
The Ministry decided to elevate many schools to national level. Some parents are saying that they would rather take their children to a provincial school than to a national school. This is worrying. It means that some national schools may not perform like any other national school. We need to find ways to create confidence in students who join a school which was recently elevated to a national school. We need to grade all national schools, not just those which were boosted by the economic stimulus package, but those that were performing well can be graded and given an opportunity to become national schools. Then, we will be talking of a different dynamic situation where it can be graded to compete with schools like Alliance, Starehe Boys Centre, amongst others. A school with a form one admission of about 500 students with approximately 375 marks - if they get the best teachers - they do not need to cheat because they passed their Kenya Certificate of Primary Education (KCPE) examinations. If such students cheated in their KCPE examination, they will have to cheat in the Kenya Certificate of Secondary Education (KCSE) examination. If that is the case, there is something wrong with the education system.

What happens in between the two examinations is something that teachers must look at. When a student in form one or two engages in examination malpractices, this is something that should be looked at. Last year, Chavakali High School became a victim. I know many parents whose children were invited for admission in this school but refused because they were afraid of a recurrence. An established tribunal will safeguard schools and the parents’ confidence in schools because it will administer justice to the schools, students and parents.

The problem is that we have left the examination marking process to a few people. Therefore, we do not know how they mark these examinations. It is important because schools will demand to be shown what led to cancellation of their examination results. Cancellation may be a way of destroying the performance of some schools yet we do not know. There are no mechanisms in place to show what led to such cancellations yet we have been pointing fingers at each other. If the KNEC can produce the cancelled results, verification can be done and established if it is true that an examination malpractice occurred. It is true that with the establishment of this tribunal, parents will appreciate Sen. Obure because it will address many matters that parents are facing. I hope that as we move forward, exam cheating does not become a ritual. I support.’

Date: 23rd February 2016

Member of Parliament: Sen. Naisula Lesuuda

Contribution She Made On: The Kenya National Examinations Council (Amendment) (No. 2) Bill
‘Thank you Mr. Temporary Speaker, Sir. I congratulate Sen. Obure for this important Bill. I support most of the sentiments that have been aired by my colleagues. It is an important Bill and timely as well. It is important that every student, parents, institutions of learning and anyone who has invested in the child has a forum where their grievances on examination results can be heard. Many of us wonder whether the results we got were ours. The answer booklets are never returned and what the Kenya National Examination Council (KNEC) gives is assumed to be true.

Many students are left with many questions and at times we see the bitterness the students are undergoing because they do not have an institution in place to petition. Every year, there are schools whose results are cancelled. This tribunal will check on this regular trend so that the recommendations can be used to deter cheating in other schools. With time, the tribunal will determine the cheating trends in institutions or among the students and use them to curb future possible examination malpractices.

Mr. Temporary Speaker, Sir, our education system is result-oriented. Pressure is mounted on students to score high marks without minding what the input is. Debate has been on the rise about the nature of our education curriculum. We have also had many task forces, but over time, we should relook at what we want our children to be. There are some art subjects which have been abolished from schools. More focus has been placed on sciences yet there are some children who otherwise would benefit from skills in art subjects. When children are out of schools, it is not about getting white-collar jobs but learning arts is a way of nurturing talent.

The Bill is timely considering what happened last year. It was an embarrassment. In fact, we deliberated the issue in this House about how the examination leaked. We recommended that a whip should be cracked on the KNEC because they are ruining children’s lives. Internationally, our education is undermined when such issues arise.

Doubt is already built on the merit of the children who sat their national examinations last year. Once we have the tribunal, there will be guidelines that will curb any recurrence. In the meantime, we should get to the root of this and establish where the gaps that lead to leakage of examinations exist. Those who practice this malpractice should know they are doing a disservice to the children because they are not benefitting them in any way or improving a child’s life. If anything, they are messing their lives.

You may give a child an examination paper and they go ahead to score a mean grade A. They will be called to a national school but they cannot fit in. They will be miserable for the next four or five years they will be in that school. Such children are called to join some good universities here in Kenya and that is why we see them dropping out. Students end up doing
very many supplementary examinations because they cannot cope since that was not a true reflection of their Intelligence Quotient (IQ).

Many times we have talked here about focusing so much on results. I have seen many counties put aside money for polytechnics. I really hope that we can actually do that for the sake of our children, our young people and communities so that we shift a little bit of focus which has been concentrated on a results-oriented education system.

Secondly, I agree that we now have a very good Cabinet Secretary, Mr. Matiang’i. I have interacted with him and discovered that he is very passionate on issues to do with education. I even wonder what he has been doing elsewhere. He should have been at the Ministry of Education from the beginning to help the sector. We saw him walk to schools to check on the teachers and find out what goes on. I like what he said and I will quote it. He said that it is not about how clean a school is. We have had the assumption of making students to clean the school compound thoroughly. However, the most important thing is what goes on inside our learning institutions. The CS visits schools and finds that some teachers are absent and the principal does not know where they are.

As Sen. Elachi said, corruption is not necessarily just about the money. It is also about the time we take away from our children by not being there for them. That is also corruption of the highest order and at the end of the month, one will want to draw a salary. I think the CS is on the right track on that and also on the whole issue that he has been following up to ensure that our universities meet the threshold.

For a very long time, we have been quiet about universities mushrooming on top of every building in this town. Our children get certificates which cannot be recognised and parents are really investing in the children. They sell all their property and take children to school only to later realise that the certificate is not even recognised. I like his approach because it is not so much vindictive but about correcting. It is about looking at the loopholes and the gaps, so that we can all move together to reclaim our glory because our institutions have for a very long time been known to be the best.

Mr. Temporary Speaker, Sir, because we are discussing about education, we will have to relook at the cost of education as a country. The cost of education has been high especially for those who are in high school. We have continued to encounter many students who perform very well but they cannot join schools of their choice. There was a story of a child on the national television and I am looking into her issue. This was the second time she sat for the Kenya Certificate of Primary Education (KCPE) and she did exemplary well. She attained 413 marks and she is not in school up to date. That broke my heart.

With all the bursaries that are there – from the Constituency Development Fund (CDF), counties, the money for vulnerable children from the national Government, partners like
banks and corporates chipping in to pay school fees for our needy children. Beyond that, we need to review and look at the cost of education since it is a burden to parents who are not “doing well”. I do not know but I think it is God’s way of always balancing life. Most of the parents whose children perform well are unable to pay the school fees. I think it is only fair for the State and all of us who have the responsibility relook at the cost of education in our country.

As I conclude, as we said about the tribunal, and it is very clear what its role will be so that we do not have people who just take advantage of it, that I thought that I should have an A and now, I have a C so, we have to go to the tribunal. I hope that they will expedite and deal with the issues that will have been raised before them in good time so that if there are other processes that have to be followed, then they be followed in good time.

Mr. Temporary Speaker Sir, we passed here a Bill about the issues of certificates of all pupils to be released by their secondary schools. I do not think that it is happening. Up to now, I know a number of pupils who are still trying to get their certificates. It is up to us that if it is not working, then those in charge should say why. We know the schools also have a burden and a responsibility to meet the needs of the children and those working in those institutions. However, it is not fair that we pass Bills and Motions here and ultimately, we do not see them being implemented. These Senators work tirelessly to make sure they mobilise and pass Motions and Bills. So, I hope that once we pass this Bill, it will be implemented. I really believe that it is a reprieve to children, parents and those who are involved in the education of--- I will actually deal a little bit on what Sen. Karaba has said. I think he is the one who is ignorant of what is happening in our country on issues to do with education. I am very passionate about our children accessing education. These institutions are also not enough. I have a list because I have so many children who have benefitted from these institutions. I know what I can do about it but the truth of the matter is that, that child is at home. The school will not receive this child without any support. If anything, that child said she had applied for Equity’s “Wings to Fly” and from another organizations. They can only take as much. Mr. Temporary Speaker, Sir, I think it is the reality and I do hope that we will see this as a real challenge and a problem so that as the State - because the mandate is on the State and not the institutions - makes sure that education is affordable in our country.

Thank you and I support this Bill.

Date: 24th February 2016
Member of Parliament: Sen. Elizabeth Ongoro
Contribution She Made On: The Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014)
Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014) and its approval, thereof, with amendments.’

Date: 24th February 2016

Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: The HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No.4 of 2015)

‘Mr. Deputy Speaker, Sir, I beg to report that the Committee of Whole has considered The HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No.4 of 2015) and its approval, thereof, with amendments.’

Date: 24th February 2016

Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: The Persons with Disabilities (Amendment) Bill (Senate Bill No. 13 of 2015)

‘Mr. Deputy Speaker, Sir, I beg to move The Persons with Disabilities (Amendment) Bill (Senate Bill No. 13 of 2015). The principal object of the Bill is to amend the Persons with Disabilities Act, No.14 of 2013, with a view to provide for the obligations of the national and county government in ensuring the wellbeing of persons with disabilities.

Mr. Deputy Speaker, Sir, Article 54(1) of the Constitution provides for the rights of persons with disabilities, including the right to access social amenities and the right to be treated with dignity and respect. The two levels of government have an obligation to ensure that persons with disabilities are protected and the requirements of Article 54(1) of the Constitution are met. Currently, matters relating to persons with disabilities are dealt with by the National Council for Persons with Disabilities (NCPD) established under Section 4 of Persons with Disabilities Act. However, there are no structures at the county level to ensure the well-being of persons with disabilities. This Bill, therefore, seeks to amend the Act to provide a legal framework for dealing with matters affecting persons with disabilities at the county level and to revise the composition of the Council to reflect the devolved system of government and parastatal reforms.

Mr. Deputy Speaker, Sir, the Bill, therefore, imposes general obligation on the national and county governments. In the first instance, the Bill obligates the national Government to:- (1) Develop policies on the protection and promotion of the welfare of persons with disabilities---’

Date: 25th February 2016
Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015)

*Madam Temporary Speaker, I beg to move:-*

THAT, the Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015) be now read a Second Time.

The principal object of this Bill is to amend the Persons with Disabilities Act No.14 of 2013 with a view to provide for the obligations of national and county governments in ensuring the well-being of persons with disabilities.

Article 54(1) of the Constitution provides for the rights of persons with disabilities, including the right to access social amenities and the right to be treated with dignity and respect. The two levels of government have an obligation to ensure that persons with disability are protected and the requirements of Article 54(1) of the Constitution are met.

Currently, matters relating to persons with disabilities are dealt with by the National Council for Persons with Disabilities (NCPWD) under Section 4 of the Persons with Disabilities Act. However, there are no structures at the county level to ensure the well-being of persons with disabilities. This Bill, therefore, seeks to amend the Act to provide a legal framework for dealing with matters affecting persons with disability at the county and to revive the composition of the Council, to reflect the devolved system of government and parastatal reforms. Madam Temporary Speaker, the Bill, therefore, imposes general obligation on the national and county governments. In the first instant, the Bill obligates the national Government to:-

1. Develop policies on the protection and promotion of the welfare of persons with disabilities.
2. Cause to be undertaken surveys, investigations and research concerning the causes of the occurrence of disabilities and development of new assistive devices.
3. Promote various measures for prevention of disabilities.
4. Provide facilities and infrastructure for the training of professionals in the rehabilitation of persons with disabilities.
5. Promote the integration of persons with disabilities in schools and employment within the public service.
6. Ensure access to free basic education and other social amenities to every child with a disability.

In the second instance and keeping with the spirit of devolution, the Bill requires county Governments:-
a. To implement national policies for protection and promotion of the welfare of persons with disability.
b. Coordinate Government and non-governmental sponsored programmes targeting persons with disabilities within their respective counties.
c. Align county legislation and regulations with the national policy relating to persons with disabilities.
d. Promote the integration of persons with disabilities in the county public service. Madam Temporary Speaker, the Bill proposes to establish a County Committee for Persons with Disabilities (CCPWD) in each county, consisting of representatives from the county executive, faith based organisations which deal with issues affecting persons with disabilities in the counties and persons who have knowledge and experience in running programmes related to persons with disabilities.

The Bill further confers various functions on the county committees including:-

a. Development of mechanisms and identification of persons with disabilities residing in their respective counties.
b. The establishment of a data base for persons with disabilities.
c. Monitoring and evaluation of the progress by counties in ensuring that article 54(1) of the Constitution is realised.
d. Advising the governor on the appropriate measures and interventions to be put in place for the protection of persons with disabilities in the county.
e. Implementation of programmes to promote the socio economic development of persons with disabilities in the county.
f. The coordination and implementation of programmes relating to persons with disabilities in the county developed by the council and the Social Assistance Authority. The Bill intends to fit the proposed County Committees for Persons with Disability (CCPWD) into the existing administrative framework of county governments.

Therefore, the Bill proposes that the committees shall be committees in the office of the County Executive Committee (CEC) member responsible for matters relating to persons with disabilities.

The members of the committee shall hold office for a term of three years and shall be eligible for reappointment for a further non-renewable term of office for two years.

Further, the members of the committee shall be entitled to allowances as determined by the CEC member, in consultation with the Salaries and Remuneration Commission (SRC).

Madam Temporary Speaker, the Bill also proposes to review the membership of the National Council for Persons with Disabilities. This review is informed by the concerted effort by all
State actors to ensure that statutory bodies are efficient, cost effective and able to deliver on the objectives for which they were established.

The Bill proposes to reduce the number of people nominated for appointment to the Council by organizations for persons with disabilities, executives and the Attorney-General. The Bill proposes a further amendment to the Act whose effect shall be that “the relevant state agency shall not approve the construction of a road, building or premises if the plans for the construction do not include access for persons with disabilities”.

The Bill is expected to promote the well being of persons with disabilities in the counties, to streamline the operations of the Council by reducing the number of Members and to ensure greater access by persons with disabilities to premises and other amenities. I beg to move and call upon Sen. Sijeny to second.

Date: 25th February 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015)

‘Thank you Madam Temporary Speaker, for giving me the opportunity to second this Bill. This Bill, in a nutshell, helps to implement the provisions of the Constitution by devolving governance, creating structures and bringing services to persons living with disability at the grassroots. By amending this Bill, it helps also to create awareness on how people living with disability can be supported in various fields.

This is a special constituency and they are everywhere. Research has proved that most of them, without the kind of intervention being sought, live under poverty especially within the rural areas.

Madam Temporary Speaker, once the Bill is enacted and implemented, it shall look into the issues of the persons living with disability. We find that most of them suffer from many issues of disability. We have chronic disparity diseases like cancer, diabetes, malnutrition, HIV/AIDS and other infectious diseases. There is also the category of groups who suffer serious injuries leaving them with permanent disabilities as a result of accidents, terrorism and violence whether domestic or other types. In that view, it can happen any time and to anybody.

We should have people everywhere not only at the national level but even at the ward level who look at their concerns to ensure that we have infrastructure that will help to support them so that they are able to carry on with their daily work. When this Bill is implemented, it will be easy for everybody who is concerned to look at the external environment, go down to the people at the grassroots and know what interventions are required. With the
formation of these various committees, they will be going round and ensuring that the rights of the people living with disabilities are protected.

Madam Temporary Speaker, indeed, we have seen from the media, both electronic and print, that persons with disabilities have proved that disability is not inability. They are ready and willing to work, support themselves and be independent, but there are certain interventions which are required. Even if you look at healthcare, many people have neglected them especially families who are not aware of what the unique interventions that persons living with disability will require.

Awareness creation needs to be done. We are still in the process of creating legislation that will ensure interventions at the grassroots level for these persons. If it is persons who are visually impaired, then they are able to get Braille at whichever hospital wherever they are. We should have people well trained to give the services required so that we can all have a healthy nation where everybody is able to depend on themselves. This over-dependence on white collar jobs should become a thing of the past. We should learn from the rest and get markets for goods produced by persons living with disability.

Madam Temporary Speaker, as we all know, this is something that can happen to anybody, anytime. Even now, the building can collapse and by tomorrow we will be persons living with disabilities. I beg to second.’

Date: 25th February 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015)

‘Madam Temporary Speaker, I support this Bill because the amendment is timely. Article 54(1) of the Constitution is clear on how our sisters and brothers with special needs are supposed to be incorporated in all sectors and spheres of life in our county. To date, persons with disabilities struggle hard to move round their institutions because of lack of facilities for them. We passed an affirmative action agenda of reserving 30 per cent of Government tenders for them. However, if you look at statistics today, you will be shocked to learn that very few people living with disabilities have successfully applied and won those tenders. Why are we not supporting our brothers and sisters living with disabilities?

Madam Temporary Speaker, one of the things the county governments have refused to implement is any law that does not address itself to devolution. Therefore, the committees that have been proposed here by Sen. Omondi will be started in every county to look into the plight of persons living with disabilities. The report of the Kenya National Human Rights Commission (KNHRC) of 2013 said about 70 per cent of our population is made up of youth.
Therefore, this Bill will unlock many opportunities for persons with disabilities in different sectors of our country. We must ensure these persons access social places without any hindrance. In the past, we have not been very strict with construction of buildings. We must now ensure all buildings cater for the needs of people with disabilities.

Madam Temporary Speaker, the United Nations (UN) has a clear resolution on incorporating persons with disabilities. We must create an enabling environment for them to participate in all sectors. Many parents suffer a lot taking care of their children with disabilities. Sometimes they do not talk about the condition of their children because of stigma. I hope the committees envisaged in this Bill will go a long way in assisting children living with disabilities to enrol in schools. We know of children who are chained or tied with ropes at home. They do not go to school. Many of them are undergoing a lot of suffering. Their parents are also in a lot of pain because they have no one to counsel them. We normally arrest their parents because we feel they mistreat their children and that they do not want to take them to school. However, we need to come up with a clear framework on how to engage such parents to understand that they can take care of such children in a better way because they are just like other children even though they have special needs.

Madam Temporary Speaker, some of these disabilities can be cured if parents seek medical attention in good time. However, people lack information, for instance, on where to go for therapy. It is difficult for a parent to take a child to a public hospital for physiotherapy. You can imagine the case of the children from Busia who were disabled after being injected with a vaccine. Another example is the Loreto Convent School girls who were involved in an accident in Tharaka-Nithi county. Most of them are now disabled. We, as a country, have never accepted that disability is part of life and anyone of us can find ourselves in this condition. Even in Parliament, some of our Members have become disabled, for instance, Sen. Leshore and Hon. Ghati. Today they have some difficulties moving around. They do not have access to some places. People even distance themselves from them. Some people no longer accord them respect as they used to before they were disabled.

I hope governors will understand that when they have people with special needs, they take care of them. For example, they must make sure children with disabilities go to school. In fact, they must be provided with food in school so that parents who normally hide them take them to school. We must provide them with free medical services in the counties because health is a devolved function. It is the obligation of the county government to ensure that such children access medical services in any hospital. We must also establish physiotherapy centres. If the women Senators were given a fund, they would cater for unique cases that nobody thinks about, for instance, physiotherapy services for those living with disabilities.
Amongst us, we have persons who have various disabilities. We have blind, lame and deaf people. We even have those who are depressed. That is also a form of disability.

How can we take care of them? Therefore, we must not ignore cases of depression. Disability means that your body is not functioning normally. Until we define it in these terms, we will always have different misconceptions. I hope the committees in the counties will classify them so that we can get the different target groups with different disabilities.

Madam Temporary Speaker, there is always conflict between people living with disabilities. Some feel they deserve better treatment than others. For example, those who are physically disabled feel that the blind do not deserve special treatment. It is upon us to treat them equally. As we approach the 2017 elections, we must take action. Everyone has his or her own target group among the disabled. It is time we assisted the sector to overcome conflict. We should support each other. That is why the Constitution is clear and it gives the Government the obligation to ensure this is done. I hope the political parties will also do the same. Let us categorize them so that all of them feel that they are being embraced.

This will avoid conflict; some of them feel that it is only a particular group that is being embraced. We, therefore, need to amend the Act and classify disabilities.

Nobody is happy about disability. If it were our will, we would pray to God to save us from it. With technology, pregnant women from some families go for ultra sound to determine the condition of the unborn baby. We should work to find solutions.

The Committees which will be set up in counties must target key sectors, for instance, education and health. We must economically empower persons with disabilities.

The disabled have their fund. These committees must monitor how the fund is utilized. Is this fund supporting them? It is a pity that resources set aside for persons with disability do not reach them. It is very hard for them to access their funds. How do we support them?

The county governments should provide a conducive environment where people living with disabilities can conduct their businesses. However, this is not the case now. They are harassed by the county askaris. They pay the same market levies as other people. We must put in place incentives to help them grow.

Madam Temporary Speaker, lastly, I hope that we will pass this amendment. I also hope that all the amendments that we have passed and forwarded to the National Assembly will be cleared this year. I plead with them to do so. We should also clear the Bills that they brought to us. With those few remarks, I beg to support.’

Date: 25th February 2016

Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015)

‘Madam Temporary Speaker, I join my colleagues in congratulating the Mover of this Bill, Sen. Omondi, for seeing it fit to bring it to this House at the right time. Every person has a right to be treated in a manner that is conducive to a good life. This Bill is appropriate since we have a Constitution that accommodates everybody in this country. I would like to compliment the Mover. It is not like in the days where when one got children with disabilities, he or she hid them because it appeared to be a taboo. However, nowadays everybody has a right to a good life. We need to respect and let them live with dignity.

While supporting this Bill because disability is broad and there are a number of disabilities that we come across in everyday life; there are those who are mentally handicapped and have been totally neglected. We also have the blind and the deaf. I propose that, if I am in order, maybe at the Committee Stage, amendments should be incorporated so that these people are not left out. We are devolving this and the proposal goes to the county level, therefore, they should not be left out. A number of mentally handicapped people are hidden; nobody knows anything about them. You will find them tied in a dark room in the villages since it is seen as a taboo and parents do not want them to be known. In the Committee Stage, this Bill should be amended to include all forms of disabilities.

In developed countries, people with disabilities are respected and taken care of in a special manner. However, with our case, there is stigma. It is important, that as we devolve this to the county level, there should be civic education so that people start appreciating that disability is not inability. Everyone has a right to a good life.

Madam Temporary Speaker, this Bill has come at an appropriate time. I am proposing that these amendments be taken on board so that it is inclusive and everybody is taken care of. I congratulate and commend the Mover of this Bill. I hope that it will get through and that the committee that will be appointed in the county governments should be supported to make it a workable reality as soon as possible. I support.’

Date: 25th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015)

‘Madam Temporary Speaker, about 90 per cent of the Members currently present in this House are the specially elected Senators and they are making a lot of contributions. I congratulate Sen. Omondi for this important amendment to this Bill. The challenge in the
Act is that the counties element has not been taken care of. Most of the policies have been at the national level without considering the counties.

When talking about disability, there is a wide range of people with disabilities. In this country, we have neglected the invisible disabilities, for instance, mental disabilities. In many countries, we have found people who have otherwise been successful in many ways. Some are fantastic musicians and artists, among others. Therefore, physical disability is not the end of one’s life.

In developed countries, initiatives are in place to ensure that persons with disabilities are assisted by providing them with right supporting gadgets. In Kenya, we need the assistance from every person. This Bill needs to look at the whole issue of bringing all angles of disability. This calls for research to find out state obligations and how best this issue can be addressed. In rural areas, there are mothers who do not have an idea about vaccinations. Therefore, children are prone to a wide range of disabilities.

Research should be disseminated so that people can have an idea on its importance. Most of these issues have been legislated, but there are no ways to ensure that mothers take their children for vaccinations at the required times.

Madam Temporary Speaker, many cases of disabilities are as a result of neglect of many issues. Children suffering from disabilities will fail to attend school. In fact, children fail in schools only to realise later that they suffer from blindness and they cannot see the teacher’s instructions on the black board. Some of the eye operations are easy to carry out. For instance, cataract operations can be done in five minutes.

Therefore, it is the will that is missing. In rural areas, there is no central point where all these issues can be addressed. Therefore, the county committees will be helpful in addressing these challenges. A lot of these disabilities are as a result of globalization. In the mining sector, lead poisoning is the causative agent of these eye disabilities. Research will help the State to establish if lead pollution can deform many children. We might have the Zika virus in many forms in this country without our knowledge.

The composition of this committee is important. The clause provides for nomination of two persons; a man and a woman, with experience in running programmes and nominated by governor. I suggest an amendment; that the appointments should be made after wide consultations with various institutions that deal with disability issues.

With this, we shall get the right people with experience on disability issues.

Madam Temporary Speaker, when the law does not specify how appointments are to be made, the governor may pick on one person without the necessary qualifications.

The Bill should provide for appointment of persons that have expertise in disability matters. They should retreat to schools and look at the performance of children with disabilities. In
the Committee on Education, we deal a lot with Early Childhood Development (ECD) trying to place them within communities so that there is closeness. No school should deny a child admission because of his or her disability. Madam Temporary Speaker, of late, upcoming infrastructure has incorporated disability friendly structures. Sometime back, in an airport, there was no lift and a certain physically challenged lady in a wheelchair had to be manually lifted. This can cause unnecessary accidents. Lifts should always be serviced because somebody will require their usage. How will blind people walk without the assistance of lifts? The lifts should have voice instructions to aid them in movement. I remember Sen. Omondi, in a certain forum, sharing her experience of how she felt at home while in United States of America. She said everything is smooth and nobody can easily notice that some persons are physically challenged. We know that disability is not a one day occurrence. There are people who were not physically challenged, but because of accidents, they became victims. You might find that a person was not born with disability, but accidents and shootings happen. You may suddenly find that you cannot move and you are on a wheelchair or you have gone blind and you have to deal with that. So, we must look at this from a unilateral point of view, but not a specific point of view of thinking this is only for a particular group of people. Tomorrow, anybody will need these facilities. There are legislators who need these facilities and others will come and they will also need them as well. We should consider all the issues of social amenities and how they can be attained; whether it is about water, roads or buildings and how they need to be constructed such that a child or a grown up with disability would navigate their way very easily.

This amendment also gives specific recommendations for county governments to do certain things. Firstly, they need to consolidate the various policies. I do not know whether we have one guiding policy on disability; when was it last reviewed and how will it be cascaded to the counties? Another proposed amendment to this Bill talks about making sure that there is congruence between county assemblies’ legislation and the national legislation. There should no contradiction between what comes from the counties and the national Government regarding matters of disability. Therefore, there is need to look at that policy and review it, make sure that any other subsequent legislation will be directly synced to what comes from county assemblies. That is very critical so that there is alignment of legislation with the national policy to ensure that there is no contradiction.

This means a lot of work for the stakeholders. Sen. Omondi will need to put the different stakeholders together.

During public participation on amendments on this Bill, it will give a good chance for Kenyans to talk about the various policies that are in place, the various issues that have come up and the various researches and their findings and how to put them together and
enhance the work of the county committees that have a lot of responsibilities to develop mechanisms for identification of these. There should be a database because we should have the statistics on various forms of disabilities. You will not get data on schizophrenia or other forms of mental disabilities when you want it. That becomes very difficult. We should not forget that there are many parents who have hidden children with disabilities. Again, we should get into this and have the accurate data. When the conversation begins and people are encouraged to do more and come up with the figures, then, it becomes very critical. We should have the names, places of residence, types of disabilities and any other information that could help address the disabilities. If it is a disability that is short-term and can be addressed, for example, correction of eyes or a cataract operation, let it be done. If it is something that is longterm in terms of correctional possibilities, let that be addressed. If it cannot be corrected, then the idea is to move towards assistance so that those with such disabilities can be enabled in a particular way.

There should also be monitoring and evaluation of the counties to ensure that there is respect and dignity because this is what the Bill is all about. You will not have respect and dignity when you must rely on others for everything. You should move by yourself, feel respected and speak as people listen to you. That should not be because of your disability, but because you talk as a human being. So, the respect and dignity is very critical and that is the mood that should always be there. As projects are being monitored and evaluated and the progress is being sought, we should ensure that the respect and dignity is upheld and that is very critical. There is also need to advise the governors on the various measures and interventions that need to be put into place and how to come up with programmes for socio-economic development. I remember there was a big project sometime back at Bombolulu Handicraft. A lot of material fabric came from Bombolulu Workshop for the Handicapped. Dresses were being made and marketed abroad. I do not see as much activity in that direction. What is happening to such a critical industry? At the end of the day, like any other person, you want to meet your social and economic needs. You must be capacitated in one way or another and have programmes that will guide you in order to fulfill those specific considerations. That is also critical. Apart from the issue of vetting of the two officers who will be appointed by the governor, the composition of that particular committee is okay. I hope the committees will be spread across all the 47 counties. That also creates the issue of collaboration between the 47 counties. I am sure they will have programmes that are more or less the same. So, it is very important for us to have a sense of exactly what goes on within and between counties.
Madam Temporary Speaker, as I end my contribution, the representation on labour, devolution, education and health is an addition to the initial Act that brings more value. I support.’

Date: 25th February 2016
Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015)
‘Thank you, Madam Temporary Speaker. I beg to reply by thanking my fellow Senators for showing passion on matters to do with disability.

I want to appreciate them for their contribution. Indeed, disability is a club and everybody is a potential member. You can join anytime. This reminds us that we must be prepared every now and then. We must make our environment disability friendly, including our structures and have passion for disability issues.

I want to outline some important guidelines that can form a basis on how to ensure that we are disability friendly. One is involvement. We need to involve persons with disabilities and recognize, support and consult them in all matters and at all levels and also to ensure that the issues pertaining to disability are given a priority in everything that we plan to do.

Madam Temporary Speaker, I want to say that issues raised by my fellow Senators on disability enrich this Bill and I know it is going to solve challenges that are facing persons with disabilities. In terms of devolution, persons with disabilities are being taken left and right; they do not know where they are supposed to seek for services and support. This Bill will ensure that things are in order and they will receive the services that are required.

I want to request under the Standing Order No.54(3) that we defer the putting of the Question so that we get numbers to allow us to go for Division.’

Date: 25th February 2016
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: The National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015)
‘Thank you, Madam Temporary Speaker. I beg to move:-

THAT, the National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015) be now read a Second Time.

This is a Bill of Parliament to amend the National Cereals and Produce Board Act to provide for the establishment of the County Cereals and Produce Committees. Agriculture is a devolved function.
Madam Temporary Speaker, by providing for the establishment of the county cereals committees, the Bill seeks to ensure enhanced production of maize, wheat and scheduled agriculture produce in counties so as to ensure food security in the country.

Madam Temporary Speaker, the Bill also provides for the functions of the county cereals and produce committees. These include the facilitation of the purchase of maize, wheat and scheduled agricultural produce from farmers, the payment for such produce delivered by farmers, data collection and the collection and dissemination of information to farmers, county government and the National Government. The committees are expected to act as a link between the National Government and the county government by collaborating with the National Cereals and Produce Board in the carrying out of its functions. The committees will also submit reports to the county executive committee member and the Board regarding the performance of their functions.

Madam Temporary Speaker, this Bill does not delegate legislative powers or limit the fundamental rights and freedoms. It is expected to ensure that the production of maize, wheat and scheduled agricultural produce is enhanced and cascaded to the farmers in the counties. In addition, the county governments will be able to buy the produce directly from the farmers. The provision of crop and animal husbandry services is a function that falls within the ambit of the county governments, as specified under Part 2 of the Fourth Schedule of the Constitution. This Bill, therefore, concerns county governments in terms of Article 110 (1) (a) of the Constitution of Kenya. It is also not a money Bill within the meaning of Article 114 of the Constitution.

Madam Temporary Speaker, I am a farmer. I believe farmers have had a raw deal for a long time. They do not get proper prices for the crops that they produce. I beg to move and ask Sen. Elachi to second the Bill.’

**Date: 25th February 2016**

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

**Contribution She Made On: The National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015)**

‘Madam Temporary Speaker, I beg to second The National Cereals and Produce Board (Amendment) Bill, 2015. I thank this House for passing The Food Security Bill, knowing very well that we have had the National Cereals and Produce Board (NCPB) for many years in areas designated by the Government, for example, Kitale, Nakuru, Kisumu, Kericho and Mombasa.'
We, as a House, need to appreciate that agriculture is now devolved. We have created many committees in the Bills that we have passed, but we need to ask ourselves how they will be implemented. We need to know how much food is in the NCPB stores.

When we passed The Food Security Bill we also provided for what should happen in the committees. In Nairobi, for example, you cannot ask people where they farm. Some of them are landlords. That is where they get their income. However, at the end of the day, every Kenyan should have food. This Senate must, therefore, ensure that this amendment Bill and the Food Security Bill are implemented by the Government, so that people access food easily.

Madam Temporary Speaker, we have the Galana Food Project which is being implemented. The President is in Israel and has expressed hopes that the project will work. We should devolve cereal boards to Tana River and other places and form committees to ensure that there is enough food and no wastage. We store a lot of food in the cereal boards that we have across the country, but no one monitors or raises a red flag that a certain area has 20,000 or 1,000,000 bags of maize that is about to rot because they are unable to sell or supply. In the past, the NCPB stores had been opened and closed from time to time. The stores should be open all year round, so that if I take my maize there now, I should be able to go back in three months time and buy food. Sometimes we close those stores and import food. That is why farmers are complaining.

We have focused so much on maize that we forget that there are other agricultural products that need to be stored. We also have dairy farming which requires storage facilities. My father supplies milk to Kenya Cooperatives Creameries (KCC). There are competitors within the sector. Therefore, there is a surplus of milk right now that they do not know where to take it. If you ask why they cannot produce powder milk, they give you stories, but you find another farmer who has surplus milk producing powder milk.

You then ask yourself whether we are in the same country. We are not encouraging our farmers to pursue agriculture as a source of income and livelihood.

As we create the committees, there is need to ensure accountability within the industry. Farmers should be able to take their wheat produce to the stores. They should also have a ready market for surplus poultry and poultry products. We should not just focus on maize, but also meat products, wheat and beans. Stores should be available for these products whenever there is surplus. It would be wrong for the Government to let farmers’ institutions go down, just because of competition from the private sector. The Government should stand with the farmers, most of whom are voters, and ensure that they benefit.

Most NCPB stores have surplus because farmers lack information. For example, nobody tells them whenever there is bumper harvest that they need to reduce the prices.
We keep quiet leaving the farmers wondering why the Government does not buy their maize. We should borrow from what happens with fuel prices. Fuel prices have gone down because there is a lot of competition. Many countries that have oil are now supplying it. For example, Iran is back in the market and so fuel prices will go down. We keep quiet and leave farmers to complain every day. We also do not have agricultural extension officers to sensitize the farmers.

The committees that we are creating in this Bill will ensure that farmers are informed in good time. If there is an outbreak of crop diseases, these committees should act accordingly. Their business is not just to wait for the surplus to be taken to the cereals boards. If diseases will affect crops, it will be the responsibility of the committee to take action and use the right pesticide. We can mitigate and save the crops before it is too late.

Madam Temporary Speaker, as we amend this Act, we need to address the conflict between the county and national Governments in terms of devolved sectors like agriculture. This is a devolved function, but the national Government has not fully devolved it. Even as we propose to have county cereal committees, we will have to consult widely to ensure that we do not have conflict. If the committees are there to inform, we should have mechanism within the Act to allow the committees to inform the national Government. During the times of drought and famine, the national Government seeks assistance from donors.

I support this Bill and hope that we are going to suggest serious amendments to ensure that mechanisms are there to support both the national and county Governments. I beg to second.

Date: 25th February 2016

Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: The National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015)

‘Madam Temporary Speaker, I thank you for this opportunity. I also thank Sen. Kittony for speaking on behalf of the farmers. This is a timely Bill because the country is facing a lot of food shortage. We have a lot of problems as far as nutrition is concerned simply because we depend on imported food. Farmers are facing a lot of challenges in terms of transportation, pricing and storage of their farm produce. As a result, farmers have experienced losses which have negatively affected the economy of this country.

Food security is key for the growth of our economy. Many county governments are now coming up with projects to give farmers machines. However, there are no structures in place to enable farmers make good use of these machines. One of the challenges they face is lack of electricity to operate those machines. For instance, in my county, there is a SACCO for
dairy farmers that has been given a dairy machine, but they do not have electricity. Therefore, they cannot preserve their milk.

If we address the issue of farming and food security, we will have a healthy country. When that happens, production and the economy of the country will be cushioned. This is the basis of where we, as legislators, can claim to have done our work during our tenure. I beg to support.’

Date: 25th February 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: The National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015)

‘Madam Temporary Speaker, first and foremost, I commend Sen. Kittony, who in particular being a woman, a mother and a farmer, knows the plight of farmers in this country. Women are major contributors in this sector. She has first-hand understanding of the plight of farmers in this country. This is a good Bill. The county cereals committees need to be established. As their functions are stipulated, definitely, things will not be as usual. It is a major step forward in improving the state of agriculture in this country. Kenya was known as an agricultural State and it never lacked food. Even when drought came, we could supplement among ourselves. However, we face famine because such committees are lacking. Although we have the NCPB, these people will help the farmers directly. We have the agents, the so called brokers who frustrate the efforts of Kenyans; for instance, farmers are stranded with their maize and are not able to get seeds on time. Food security is lacking completely. However, with the enactment of this Bill, it will be a thing of the past.

Madam Temporary Speaker, this Bill is not just about the creation of certain offices where people will enjoy some allowance. That is only a motivation to ensure that they do not engage in monkey deals to get extra money, but it will assist them concentrate on their work. It will be an all-inclusive job that will help people work in harmony. The national and the county government will work together; that networking and connection that has been lacking will be established. This will bridge the disconnect, harmonize and help both levels of government to understand that they are working for one nation. This will enable Wanjiku get all she needs so that she may live a comfortable life.

It is not in order that a country which was once a rich agricultural State starts lagging behind in food production. This is not fair at all. The Bill caters for remuneration because it is important. Once it is harmonized, it recognises the existing institutions as per the Constitution. This shall be put in place in consultation with the Salaries and Remuneration Commission (SRC). There will be no issue of inflated allowances so that they could be calling
for meetings, for instance, 10 times a week yet the work requires only meeting once quarterly, once a month or bimonthly. This will enable people to work properly. Madam Temporary Speaker, the functions of this Committee will include the facilitation of the purchase of agricultural products, for example, maize and wheat, and the scheduled agricultural produce from farmers and the payment of such produce delivered by farmers. The payment of such produce delivered by farmers will enable us to get data collection and dissemination of information to farmers. With the enactment of this Bill, we will not be guessing whether all agricultural produce was good or otherwise. This kind of bad practice which has been happening will be a thing of the past. When we have proper records - the personnel who want to inflate the prices of the agricultural produce that they have received without paying the farmers - this will not occur. This NCPB will enable this institution to work properly, issues of corruption, neglect and bad governance will not be there. When we say that the Committee will also submit reports to the county executive committee members and the board, regarding the performance of these functions, we, as a country, should embrace the result-based kind of management. By embracing it, we will know the position we are in, as we commence this work. What is the information we are getting? What are the results that we have in our farming at the NCPB? Kenya depends heavily on agricultural products. The stable foods are maize, among other agricultural produce. When they are preserved properly, people get nutritious food. If not, the consumption of wrongly treated food kills. The result is reduction of manpower. Most of the times, those who suffer are children and women hence there is no development. Madam Temporary Speaker, when we have these reports done, we shall know the kind of produce we require in future, the challenges we experience and what can be done to address them. The national Government should look into the personnel while the county governments implement the policies. At the end, they will be evaluated on their functions to ensure that no resources are misappropriated. When there are droughts, for instance, certain foods find ways into kiosks and are sold.’

**MOTIONS**

**Date: 9th February 2016**

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

**Contribution She Made On: Approval of members Of The Rules And**
Business Committee

‘Thank you, Mr. Speaker, Sir. I have no doubt in the capacities of the Senators who have been chosen to join this very important Committee of the House.

However, I am compelled to agree with Sen. Karue for one reason. If you read Standing Order No.176 (1), in fact, the seats that are grounded by law in the Rules and Business Committee are:-

(a) The Speaker as the Chairperson;
(b) The Senate Majority Leader; and,
(c) The Senate Minority Leader.

Part “d” gives the Senate leadership up to nine positions of other Senators from different parties as has been the tradition. The issue of precedence in Parliament is very critical. We set a pattern that will be referred to for, say, 20 years from today. Even as we sit in this House, we see Senators referring to parliamentary sessions of yesteryears, not that it is in law, but it was decided by the Speaker or some pattern was developed.

If the law anticipated that the Rules and Business Committee stands for all the time, then I do not think this provision was important. If it is a matter of institutional memory, those offices that are present, including yours as the Chairperson, should be enough to guide the House and new Committee. I argue that because we need to see different faces also. We need to see a person with disabilities, minorities and the face of Kenya every time this is done. That can only be fair and justifiable. This is not the first time we are expressing these sentiments on the Floor. We were told to let it go and that the issue would be addressed next time. We are in the fourth year of the five-year term and this, definitely, was never anticipated to happen.

I think that keeps some Senators in some category; that they will never serve in the Rules and Business Committee, which is a very important experience in the life of a legislator. When we come back in the next Senate, we will follow what we did this term. This will be one of the precedents and pattern. I beg to oppose this Motion.’

Date: 9th February 2016

Member of Parliament: Sen. Naisula Lesuuda

Contribution She Made On: Approval of members of the Rules And Business Committee

‘Mr. Speaker, Sir, I rise to support this Motion. My colleagues who have spoken have said that they have no problem with the capabilities of the Members who have been serving in this Committee. They have worked together, created a rapport, and served us well for the
last three years under your leadership. Half of them are in that Committee due to the positions that they hold in this House.

This is a very important year for us as we approach the end of the term of this Senate. Therefore, there has to be continuity in the Committee. The Members know what has been worked on and what needs to be worked on. Therefore, they should continue serving in the Committee and prioritizing some of the things that are very critical for us in this House.

This reminds me of the Committee that considered the impeachment of Governor Wambora. One of the key issues that were raised was that the same Committee that considered his case the first time considered it the second time but the House was in agreement and the opinion of every Senator was taken into consideration. Even though we, as the Senate, lost the case at the Court of Appeal, I hope that even as we go to the Supreme Court that will not be one of the issues that should be looked at.

Serving this Committee requires a lot of dedication. Given the fact that they have served us well in this House, I believe that they will continue to do so this year. I beg to support.’

Date: 17th February 2016

Member of Parliament: Sen. Agnes zani

Contribution She Made On: Adoption of mediation Committee Report on the County Governments (Amendment) Bill (Senate Bill No.1 Of 2014)

‘Mr. Speaker, Sir, I rise to support this Motion. It is very encouraging that the mediation was successful and we have an outcome, as read by Sen. (Dr.) Khalwale. Indeed, this Committee met seven times and the attendance was very good. The seventh meeting was held on 14th November, 2015. I congratulate the Mediation Committee.

Initially there was a dispute on two counties - Kirinyaga and Meru – about where exactly the headquarters should be. Some things look very self-intuitive, but they can be complicated especially when a criteria has not been put into place to ascertain what will be considered to be an urban area and, therefore, worthy to be the headquarters. This Motion has come out with a schedule that is very key and specific for all the 47 counties.

This outcome will enhance public participation, because people will know where the headquarters are. Secondly, we will have continuity across all the counties. We will not have a dispute with regard to the headquarters. That is sorted out in a very structured and acceptable manner that can always be used in a specific place and time.

Initially, the Bill stated that if there will be any change it should be done by the county assemblies. The provision was not removed at mediation and the county assemblies still have an input in terms of actually making a decision. But that decision has been further enhanced by both the National Assembly and the Senate and any change will be made by a
two-thirds majority. That is very critical. At the end of the day, the biggest concern was whether this law was against devolution. On the contrary, it was pro-devolution; to enhance the running of the counties. There is a Committee of this House that is going round various counties to ascertain the level of engagement by county assemblies and the facilities available. Because of the mediated Bill this Committee knows exactly where to go to and how to prosecute business in a very specific manner. The mediation process went well and I commend the Mediation Committee. I beg to support.

Date: 24th February 2016
Member of Parliament: Sen. Agnes zani
Contribution She Made On: Adoption of mediation Committee Report on the County Governments (Amendment) Bill (Senate Bill No.1 Of 2014)

NOTICE OF MOTIONS

Date: 18th February 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Approval of nomination of Sen. Billow Kerrow as a Member of the Pan-African Parliament
‘Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the East Africa Economic Community relating to the Pan-African Parliament, the Senate approves the nomination of Sen. Billow Kerrow as a Member of the Pan-African Parliament to replace Sen. Kipchumba Murkomen.’

Date: 18th February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Adoption of Mediation Committee Report on the National Drought Management Authority Bill
‘Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) laid on the table of the House on Thursday, 3rd December, 2015.’
Date: 24th February 2016  
Member of Parliament: Sen. Martha Wangari  
Contribution She Made On: Adoption of Mediation Committee Report on the National Drought Management Authority Bill

'Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013), laid on the table of the House on Thursday, 3rd December, 2015.

This is a simple Motion. This Bill has gone through a long process. It originated from the National Assembly, was brought to the Senate for the first time in 2014 and has been pending. It is a Bill that seeks to establish an authority to deal with drought. We had amendments and according to Article 113 of the Constitution, the two Houses constituted a Mediation Committee whose membership was ten. The Members were: Hon. Joyce Emanika, Hon. (Dr.) Otichilo, Hon. Chachu Ganya, who is the Mover of the Bill, Hon. Juma Zulekha, Hon. Elmi Mohammed Ibrahim, Sen. Fatuma Dullo, Sen. (Prof.) John Lonyangapuo, Sen. Martha Wangari, Sen. Abdirahman Hassan and Sen. Danson Mwazo Mwakulegwa. It was an interesting Mediation Committee because we only met once and agreed on all the contentious issues. recommendations and amendments from the Senate, we only had one sticking issue, which is the establishment of offices for the authority in the counties. When the Bill came to the Senate, it had no input at all from the county assemblies and the Senators felt that we needed to include membership from the Council of Governors (COG), so that we have representation especially in the board. Others felt that we needed to establish offices in the counties. We were able to hold a successful meeting on 2nd December, whose minutes we have attached to the Report. We ironed out the sticky issue of Clause 4 (a).

Mr. Deputy Speaker, Sir, this Motion is asking the House to agree with the Mediation Committee on the amended Bill, so that we can fast-track it and it goes through the remaining procedures and stages in terms of becoming law. It is quite commendable that we were able to agree within one session. We had hard-line positions but reached a compromise position for the two Houses. All of us agreed that this is the right way that the Bill should be processed to become law.

I beg to move that the Report be adopted by this House and request Sen. Karaba to second the Motion.’
PROCEDURAL MOTIONS

Date: 10th February 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Limitation of debate on motions
'Mr. Deputy Speaker, Sir, I want to second Sen. Khaniri’s amendment. It is a reasonable amendment and the aim is to allow more Senators to contribute to this Motion. Therefore, it is quite reasonable and very straightforward. I beg to second.'

Date: 9th February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Limitation of debate on motion on the address by the president
'On a point of order Mr. Deputy Speaker, Sir. Is it order for Sen. (Dr.) Khalwale to delve into a debate of a past Presidential Address and yet we were given time in this House to deliberate and debate on the issue, this being a Motion on how we conduct that business. Is it in order? I am relying on the substance of the Motion that has been moved by the Majority Leader that it is just outlining how the Motion will be moved in the future. Is it in order to delve into issues that are not in the Motion? Is it not pre-emptying debate?'

Date: 11th February 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Appointment of Sen. Sang to the Speaker’s Panel
'Mr. Speaker, Sir, I rise to support this Motion. Sen. Sang is distinguished, eloquent and hardworking. Most of the time he stays in this House up to the rise of the House at 6.30 a.m. Therefore, I believe, given this opportunity to preside over the proceedings of the House, I am very sure he is equal and competent to the task that he will be given.'

Date: 11th February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Appointment of Sen. Sang to the Speaker’s Panel
'Mr. Speaker, Sir, I want to add my voice in supporting this Motion. I knew Sen. Sang when we were hustlers, before we were in this House. I am very pleased to see that his star is rising and I have no doubt, given that the work of this House for this year---'
Contribution She Made On: Appointment of Sen. Sang to the Speaker’s Panel

‘On a point of order, Mr. Speaker, Sir. While I do not doubt what the distinguished Senator for Murang’a said and referred to what a hustler is, I also have another definition of a hustler from Wikipedia; the free encyclopaedia. Under the urban dictionary, it says:- “A hustler is someone who knows how to get money from others, selling drugs, rolling dice, pimping and hustling.” It goes further to say that a hustler is also a monthly pornographic magazine published in the United States.’

Date: 11th February 2016
Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Appointment of Sen. Sang to the Speaker’s Panel

‘Thank you, Mr. Speaker, Sir. I take your cue and I will not go ahead to offer any definition of any misamiati or difficult words that I will use for the benefit of the ones that are asking. However, the most fundamental issue is that the work of the Senate is clearly cut out. We still have one year to go, we have our role to protect devolution and the work has to go on seamlessly. That said, I congratulate Sen. Sang on behalf of the people of Nandi County, for whom he is doing a great job, as well as this country. At the same time, I congratulate Sen. Murkomen. I have no doubt that we will continue shining in this House as Jubilee under his leadership and we will continue offering leadership to this country.’

Date: 11th February 2016
Member of Parliament: Sen. Catherine Mukite

Contribution She Made On: Appointment of Sen. Sang to the Speaker’s Panel

‘Thank you, Mr. Speaker, Sir. I would also like to join my colleagues in congratulating Sen. Sang, who has shown good leadership in this House. He has been part of the Inter-Parliamentary Union (IPU) delegation where he worked as a draftsman and gave us a lot of support in Geneva. I am sure he is up to the task and we should see the star on the other side rising as Sen. Wangari said. I support.’

Date: 11th February 2016
Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: Appointment of Sen. Sang to the Speaker’s Panel

‘Mr. Speaker, Sir, I also add my voice in support of the position given to Sen. Sang. I am sure of his capability. He is my Chairman in one of the Committees and has given equal opportunity to all Members of the Committee. I know that he will do the same in this House. I do not have any doubt in his capability; I know he will do it.’
Date: 11th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: Appointment of Sen. Sang to the Speaker’s Panel

‘Mr. Speaker, Sir, Sen. Sang has been on that Chair several times representing the Speaker. Therefore, he has already exhibited his capability to be a Member of the Chairperson’s Panel. He has also exhibited his dedication in this House by bringing some of the Bills that have propagated and pushed the Senate to a new level. He is committed and has already demonstrated his ability. He will do well. With those remarks, I support this Motion.’

Date: 11th February 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: Appointment of Sen. Murkomen to the Standing Committee On Energy

‘Mr. Speaker, Sir, I also rise to support this Motion. I do not want to lift the veil of Jubilee and know the reason why Sen. Murkomen has taken over from Sen. Keter, but I think Sen. (Prof.) Lonyangapuo has valid reasons in what he is expressing. Be it as it is, I do not want to lift that veil because that is a matter for the Jubilee Coalition. However, Sen. Murkomen is a distinguished Senator in this House and has served as the Chairman of the Committee on Devolution and he has served us very well. He has also been the Chair of the Speaker’s Panel, a job that he did well also. I think that if he goes to the Committee on Energy, he is going to do a good job. We hope that he will bring for us concrete reasons on what the Ministry for Energy is doing in regard to the exploration of oil.’

Date: 11th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: Appointment of Senators to various Sessional Committees

‘Thank you, Mr. Deputy Speaker, Sir. The whole exercise of allocating Senators to the various Committees has been an interesting lesson on the advantages of continuity and change. From the logic that has been used in allocating Senators to the various Committees, certain things stand out.

Initially, Senators were nominated to committees out of their choice, experience and professional background. They felt that they would contribute best in those committees. They have been doing well over the last three years and they wish to move on. I have also learnt in this House that it is good to have impetus and have new Members coming in.

However, the logistical issue has to do with the structure and probably features that the Senate as a House should think in advance which Senators belong to certain committees
prior to the nomination and adoption of the Motion. The idea of moving Senators from one committee to another requires logistical planning and sometimes it requires consultations and establishing from the specific Senators if they wish to remain in the previous committee or move to another.

It is fine for now but in the next House, there should be consultations among the Members on the committees they wish to serve in. Looking at the composition and what we have achieved, most of the committees have done a lot of work and have also done the Senate proud. People out there talk about the Senate as a House of reason and action through the effort of committees.

Our committees have reached out to various assemblies but we do not interfere with the independence of those legislatures because, constitutionally, we cannot. All we want is to have them learn from us, understand and articulate issues.

As the Committee on Education, we visited one of the counties and they articulated some of the issues they felt we should streamline. We told them that as the Members of County Assemblies (MCAs), they are supposed to hold the governors to account. We told them they should oversight the governors and ask about the specific issues. It is that sort of interaction that over time enables some sort of empowerment to MCAs and county assemblies in general, because this is a new system that we are implementing in this country. It would probably take the second or the third cycle for us to get more conversant with the various roles that need to be put in place and that becomes very critical.

As we approve these names, I hope that provisions have been made for the new Senator who might join us, so that they will also find allocation in a specific committee of their choice. I think that will be put into consideration.

I want to appreciate the Members who have been selected to serve in various committees, especially the County Public Accounts and Investments Committee (CPAIC), for the work that they have done and the courage they have shown in doing their work by calling governors to account. The role of oversight that we have to play in the Senate either as an assembly of Senate or as specific Senators within specific counties has been clearly stipulated. I have seen various documentations of various Senators holding governors to account.

We need to move ahead and not to look at it as a fiery issue, but an issue of accountability. In fact, bearing in mind most of the information that is being sought, we need to move to a process or position of open governance in our systems, so that we can have the data ready and show who has been employed. We should tell people the amount of money that a county received, the budget and the way it has been implemented, without waiting to be asked. You are not asked for this information because somebody wants to fight you.
If some Senators will be elected as governors and vice versa in the future, that is okay. Anybody is free to vie for any position they want. But let us look at the institution and the specific roles that they have to play. Let us create a culture and sense of accountability, especially as governors and other public officials.

I have attended various CPAIC sessions and seen governors who come with members of their staff with their books ready to answer to some of the queries. What is wrong with that? In fact, in my understanding, the more resistant you are to come, the more suspicious people become about exactly what it is you are hiding.

We have touched on the Committee on Devolved Government. What we need to do more in this area is to create more linkages with the county assemblies. We need to liaise with them more, have conferences and meetings with them and find out what issues they are talking about at the county levels. We need to identify the key issues they want to quickly bring to the Senate; macro issues that can be handled at the Senate, so that we can discuss them.

Many times when we visited other committees in some counties, one of the issues they kept raising was that they wished they could feel the impact of the Senate directly within the county assemblies in terms of an association and through the Speakers’ Forum, where Speakers of all county assemblies meet with the Speaker. That has been achieved to some extent. We need to have a bigger conference even if it is regional - if we cannot do per county - so that we can have the specific interaction.

Further, devolution to a lower level is also something we need to begin thinking about and the Committee on Devolved Government could lead us in this process. For example, they could take devolution down to the wards, for example. This is because even at the county level there seems to be still an element of centrality, especially as a result of the way governors have gone about handling the issues within their particular counties. We need to have further devolution structures that will go to the wards and communities, so that communities can feel they have a direct link and say in what is happening. I do not know what it is with the issue of centrality that Kenyans love. I think it is a sense of power and the feeling that “I am the person, I am the final word and everything lies with me.” We move towards centrality even in a process where we are trying to devolve.

Just the other day, when I was in Kwale County, I had a young lady visiting from Nairobi. She was amazed at the Kwale County Office. There is just a reception and immediately you meet the Governor. She said that, that was one of the simplest structures she had seen in the county governments that she had visited. I was surprised and when I inquired more from her, she said that in some counties, before you get to the governor, you have to pass through at least three different offices. You have to pass through a reception and another place before you finally meet the governor. That is the worst example of centrality; moving
away the governor who should be closer to the people. Are the governors and the County Executive Committee (CEC) members as accessible as they should be? They should be more accessible. We need to relook at all these issues and assess.

We should also look at the issue of public participation, which has come up, over and over again. In the Budget Policy Statement Paper (BPS), there is a proposal for public participation, whether or not that money will be given after the debate. However, in one way or another, county governments need to do proper public participation and more education for people to know that the best oversight is from the people themselves.

If the people themselves hold the county governments accountable, they will be answerable for more things. The people’s oversight is a question of public participation and more civic education, so that they can know their intersession point. When budgets are being made and projects being implemented, how are the people being involved? It will be interesting to visit public galleries in the county assemblies to see whether there are any people who go there.

The Committee on Implementation is very critical when it comes to Bills and Motions and ensuring that they have been implemented. More needs to be done in terms of putting in place a system of giving quick feedback. Given that this is our third year, we would like to know, for example, some of the Bills and Motions that we discussed. It would be good for us, maybe during our kamukunjis, to have a sense of how much achievement we have made on the ground; this is in terms of the level of implementation and whether that has happened at a successful rate.

Let me just go back again to the issue of devolved governance because I forgot a point. We need to deal with the issue of conflict resolution. Too much time has been spent on squabbles. People are thinking about 2017 and talking of possessing seats. If you express interest in vying for those seats, you automatically become their enemy. Such people need to know that a seat becomes theirs only when they have been elected or nominated to that position. The conflict that keeps coming up because of power struggles has really taken us back. We need to have more initiatives to address this issue.

I commend the Senators who have been nominated to serve in various committees because they are up to the task. Let us bring the experiences that we have had over the three years. I am sure we will successfully push the agenda for these committees to the next level. I hope that the Committee on Delegated Legislation will look at the Bills and how they will be implemented. This is the year, and Kenyans are watching. Thank you, Mr. Deputy Speaker, Sir.’

Date: 11th February 2016
Member of Parliament: Sen. Catherine Mukite

Contribution She Made On: Appointment of Senators to various Sessional Committees

'Mr. Temporary Speaker, Sir. I rise to add my voice on the issue of the Sessional Committees before the House. I would like to comment on the County Public Accounts and Investments Committee (CPAIC). This is a very important Committee as it deals with oversight and the performance of counties. It is, therefore, very important that the Committee works closely with the county assemblies who conduct oversight in the counties. The Committee also needs to guide the county assemblies on how to legislate so that some of the legislation is not punitive. For instance, in my county, rates that used to be Kshs10,000 have almost tripled now yet no explanation has been given as to why the rates have gone up.

I have no issue with the list of the names given because I know that most of the Senators are experienced and are very vocal on issues. I think it is good because they speak for the Senate. We are here to carry out the oversight role through the committees. For instance, CPAIC in the past has had issues with governors who did not want to appear before them for their own reasons. I think the relationship is improving now although I read in the newspaper that the Governor for Kakamega County is to appear before the court because he failed to appear before the Senate. I must admit that being in the Committee on Finance, Commerce and Budget, I am privy to the information that many other governors refused to appear before us.

Mr. Temporary Speaker, Sir, we should encourage the governors to work closely with the Senate because for them to achieve their goals, they need the Senate. We are the people who allocate funds and when we do that, we must follow up to find out whether they are being used for the purpose they we budgeted for. There is an outcry in most of the counties that money is not being used properly; it is being misappropriated and that some of it is being stolen. It is the CPAIC which can help us because they receive the audit reports. I would like them to sample the reports because some of the counties have serious audit queries. They should visit those counties and sit down with the governors as well as the county assemblies and find out what the problems are and why development is not happening in those countries. Why is revenue not being collected in those counties? One of the challenges that we have in the counties is revenue collection. Revenue is not being collected as it was before the devolution era.

Mr. Temporary Speaker, Sir, talking about the Committee on Devolved Government, we are aware that functions were devolved without costing. I think that this is one of the issues that they need to follow up. Most counties are not receiving enough money. They only
receive money that they can use to pay salaries and for other necessary operations but very little is happening on development. *Wananchi* out there are not feeling devolution. The Committee on Devolved Government should do a little bit more and push for more money to go to the counties and not just the 15 per cent. We should go above that because we know that most of the money being retained at the national Government is not fully accounted for.

Mr. Temporary Speaker, Sir, talking about the Committee on Implementation, we have been told that 33 Bills have been passed by this House. So many Petitions have been handled by either the Committees or individuals. I would like to know the number of Bills that have been enacted into law. We can pass a Bill but is it being enforced? These are the things that we need to be told by the Committee on Implementation. We have decided to maintain the same Membership for purposes of continuity. However, we would like to find out what those Senators have done in the last three Sessions because we are heading to the Fourth Session yet people out there are complaining that the Senate is not being felt. How are we going to be felt? What will we tell *wananchi* after the five years about what we have done? I am not just challenging these Sessional Committees but other Committees as well. I am a member of the Committee on Finance, Commerce and Budget and the Committee on Health, and I know that with our able chairpersons, we will go to the hospitals and make noise until we witness change.

Mr. Temporary Speaker, Sir, the Committee on Delegated Legislation needs to follow up on legislation. We need to know the kind of legislation that county assemblies are passing. Are the counties operating on legislation that is different from their neighbouring counties? All legislation in the 47 counties should read the same. If rates are to be charged at 10 per cent, that should be reflected in all the counties. There is no reason as to why others should be higher than others unless it is in Nairobi because properties in Nairobi attract more revenue and are more viable. However, in the rural areas, I think that if we pass legislation that is punitive, we are punishing our people. I beg to support.’

**Date: 11th February 2016**

**Member of Parliament: Sen. Janet Ongera**

**Contribution She Made On: Appointment of Senators to various Sessional Committees**

‘Mr. Temporary Speaker, Sir, I would like to add my voice in supporting this Motion. In our wisdom as the Senate, we set up Sessional Committees to ensure that it gave us an opportunity to review what we do as the Senate. These are important Committees because
Committees like CPAIC, the Committee on Devolved Government, Committee on Implementation and Committee on Delegated Legislation carry the core of our activities. The purpose of the CPAIC was to provide us with an opportunity to interrogate and give oversight to the counties on how they use their resources. I am afraid to say that in the last three years, we have done very well in tackling this issue. There has been wanton expenditure of resources in the counties that cannot be checked. We have not been very effective in checking the over-expenditure. Mr. Temporary Speaker, Sir, I am not saying that the CPAIC has not done anything. They have done an exemplary job in trying to manage and hold the county governments to account. It is unfortunate that the governors found a way through the courts in which they have stopped and hampered the activities of this important Committee. One of the things that sadden me is that we have not felt devolution trickledown to the people it was supposed to serve. I had expected to see devolution have a tickle effect in my village in Otanchi. I expected to see dispensaries, good schools, an Early Childhood Development Education (ECDE) centre built there and so much more. Unfortunately, we have not seen the trickledown effect of devolution as is required by the Constitution.

Therefore, it behooves us in this Senate through these Committees, particularly the Devolved Government Committee to see how we can have this trickle-down effect of devolution felt by our people.

Mr. Temporary Speaker, Sir, there are many issues we could speak which we feel that these committees should handle. For example, we are now faced with a Government of scandals. In fact, one person has said it is not a Government of scandals or a country of scandals; it is actually a scandalous country. I had expected to see issues about the Eurobond and the National Youth Service (NYS) where money was spent recklessly and cannot be accounted for yet we are seeing the people who are supposed to be responsible are now being acquitted. They are being left to go scot-free without the benefit of being given due diligence by going to the court system yet we know that these are Government funds which are missing and we do not know how we will be able to explain this to the exchequer.

These are issues I feel that these committees particularly the Committee on Delegated Legislation and Implementation should be able to look at because this House has passed very wise decisions in the past which have not been effected by the respective governments whether at the county level or at the national level.

Mr. Temporary Speaker, Sir, for example, instead of devolving functions to the county government particularly in the field of health, we find that these are now being brought to the national Government. I wonder why the national Government should be buying health equipment for county governments instead of leaving them to deal with the issue of health
services because we know they have been devolved. There are many issues that these committees should be looking at in this Session, particularly the transfer of assets. It worries that three years down the line, we have not yet managed. The Transition Authority has not managed to come up with an effective inventory of assets in all counties in order to have these assets transferred. Mr. Temporary Speaker, Sir, we know that there are billions of shillings in the Pension Fund particularly for our people who worked in the former defunct county councils whose money has not yet been released. I wonder whose account this money is in and when it will ever be released. Therefore, there are many issues which we need to look at in this Session and I hope that these committees will be able to look at them. The Senators who have been nominated here by the RBC are very experienced Senators, they have institutional memory and many of them have served in these committees and it is only befitting that they should be given an opportunity to complete the tasks that I have highlighted.

Without much ado, I want to support this Motion and I hope that the issues that I have mentioned can be achieved in this Session. I thank you.’

Date: 11th February 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Appointment of Senators to various Sessional Committees

‘Thank you Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this Motion. The Senate is the mother of the county and should deal with all issues related to the counties. That oversight role is done adequately through these committees. I am aware that the committees have done a very good job. They have done a good job at the national level, traversed the counties, chatted with county governments, “Wanjiku” in the village and they are able to know how to intervene, to cater and support for the resources and the job that they were given through the Constitution.

Mr. Temporary Speaker, Sir, the constitution of these Committees - the County Public Accounts and Investments Committee - we have seen that it is a watchdog. We have seen the list of people who are working tirelessly, they burn the mid-night oil, their in-tray is always full but they have never gotten tired. They have always said they are ready, willing and able to work. However, Mr. Temporary Speaker, Sir, in this list, I would have been happy if there were more ladies, but be that as it may, when you look at the Committee on Devolved Government, this Committee again has a lot of work to do. This Senate is really the pioneer after having not had a Senate or an upper chamber for a long time. We are keeping a close system not only at the Senate but to ensure that within the devolved...
government, there are air-tight systems which will ensure that from generation to
generation, as long as Kenyans are still satisfied with devolution which I am and I believe
that they are, then they will continue looking through the challenges and the difficulties so
that we take Kenya back to the map of the most peaceful country and the most developed,
education-wise, and even in the health sector.

We remember those days Tanzanians and Ugandans used to come to Kenya for medical
treatment. This issue of Kenyans travelling to India for treatment is because we still have a
lot of work to do together with our devolved governments. Mr. Temporary Speaker, Sir,
once we put in place all these systems, then life will be good. We are aware that not all the
functions have been transferred. Even if they have, the resources have not been allocated to
complete them. This is why even the Transition Authority is still asking for more time to
enable them to put their things in order and to tidy up everything so that they will leave the
new government after the 2017 elections. Then, the county governments and the nationalgovernment will be well placed knowing where the assets are, what ought to be done, how
things were done before, how they are now and the lessons learnt so that we have a
smooth transition. Having said that Mr. Temporary Speaker, Sir, we have seen the national
government is still interested in capturing some of the devolved functions. Like on roads,
class “D” is still classified as “C”. So, what is the county government being left with? This is
the Committee that will be able to intervene and ensure that people reach consensus
because once you agree with these things without those tedious litigations or friction, then
our country will move forward.

Mr. Temporary Speaker, Sir, with the help of these committees, we are sure that our
country will develop fully and we shall benefit from the fruits of justice and the hard sweat
of Kenyans for passing the Constitution and working with the devolved government which
both the national and county governments are working with. They are very grateful that
they have this Senate to be there as an arbiter and to ensure that the county governments
are protected. Even this Committee on Implementation ensures that all those laws are put
into place without a lot of friction. We can see very serious people here. All these Senators
are hard-working. We can see the Senior Counsel, Sen. Ongoro and the young lady Sen.
Kanainza who are ready and willing to work. Sen. Kanainza has the backing of the youth
who are able to communicate with them in the language they understand. I am sure all of
them are ready and willing to work tirelessly.

Mr. Temporary Speaker, Sir, even the Committee on Delegated Legislation where I sit, I
know the amount of work we have done, and we have trained all our counterparts, who
belong to these committees within the counties. Even now we have been calling them one
by one, to sensitize and explain to them what their role is. We have even been able to share
with them on some of the legislative statutory instruments and how to harmonize them. This is also good because there is continuity. It took us time to master and talk to our counterpart chairs within the counties but we have now reached a point where we call not only the chairs but also the other Members. We are able to bring at least five Members from each county. We are able to sensitize them and we have learnt that things are moving and we shall get results. I support.’

**Date: 18th February 2016**

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

**Contribution She Made On: Approval of nomination of Sen. Billow as a member of the Pan-African Parliament**

‘Thank you, Mr. Speaker, Sir. I beg to move the following Procedural Motion:

THAT, Pursuant to Article 5 of the Protocol of the Treaty establishing the African Economic Community relating to the Pan-African Parliament, the Senate approves the nomination of Sen. Billow as a Member of the Pan-African Parliament to replace Sen. Murkomen.

Mr. Speaker, Sir, this is a straightforward Motion. Sen. Murkomen was appointed to take over from Sen. Keter who was the Deputy Majority Leader and now a Cabinet Secretary. We hereby request you and the House to appreciate that Sen. Billow will join the team in South Africa. This is team has made us proud in the Senate.

We are hoping that when Sen. Billow goes to South Africa, he will be the leader of the team. We hope he will bring in a different brand and vibe as he continues with what the team has been doing. We hope they will be able to get any of the chairs in the PAP. We also hope that we will get a report from the PAP to know what is happening there.

I, therefore, ask Sen. Sang to Second this Motion.’

**Date: 18th February 2016**

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

**Contribution She Made On: Approval of nomination of Sen. Billow as a member of the Pan-African Parliament**

‘Thank you Mr. Speaker, Sir. As the Mover of this Motion said, this is a straightforward process arising from the fact that Sen. Murkomen was appointed the Deputy Majority Leader; but I stand to express my confidence that Sen. Billow takes over that position because of who he is, the dedication that he has shown in the Finance, Commerce and Budget Committee where I also sit and his sense of service. I think it will bring value in terms of him becoming a Member of that Parliament. I think he will represent us well and make us proud from the contributions that he is going to make. I thank you.’
Date: 18th February 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Approval of nomination of Sen. Billow as a member of the Pan-African Parliament

‘Thank you Mr. Speaker, Sir, for giving me this opportunity so that I may support this Motion. I welcome the nomination of Sen. Billow to be a Member of the Pan African Parliament (PAP) representing the Senate. Sen. Billow is a distinguished Senator who has not only vast experience but is also widely knowledgeable in the diaspora particularly in international affairs which we mostly deal with in the PAP.

As a Member of the PAP, I also want to thank Sen. Murkomen who has been our leader of delegation, and I hope that the reports we have written can be tabled in this House. We have had many issues that we have discussed in the PAP and we did write reports. I hoped that the leader of delegation would have tabled these reports in the House.

Mr. Speaker, Sir, as you are aware, soon PAP is going to become an independent Parliament so that we will no longer have Members nominated from the parliaments but we will have elections by universal suffrage, so that whoever we elect there is our representative, elected by the people from the grassroots. Once the amendment to this Protocol is passed – which has been brought before the National Assembly- I believe then that PAP will now become an independent Parliament just like the East African Legislative Assembly (EALA).

Mr. Speaker, Sir, as we are going to represent this House in PAP, I want to assure Members that we represent the Senate well in our discussions. We always bring to the knowledge of PAP Members that Kenya is now a bicameral Parliament and it has the Senate as the “Upper House” and the National Assembly as the “Lower House”. We always articulate this position because sometimes people tend to forget that Kenya has a bicameral parliament. Should this Motion pass, we welcome Sen. Billow who I am sure will add a lot of value and enrich our delegation. I thank you.’

Date: 18th February 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Approval of nomination of Sen. Billow as a member of the Pan-African Parliament

‘Thank you Mr. Speaker, Sir. I wish to congratulate Sen. Billow for having been nominated by the Jubilee Coalition but I would say that it is good and bad for us that he is going. It is good for the country because we know we have a very good and competent leader who is going to represent the country well and articulate all our issues.
It is not only bad because we are going to miss him at the Senate, but I have learnt to know Sen. Billow as a no nonsense leader and a debater. We definitely need his input within the Senate. He has always guided us and hit issues on the spot without beating about the bush. That has been a good lesson to most of us. This has always directed and upheld the Senate stature very high.

Mr. Speaker, Sir, while he will be there, I know we will only ask him to open his eyes. While he will be giving reports, let us know which job opportunities, leadership positions are available within the governance of the PAP so that Kenya can also take many of them. They should not be left to West African countries only. He should open his eyes together with Sen. Ong’era so that we can capture the map of Africa in leadership. I support.’

**Date: 18th February 2016**  
**Member of Parliament: Sen. Joy Gwendo**  
**Contribution She Made On: Approval of nomination of Sen. Billow as a member of the Pan-African Parliament**

‘Mr. Speaker, Sir, I would like to add my voice in congratulating Sen. Billow Kerrow who is very honest and truthful. In life, I have learnt that honesty does not earn you many friends, but it earns you the good ones. Definitely, it has now earned him this position. He will represent this Senate and the country out there truthfully. Thank you, Mr. Speaker, Sir.’

**Date: 18th February 2016**  
**Member of Parliament: Sen. Catherine Mukite**  
**Contribution She Made On: Approval of nomination of Sen. Billow as a member of the Pan-African Parliament**

‘Mr. Speaker, Sir, I also wish to support this Procedural Motion and welcome the nomination of my able Chairperson of the Committee on Finance, Commerce and Budget to be a Member of the Pan African Parliament (PAP). Sen. Billow Kerrow is a very good leader who has the capacity to represent the country at the PAP. I am sure he will articulate issues affecting the Africans and improve the image of our country. I hope that he will not forget his county while he is away. Mr. Speaker, Sir, I beg to support.’

**Date: 18th February 2016**  
**Member of Parliament: Sen. Zipporah Kittony**  
**Contribution She Made On: Approval of nomination of Sen. Billow as a member of the Pan-African Parliament**

‘Thank you Mr. Speaker, Sir. I also join my colleagues in congratulating Sen. Billow. I have worked closely with him and we will miss him. I hope he will be finding time to chair our
Committee on Finance, Commerce and Budget because he is a good Chair. Congratulations, Senator.’

PETITIONS

Date: 18\textsuperscript{th} February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Utilization of Bukhayo Central Ward Development Fund


Ikiweza kufanyakika kwa siku 10, tungependa ripoti hiyo ivasilishwe hapa mapema ili tuijadili. Vile vile, ninaomba tuangalia maombi ambayo yalikuwa yamepelekwa kortini kuhusu fedha za wodi ambazo zinasimamiwa na waakilishi wa Wadi, ili tujue kama ni haki wao kufanya hiyo kazi.

La pili ni kwa lile dua ambalo limeletwa na Bw. Tedy Mwambire ambaye ni Naibu wa Spika kule Kaunti ya Kilifi. Fedha zinachelewa sana kutoka kwa serikali kuu na mwongozo wa Bajeti ya mwaka huu, utapata kati ya Kshs2,087,000 ni 34 asilimia ama karibu Kshs100,000,000 ambazo zinasimamiwa na waakilishi wa Bungo la Seneti. Hata hivyo, huenda tunauliza magavana maswali ilihali sio makosa yao. Lazima swala hili liletwe katika hili Bunge la Seneti. Hata hivyo, tukumbuke pia jana kuna Seneta ambaye alimuliza mwongozo kwa hili jambo na tutapokea taarifa hiyo kwa muda wa wiki mbili zijazo. Taarifa hiyo itatusaidia sana kwa kutoa mwongozo kuhusu jambo hilo.’

Date: 18\textsuperscript{th} February 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Utilization of Bukhayo Central Ward Development Fund

‘Mr. Temporary Speaker, Sir, I support the Petition from Bukhayo Central Ward, Busia County. Article 201(a) of the Constitution states that:-
“There shall be openness and accountability including public participation in financial matters” If county governments carry out public participation to create awareness so that people in the counties know what is happening, we will reduce petitions to the Senate.

Under Article 96 of the Constitution, it is the role and mandate of the Senate to oversight. We need to strengthen our role as the Senate, so that we can interrogate some of the things in the counties. Petitions come to the Floor of this House, we talk about them but we do not conclude them. We need to follow up keenly to find out how petitions are concluded.’

Date: 18th February 2016

Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: Utilization of Bukhayo Central Ward Development Fund

‘Mr. Temporary Speaker, Sir, I want to add my voice on the four Petitions. This is a good indication that the county governments and the nation at large are now beginning to appreciate the role of the Senate as stipulated in the Constitution.

We have debated in this Senate the teething problems of devolution that are exhibiting themselves in county governments. It is a good indicator that there is an avenue of ventilation that was provided for in the Constitution.

Increased communication from the county governments to the Senate and our communication back is a good indicator that we have an avenue to address those problems. This also enhances the relationship between the national Government and county governments. We have said before that the Senate is the bridge between these two levels of government.’

Date: 24th February 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Report on Petition: Protection of Kenyan domestic workers in Saudi Arabia and the Middle East

‘Mr. Temporary Speaker, Sir, this Petition is quite emotional. Sen. Mbura is very passionate about these issues. We cannot run away from labour export because we are not generating enough jobs for every Kenyan in this country. However, we need to regulate this industry because what we have seen from the Middle East are despicable issues.

Sen. (Dr.) Khalwale raised issues of employers marrying their secretaries and house girls. However, that is not the issue. The issue here is that she must agree to be married. She should not be coerced or forced. We have been seeing these Arabs confiscating passports of these girls and forcing them to marry them. This is unacceptable. We have seen our girls subjected to a lot of suffering. Sometimes they are burnt to death by their employers. Our
people have died in those countries and we have had to receive bodies every day at the airport. It is quite a sad story. We, as a country, need regulations. In the bi-lateral talks that the President engages in, this is one issue he should raise with them. It must be made crystal clear that we need to protect our citizens. We must be very clear that if this happens, then there should be consequences even with our relationships; that they should suffer if this happens in their countries. We may stop doing businesses with them and so on.

We have unscrupulous agents who recruit our girls without following any regulations. We do not know who has gone where, we only know when there is a problem. When someone is being hanged or abused in Saudi Arabia or Lebanon, these agents switch off their phones and leave the victims to suffer alone. Therefore, it is quite important that this Petition be prosecuted and implemented in terms of policy.

We have Senators here who have served as Ministers of the Government in various capacities. For example, Sen. Munyes has served as a Minister for Labour and he is very passionate about this issue. The Government through the Ministry of Labour must ensure that there are proper regulations to know who exits the country and ensure that records are clear in both embassies. We should be able to know if Wanjiku or Njeri are working in Saudi Arabia, what agency she went through, when to expect her back and whether the living conditions are bearable.

I am not aware of the law used to confiscate passports whenever you are employed. One should be able to leave where they are working if they are not satisfied.

Maybe due to the ignorance in the country and the desperate situation we are in, our girls are made to sign contracts with these agents.

I commend Sen. Mbura and urge every Senator in this House to take this issue very seriously. The Standing Committee on Labour and Social Welfare has started something on this. We must expedite it to make sure we regulate this industry. We must not kill export of labour because we do not generate enough job opportunities in this country. However, we must regulate to ensure safety of our Kenyan citizens.’

Date: 24th February 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Report on Petition: Protection of Kenyan domestic workers in Saudi Arabia and the Middle East

‘Thank you, Mr. Temporary Speaker, Sir. I also want to commend the Committee for the good work and Sen. Mbura for presenting this Petition. We have always had many questions as to what really happens to Kenyans, particularly the ladies.
I am sure there are also gentlemen somewhere who are domestic workers, but it is only that their plight has not come out. When we have a clear foreign policy or legislation on domestic workers, we will know the way forward. We have had instances where domestic workers have suffered quietly in Saudi Arabia until someone shouts out help for them. As Sen. Wangari said, we should know for how long such workers go out of the country and when they are expected back. Cases of workers being held in foreign countries for a long time - like it happened in the United States - under pretext that they refuse to go back to their countries because of fear of being abused should be controlled. Once they finish their term they should be facilitated, so that they can bring back foreign exchange. Mahatma Gandhi once said that people should work abroad, but invest at home. If Kenyan workers in the diaspora come back to the country alive, they will increase foreign exchange.’

Date: 24th February 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Issuance of National IDs to residents of Nairobi who hail from other regions of the country

‘Mr. Temporary Speaker, Sir, there is a unique constituency called the women of this nation. I am talking particularly about Nairobi region. We have spouses whose parents were born in Nairobi and these children were also born in Nairobi. Somehow, they do not have identity cards. Could the relevant Committee come up with ways of identifying how these residents can get identity cards? Does it mean these people will not be registered? Mr. Temporary Speaker, Sir, I want the Chairperson to include in her Statement how these particular constituencies suffering from this bracket can be assisted.’

Date: 24th February 2016
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: Collection of levies from businesses for playing music

‘Mr. Temporary Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a Statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding the collection of levies from businesses such as bars, kiosks, barber shops and public transport operators for playing music. In the Statement, the Chairperson should state:-

(1) The role of the Music Copyright Society of Kenya (MCSK) as well as the Kenya Association of Music Producers and Performers Rights Society of Kenya (KAMPPRISK) with regard to collection of performance levies.
(2) Who is entitled to collect the levies collected by the two bodies?’
(3) How much the owners of such businesses are required to pay for playing music in their premises?
(4) Why the MCSK and the KAMPPRISK officials are always accompanied by uniformed police officers when collecting levies from the said businesses.
(5) The steps being taken by the Communications Authority of Kenya (CAK) to set up regulations for remitting such levies by business owners who own radios and television sets for public entertainment in their premises. Thank you.’

Date: 24th February 2016
Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Collection of levies from businesses for playing music
‘On a point of order, Mr. Temporary Speaker, Sir. I thank Sen. Kanainza for raising this issue. As the Chairman gives his response, I would like him to clarify the percentage of the monies collected by the MCSK that goes to the artists who are the owners of songs and the administration. We actually need to know the breakdown of how the money is used.’

Date: 24th February 2016
Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: Collection of levies from businesses for playing music
‘Thank you, Mr. Temporary Speaker, Sir. I also request that as he answers, he puts into consideration if there is anybody who has been prosecuted since the Music Copyright laws started working on the issue of controlling music played in public places.’

Date: 24th February 2016
Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: Collection of levies from businesses for playing music
‘Mr. Temporary Speaker, Sir, further to what has been said, when he is giving the answer, I just want to know if this revenue collected over the years has ever been injected back to the Ministry by way of supporting upcoming artists and developing the industry.’

Date: 24th February 2016
Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: Contravention of the Constitution by CBK governor on currency portraits
‘Thank you Mr. Temporary Speaker, Sir. A provision of the supreme law of this land is being violated and has been violated for five years. Inspite of the fact that we have the Attorney-General who is the chief adviser of the President, we have institutions like the CIC and other institutions. This is a very serious matter. We have no reason taking anybody to court for
minor offences when people who are violating the supreme law of the land are not taken to court.

This is serious and we need a substantive answer to know why the President is continuing to lead with impunity and violating the supreme law of the land. It states clearly that no institution and no person is above the law.’

Date: 24th February 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Status of tea farmers’ money held in a KTDA fixed Deposit Account at Imperial Bank

‘Mr. Temporary Speaker, Sir, under what authority did KTDA invest that money in Imperial Bank? Do they have an agreement or a memorandum of understanding? On whose authority are they investing such an amount of money? Who will pay the accrued interest of Kshs2.9 billion that Imperial Bank is under receivership?’

Date: 24th February 2016
Member of Parliament: Sen. Elizabeth Ongoro
Contribution She Made On: Status of tea farmers’ money held in a KTDA fixed Deposit Account at Imperial Bank

‘Mr. Temporary Speaker, Sir, we all know that small-scale farmers are an important pillar of this economy. When they have their monies withheld for such long periods, I am interested in knowing what informed the rationale of holding these huge amounts for such long periods rather than injecting it back into a system that facilitates the farmers to grow. Were they part of the decision? What informed this rationale and how is it helping the agricultural and farming sector in this country?’

Date: 24th February 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Status of the Kenol-Makutano-Marua Road

‘Mr. Temporary Speaker, Sir, I seek your indulgence. I was informed that the statement is ready, but the Cabinet Secretary was not there to sign it. I request to issue it latest on Tuesday, next week. If it will be ready tomorrow, we will issue it.’

Date: 25th February 2016
Member of Parliament: Sen. Liza Chelule
Contribution She Made On: Various grievances against the county executive and county assembly of Vihiga
Mr. Deputy Speaker, Sir, I thank the Senator for Vihiga County for bringing this Petition on behalf of the MCAs. We, as the Senate, represent the interest of counties. Therefore, it is a pity that resources allocated to county governments are being misused by the governors. One of the roles of the MCAs is to oversight the county executive. It is the responsibility of the County Public Accounts and Investments Committee (CPAIC) to interrogate how devolved funds are being spent by the county governments. The Controller of Budget is responsible for all the funds that are devolved to the county governments. It is sad that the people who elected us are suffering and denied services by the county governments. Budgets are prepared by the county governments without involving members of the public. It is time citizens of this country are involved in the budget process at the grassroots level. They must know well in advance which projects their county governments will fund in a given financial year. It is not right for the governors to spend money without being accountable to their people. Some of them hire choppers using public funds. This is being wasteful. They must be made to account for every single cent that is devolved. I urge the CPAIC to make sure these governors are accountable. It is not enough to debate the Petition without taking action against those people who have been mentioned here. I heard the Senator for Turkana County say that he will soon bring a similar Petition to this House. It is okay for us to discuss Petitions as they are presented here. However, we need also to discuss other issues facing the county governments. I beg to support.’

Date: 25th February 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Various grievances against the county executive and county assembly of Vihiga

‘Mr. Deputy Speaker, Sir, I thank the people of Vihiga County, the MCAs and the Senator for demonstrating maturity, civilization and being law abiding citizens. They have chosen to follow the laid down provisions in the Constitution and respect the oversight role of the MCAs and the Senate. They have not resorted to violence and those ugly scenes that we have seen in other places; for instance, people being frogmarched, gun shots and people getting injured. They have followed the law. I commend them for that.

Mr. Deputy Speaker, Sir, having said that, I urge the relevant Committee to prioritise this work and come up with concrete and watertight recommendations that will not only solve the problems of Vihiga County but enable us as a country to come up with clear accounting systems that cannot be breached. Accounting systems will clarify many other issues, for example, who will be held responsible and accountable. It is not wrong to err but to repeat
mistakes again and again is bad. Every county is part of our country. If a particular county makes mistakes, we should correct it and make sure that it does not repeat.
Internationally, we are getting a bad name because of such things that are being reported; this massive mismanagement of hard-earned resources. They are resources not only from us taxpayers but from other countries too. This is not good. Therefore, I urge this Committee to come up with good recommendations to educate Kenyans so that we can read from the same page.’

**Date: 25th February 2016**

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

**Contribution She Made On: Various grievances against the county executive and county assembly of Vihiga**

‘Mr. Deputy Speaker, Sir, when you read through this Petition you will find that the issues that the petitioners from Vihiga County have raised are a representation of all counties countrywide. Every issue in this Petition affects all counties.

One of the issues raised is the ward allocations and how they are spent. If you visit any county you will not be given a clear procedure or laid down rules on how the allocations are spent. Also, in every county, new debts are paid and the outstanding ones are not cleared.

But the most interesting issue is how the county funds are spent without approval. What happens in all the counties is just a semblance of approval. When the governor wants anything to be approved, there are all manner of goodies including trips that are given to Members of the County Assembly (MCAs). In one afternoon, the MCAs with tickets in their hands are asked to approve billions without interrogation, and they are off for a trip. That is not approval at all. Even if it is approved by 100 per cent of the Members, it is something that has not been interrogated. The issue of transparency in the collection of revenue has been raised in the Petition. You will not get data that can be presented to anybody and the exact amounts that were collected. There is no accountability on how the amounts have been used in all the counties. We do not know how much they collect in terms of revenue, in which accounts they are held and what they are being used for.

This brings us to the question that we have discussed here before. Come the next elections, the qualifications and integrity of MCAs must be of paramount importance. We need MCAs with the right qualifications and integrity, who will interrogate the governors and the procedures. As raised by Sen. Mutula Kilonzo Jnr., if we do not move fast, by the time we visit any county assembly to investigate anything, we will not get any evidence.

We must move fast, visit the counties and interrogate those matters. We should demand for these facts before they erase the evidence. I beg to support.’
Date: 25th February 2016
Member of Parliament: Sen. Daisy Kanainza

Contribution She Made On: Various grievances against the county executive and county assembly of Vihiga

‘Thank you, Mr. Deputy Speaker, Sir, for the opportunity. First, I want to appreciate Sen. Khaniri for being the eye of the people of Vihiga County. As we consider all petitions that have been brought to this House, it would be important for the relevant committees to look into the matters raised as soon as possible. We have so many petitions from the counties and people expect us to act on them as soon as possible.

It is our mandate, as the Senate, to protect the counties and their governments. It is very unfortunate that county governments have resorted to stealing and engaging in corrupt deals. It is only the Senate that can save these counties. Sometime back, Sen. Sang brought a Bill to create the county development boards. How I wish we could pursue the matter in a different way, so that we can ensure that all stakeholders in the counties are brought on board when it comes to issues of development. This would save us the problems that we are facing at the moment.

Mr. Deputy Speaker, Sir, as one colleague said, we also need to look at the academic qualifications of all elected members not only in the county assemblies, but also in the National Assembly and the Senate so as to ensure quality delivery of our mandate. It is also high time that Senators were given the county oversight funds, so that they can also give back to the society through civic education. This will ensure that people know their rights and the mandate of the Senate. Thank you.’

Date: 25th February 2016
Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: Various grievances against the county executive and county assembly of Vihiga

COMMUNICATION FROM THE CHAIR

Date: 9th February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Welcome to Hon. Senators to the Fourth Session Of the 11th Parliament

'Mr. Speaker, Sir, I also wish to join you in wishing every Senator in this House a happy new year. I also wish to thank you and your office for being a good facilitator in the just ended Session. I hope that we will do better this year under your leadership.

I also want to further thank your office especially on the issue of liaison in terms of benchmarking from the counties. I want to specifically recognise my county, whose staff are here and represented. I hope that as we end our term, this being the fourth year of the five-year term, we will do an audit of devolution to see if it has achieved what it was meant to achieve. Benchmarking will guide counties in terms of checking on hiccups in the duties of the county assemblies and county executives.'

Date: 9th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: Welcome to Hon. Senators to the Fourth Session Of the 11th Parliament

'Mr. Speaker, Sir, I start by congratulating you for steering this Senate which is the second one since 1963. We have really been instrumental in setting the structures. The next set of Senators who will come will really have an easier job because the structures have been well laid out. We have set precedence in many key areas.

One of the areas that I wish we would continue to set precedent in is social audit. We should make it very essential in our various committees to be able to exercise more oversight, but a very specific sort of oversight. We should look at the sort of impact that devolution has had within the counties and document it. We should look at the areas that counties have not done as well as they ought to have done and make proposals on the same.

We could even go to a higher level. We could have some time, as Senators, say, a ‘Senator Hour,’ where we can address specific issues about specific counties. For example, we could consider the number of Bills that have been handled in various counties. I was aware that in Kwale County, quite a number of Bills have not been passed because of various issues. It is good for us to keep in touch with the county assemblies.

As we move forward, it is critical for us to continue with close integration with county assemblies. The issue of the Bills and what happens when they get to the National Assembly should be addressed so that communities can gain and stop the quagmire that we have had.

We welcome the visitors. Long live the Senate of Kenya.’

Date: 16th February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: The Budget Policy Statement 2016
‘Mr. Speaker, Sir, I also want to join my colleague, Sen. (Dr.) Khalwale, in thanking you for that communication. The Budget Policy Statement is an important document that shows how Ministries get funding in this country. I further wish to congratulate you for referring the Budget Policy Statement to all the standing committees. This was a very important task that had been left to the Committee on Finance, Commerce and Budget. It is time this becomes the tradition of this House; that the Budget Policy Statement is scrutinized by all committees so that we can flag out the issues that we want to raise and be able to act accordingly.’

Date: 16th February 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: The Budget Policy Statement 2016
‘Mr. Speaker, Sir, it is a great breakthrough for the Committee on Finance Commerce and Budget to bring the Budget Policy Statement in advance in comparison with last year when the timelines were a bit delayed. This did not give us a good chance to discuss the Budget Policy Statement in terms of giving a concrete way forward. This time we have that chance. The fact that the Budget Policy Statement has been referred to the standing committees, I request that we expedite this process. We should look through this document as early as possible so that we can see what to improve in terms of budget lines. That becomes critical for us. It also gives us a chance to look at the document within a timeframe that is adequate and that will allow more input.’

Date: 16th February 2016
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: The Budget Policy Statement 2016
‘Mr. Speaker, Sir, I also join my colleagues in congratulating you. We are almost late, but we have done it at last.’

Date: 16th February 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: The Budget Policy Statement 2016
‘Mr. Speaker, Sir, I would also like to congratulate you for the Communication about the Budget Policy Statement. It is very important for us to scrutinize this document in various stages because it affects us. We know our mandate as stipulated in Article 96 of the Constitution is to oversight and protect interests of counties. Therefore, it is critical for us to know how much of the money will be channeled to counties.'
The health sector has been so much affected. We must see to it that when counties will be leasing medical equipment, they get it right. This is because cancer is among the major diseases that are killing our people. We need to equip all hospitals with diagnosis machines in this country. I beg to support.’

Date: 16th February 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: Concurrence of the Senate on the Physical Planning Bill (National Assembly Bill No. 46 of 2015)

‘Mr. Speaker, Sir, I rise to support Sen. Wetangula’s assertions. We cannot work in an *ad hoc* manner because this is a House of rules. We cannot have a situation where one Speaker wakes up one morning and decides that he made a mistake and, therefore, he needs to correct it. We must abide by the rules and by what is on record.
The Constitution is very clear. Before any Bill is considered the two Speakers must meet and agree on whether the Bill affects counties or not. We cannot have a situation where to date, the National Assembly has “sat” on our Bills, 18 of them, and have never approved them. This is a non-satisfactory situation which cannot be acceptable. We are here not by choice or chance. We are elected Members of Parliament who have come here to represent the people’s rights under Article 96. We cannot have a situation where another House feels more important than this House. We know clearly that this is the “Upper” House. This matter must be brought to rest before we finish our session. We cannot have a situation that for three years, most of the Bills that we have passed have never been passed into a law, except a few which were money Bills. Therefore, this Bill needs to be completely ignored.’

Date: 16th February 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: Concurrence of the Senate on the Physical Planning Bill (National Assembly Bill No. 46 of 2015)

‘Mr. Speaker, Sir, one of the provisions that is so clear and we do not have any problem with, is the interpretation of Article 110(3) of the Constitution. It states clearly that the moment a Bill is presented; the two Speakers must sit together and decide. There are logistics about how that can be done. One that can be applied very easily is to have a document emanating, for example, from the Senate, you sign it, that this is a Bill concerning counties, take it to our counterparts at the National Assembly expecting him to sign it. If he does not, we proceed with it up to its conclusion and push it for enactment.
Mr. Speaker, Sir, we have more than five Bills that have been assented to. We have about 18 Bills that are in the National Assembly and much more that are being processed. We need to find a way to solve this problem once and for all. One of the things that the National Assembly tends to do more often is just to delegate and say that this is a money Bill. For example, how can The Natural Resources (Benefit Sharing) Bill, be a money Bill when we are talking about resources at the county? That is why that provision in the article has been put there; so that all these issues can be ironed out right from the beginning so that a way forward is found.

When such a Bill, the Physical Planning Bill, comes as a secondary report to the Senate, first of all, we have not gone by the provision of Article 110(3), and secondly, we are setting a very bad precedence. This is an issue that is long overdue for action. We need action that is very straightforward and clear so that we do not have this sort of a situation coming up. Indeed, we are finding ourselves in a quagmire; here is a Bill coming from the National Assembly and they expect us to debate it and yet we are not in a position to do so. That is why the provision was very clear. This determination has to be made at the beginning of the process and not somewhere in the middle or at the end.

We need to find a way forward and let Kenya understand that the Bills that we are formulating at the Senate are actually beneficial to them. We sit here and put in a lot of hours to ensure that this happens. We need those Bills to be prosecuted to the end. We do not want those Bills not to be prosecuted on the basis of technicalities. We need a realization that we are a bicameral system and the two Houses have specific responsibilities. In other countries like the United States of America (USA), Australia and in other countries where they have a bicameral system, it has clearly been streamlined. The reason and understanding of the “Upper House” is to scrutinize Bills from the “Lower” House. It is happening everywhere in the whole world. Therefore, we need to move away from this sort of misunderstanding of how the two Houses should behave. We need to find a way forward to ensure that the provision of Article 110(3) is adhered to because it is the basis of the legislation that we are going to make in this House.’

Date: 16th February 2016

Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: Concurrence of the Senate on the Physical Planning Bill (National Assembly Bill No. 46 of 2015)

‘Mr. Speaker, Sir, mine is more of a question: In view of the foregoing and now that the National Assembly Speaker has accepted that either he made a mistake, an oversight or a misinterpretation of the Constitution and the Standing Orders, what is he presenting on the
table as remedial measures? What happens to all those Bills that were forwarded to the President for consent without being referred to the Senate? What is he doing about all the Bills that he is holding even as he accepts this from the Senate and they are not discussing? This is a case of double speak. Actions speak louder than words. We should see him taking action by presenting in the Order Paper of the National Assembly all the Bills that are pending. We should see him advising the President that those Bills that were consented to without being brought to the Senate are invalid and should be brought here for validation. That would make sense and make us think that he is very serious.’

**STATEMENTS**

Date: 10th February 2016  
Member of Parliament: Sen. Janet Ongera  
Contribution She Made On: Request for statement on contravention of the constitution by CBK governor on currency portraits  
‘Mr. Speaker, Sir, allow me to ride on that very important request for a statement. Now that for the last five years we have been using currencies with people’s portraits, which is illegal, what action is being taken particularly on financial transactions which are being carried out and currency has been exchanged? What effect will that have especially on international transactions, particularly the Eurobond?’

Date: 10th February 2016  
Member of Parliament: Sen. Martha Wangari  
Contribution She Made On: Request for statement on Status of internally displaced persons  
‘On a point of order, Mr. Speaker, Sir. If you read Part “X” of our Standing Orders on Statements, statements are directed to the committees and their chairpersons. I have heard the Senate Minority Leader say that the Statement is directed to the Senate Majority Leader. Is he in order to direct a statement disregarding how it is done normally according to the tradition of this House?’

‘On a point of order, Mr. Speaker, Sir. We may laugh off these things but he is on record. He is continuing to say that I am on a learning curve. He may be older than me but does it give him the monopoly of information or knowledge? He must withdraw that statement.’

Date: 10th February 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Request for statement on Status of internally displaced persons

‘Mr. Speaker, Sir, may I also ride on that request by the Senate Minority Leader? We would also like to know whether there have been new IDPs after the 2007/2008 Post-Election Violence (PEV). Further, can we have an audit on how much money has been paid and to which IDPs?’

Date: 10th February 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Request for statement on Status of internally displaced persons

‘Mr. Speaker, Sir, I would like to add the interest of my county. IDPs of 1992 are still living at the centres. We have a very large group, over 5,000, who meet weekly at St. Immaculate. Mr. Speaker, Sir, I would like to know what the Government is doing about that.’

Date: 16th February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Cause of lack of cash flow at the Higher Education Loans Board

‘Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 45 (2) (b) to seek a Statement from the Chairperson of the Standing Committee on Education regarding the alleged lack of cash flow at the Higher Education Loans Board (HELB) which resulted in protests by some students across the country. In the Statement, the Chairperson should:-

(a) Enumerate the total amount of cash request the HELB received from students in the last three years.
(b) Enumerate the total amount of money that was available for allocation to students from the HELB budget in the last three years.
(c) State the amount of cash disbursement request that HELB made to the National Treasury in the last three years vis-à-vis the amount that the National Treasury released to HELB indicating the amount released per every request.
(d) State the proportion of the HELB budget that is funded by the National Treasury and the amount that is funded by the HELB Revolving Fund.
(e) Explain the steps the Government is taking to meet the rising need for Higher Education funding. Thank you.’
Mr. Speaker, Sir, I stand to request for a Statement regarding intergovernmental relations, governance and management of county governments.

I rise pursuant to Standing Order No.45 (2)(b) to seek a Statement from the Chairperson of the Sessional Committee on Devolved Government regarding the role of the Senate and its engagement with county governments in view of the myriad challenges facing county governments which manifest themselves in the form of wrangles, mismanagement of county resources and conflicts between the county executive and county assemblies, among others.

In the Statement, the Chairperson should:

1. Explain the mechanisms that the Committee has put in place to engage with the county governments and enhance intergovernmental relations; and,
2. State what the Committee is doing or plans to do in order to create a platform for all Senators to engage county governments to discuss the ever emerging issues of contention and impediments facing county governments with a view to coming up with modalities for addressing the challenges. Mr. Speaker, Sir, that is the first Statement I wish to seek. I have another request. Should I proceed or wait for this to be prosecuted?’

Mr. Speaker, Sir, I rise pursuant to Standing Order No.45(2)(b) to seek a Statement from the Chairperson of the Standing Committee on Education regarding the development and review of curricula and curriculum support materials for early childhood, pre-primary and secondary education.

In the Statement, the Chairperson should:

1. Explain the measures that the Government has undertaken to bring the early childhood, pre-primary and secondary education curriculum up to date with the current realities.
2. State whether a needs assessment has been conducted by the Kenya Institute of Curriculum Development and, if so, what the assessment established to be societal needs to be addressed in the curriculum as well as the desired skills, suitable competencies, modes of testing, preferred topics, pedagogical approaches and learning experience;
(3) Explain the success indicators and challenges encountered in revamping the curriculum; and,
(4) State the specific phases in which the new curriculum will be implemented.’

**Date: 17th February 2016**

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

**Contribution She Made On: Seeked statement on Status of the Youth Enterprise Development Fund**

‘Mr. Speaker, Sir, I rise pursuant to Standing Order No.45 (2)(b) to seek a Statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding the Youth Enterprise Development Fund. In the Statement, the Chairperson should:-

(1) Explain the measures that the Government has put in place to ensure that youths with existing businesses access individual loans from the Youth Enterprise Development Fund for the expansion of their businesses.
(2) Provide per county statistics showing how successful it has been since inception and whether it is fulfilling its intended purpose.
(3) Explain whether the 30 per cent procurement for the marginalized (women, youth and persons with disabilities) has been achieved and provide statistics of the beneficiaries per county.

Mr. Speaker, Sir, my second request is as follows:-

Mr. Speaker, Sir, I rise pursuant to Standing Order No.45(2)(b) to request a Statement from the Chairperson of the Standing Committee on Legal Affairs and Human Rights regarding the ongoing countywide mass voter registration exercise. In the Statement, the Chairperson should:-

(1) Explain why the voter registration exercise has been given a limited time of one month. That is from 15th February to 15th March, 2016.
(2) State whether such a limited time is not likely to disenfranchise a section of the population, thereby denying them their constitutional right to register as voters and vote.
(3) State whether the voter registration exercise could be extended by two months.’

**Date: 17th February 2016**

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

**Contribution She Made On: Development and review of curricula and curriculum support materials for early childhood, pre-primary and secondary education/Status of the Youth Enterprise Development Fund**
Mr. Speaker, Sir, I undertake on behalf of the chairperson of the Standing Committee on Labour and Social Welfare to give the Statement in two weeks.

Date: 18th February 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made On: Business for the week commencing Tuesday, 23rd February, 2016

Thank you, Mr. Speaker, Sir. Hon. Senators, pursuant to the provisions of Standing Orders No.45, this is to present the Senate business for the coming week.

On Tuesday 23rd February, 2016, the Rules and Business Committee (RBC) will meet at 12:30 p.m. to schedule business for the Senate for the week. Subject to further directions by the RBC, the Senate will continue with business that will not be concluded in today’s Order Paper focusing on debates on Bills at the Second Reading stage and Committee of the Whole.

Further, the following Bills, among others, will be scheduled for voting at various states;

(1) The Cancer Prevention and Control (Amendment) Bill (Senate Bill No.3 of 2015).
(2) The County Outdoor Advertising Control Bill (Senate Bill No.11 of 2015)
(3) The Public Appointments (County Assembly) Approval Bill (Senate Bill No.20 of 2014)
(4) The HIV and AIDS Prevention and Control (Amendment) Bill Senate Bill No.4 of 2015)
(5) The County Industrial Development Bill (Senate Bill No.7 of 2014).
(6) Division on the Report of Mediation Committee on the County Governments Amendment Bill (Senate Bill No.1 of 2014).

On Wednesday, 24th February, 2016, the Senate will continue with the business not concluded during Tuesday’s sitting, especially Bills at the Committee of the Whole and any other business scheduled by the RBC.

On Thursday, 25th February, 2016, the Senate will consider Bills at Second Reading, deliberate on Motions, especially focusing on Reports of Committees and any other business scheduled by the RBC.

Hon. Senators, the House has many Bills at both the Second Reading stage and Committee of the Whole. I, therefore, appeal to you to make yourselves Available to transact this and other businesses as soon as they are scheduled. I, hereby lay the Statement on the Table.’

Date: 23rd February 2016  
Member of Parliament: Sen. Agnes Zani  
Contribution She Made On: Recently concluded elections in Uganda and democratization in Africa
On a point of order, Mr. Deputy Speaker, Sir. I am looking at Standing Order No.45(3) and I just want to read a section that pre-empts the discussion. It states in part that:

“on the day on which the statement is proposed to be made, hand to the Speaker a written notification of the matter, but the Speaker may refuse to allow the request unless satisfied that the matter may be properly discussed in the Senate.”

That clearly suggests that under Standing Order No.45, there is provision for discussion only that the Speaker has to ensure that it is properly discussed.

From what other Members said, they can see the limitations quite clearly and they are happy to discuss within the confines. Therefore, you should allow for discussion and ensure that Members properly discuss. Standing Order No.45 provides for that and indicates quite clearly, that discussion can pursue from such a statement.’

Date: 23rd February 2016
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: Alleged assault of policewoman by Captain Allister Brown

'Mr. Deputy Speaker, Sir, I would like to request for a statement pursuant to Standing Orders No.45(2)(b) from the Chairperson of the Committee on National Security and Foreign Relations regarding an alleged assault of a police officer by one Captain Allister Brown in Kinangop, Nyandarua County on Sunday, 21st February, 2016.

In the statement, I would like the Chairman to explain:-

(1) The circumstances that led to the assault of a police officer who was on duty by the said Captain Brown.

(2) The measures that the Government has put in place to ensure that police officers on duty are protected.

(3) The action that has been taken against Captain Brown.’

Date: 23rd February 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Alleged assault of policewoman by Captain Allister Brown

'Mr. Deputy Speaker, Sir, may I also ride on the statement. What happened in Nyandarua is despicable. We were embarrassed. As a woman, that case was and still is embarrassing. The action against this white man should be expedited as the Senate Minority Leader has said. We would also like to know how many flying hours he has as a pilot and how qualified he is. Secondly, the language that he was using on that police woman, “Do your fucking job.” We, as a country, need to be told whether this guy is a Kenyan. He disrespected a woman in
uniform and, therefore, the country. We are very embarrassed. We want to know if he has already been arrested. I have seen a 411 on investigations. In fact, we need him arrested today and not tomorrow. We hope this statement will be done and brought to this House as soon as possible.’

**Date: 23rd February 2016**

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

**Contribution She Made On: Alleged assault of policewoman by Captain Allister Brown**

‘Thank you, Mr. Deputy Speaker, Sir. I wanted to add my voice and pose one question; whether by now – I wish this Statement could be answered this afternoon – he has been arrested. We saw a statement from the Inspector General’s office requesting him to report to the nearest police station. The statement stated: -

“The suspect has subsequently been ordered to surrender to any nearest police station”. Mr. Deputy Speaker, Sir, it is almost at his own discretion whether he wants to go to the nearest police station or not. That is not what we see happening to ordinary Kenyans when they have broken the law. So, all the questions that have been raised here must be answered in that statement and in a very direct manner without beating around the bush.

I want to stress that this point. I will say it in Kiswahili language; *Iwe funzo kwa wengine wote ambao watataka kunyanyasa* our ladies in uniform serving this country.’

**Date: 23rd February 2016**

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

**Contribution She Made On: Alleged assault of policewoman by Captain Allister Brown**

‘Thank you, Mr. Deputy Speaker, Sir. I join my fellow Senators to condemn this act. I want to register my disappointment by requesting the officer in charge to take action against the gentleman. This shows how violation against women is increasing. I want to say that as Kenyan women and women leaders, we cannot accept this. I want to thank our colleagues; male Senators who are joining us to condemn this act. We cry and ask for action to be taken so that justice may be seen to be done in this country.

Mr. Deputy Speaker, Sir, in other countries, if a Kenyan is found committing such an act, it is taken seriously, but in Kenya, we take it lightly. It is time that Kenya stands as a country and stops playing with the people who come in and violate the rights of Kenyans as we watch. I condemn this act seriously. Thank you.’

**Date: 23rd February 2016**
Member of Parliament: Sen. Zipporah Kittony

Contribution She Made On: Alleged assault of policewoman by Captain Allister Brown

‘Thank you Mr. Deputy Speaker, Sir. It has really provoked us, especially the mothers of this country. It is total abuse of our integrity. I do not know whether somebody has been deported. I would even recommend that this person be deported because where he comes from, in Canada, they do not want to see a black person, and maybe he thought he was back in his homeland.’

Date: 25th February 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Statement on status of Lokichogio International Airport

‘Mr. Deputy Speaker, Sir, it is very brief. In view of what you said, I will go straight to the answer.

To reply on why the runway renovation has taken over two years to complete necessitating the use of half the runway is that the project has not taken over two years to complete. The works commenced on 15th November, 2014, hence time lapse to date is about 12 months not over two years. However, the project has experienced delays due to the following reasons:

I. There were unforeseen ground conditions that resulted in an increase in the scope of works as all loose sandy material had to be over excavated and carted away. The resulting excavated section had to be back filled and compacted in several uniform layers. This resulted in extra time required to carry out the earth works.

II. The unexpected last term heavy rains affected the progress as the works could not be carried out when it was raining.

III. Lack of suitable gravel material also caused delay in construction of the sub-base layer. This requires the material to be stabilized with cement which was not included in the contract. The Kenya Airports Authority (KAA) is in the process of acquiring cement so that the sub-base works can proceed.

IV. The cut-off of the Kitale-Lodwar Road by floods is also likely to affect supplies. There has also been resistance by locals in accessing gravel material which is a key component in pavement works, hence affecting progress.

V. The cost of the project after completion - the contract served for this period is Kshs150,362,100.46. This is to explain whether the Chairperson is aware of the existing delays have
caused huge economic disruptions for the people of Turkana County and the entire aviation industry served by the Airport.

VI. The KAA acknowledges that partial closure of the runway has reduced air traffic in and out of Lokichogio, resulting in negative economic effects as well as reduced revenue for KAA. The partial closure was necessitated by the fact that there is only one runway at the airport. The KAA has instructed the contactor to expedite and complete the works.

VII. On what action will the Government take to expedite the completion of the said project, the contractor has been asked to increase his equipment holding on site and expeditiously complete the work. Phase I of the project is expected to be completed by April, 2016. Phase II is expected to be completed by April, 2017.’

Date: 25th February 2016

Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: Statement on status of Lokichogio International Airport

'Mr. Deputy Speaker, Sir, I listened to the answer that has been given by the Vice Chairperson. Honestly speaking, this is the most incredible answer I have listened to in this Senate. Bearing in mind that the airstrip will open an entire economic bloc in the northern part of this country, putting in mind the fact that oil was discovered in that region, bearing in mind that it is an activity under closure that strips this country of very many opportunities; the Vice Chairperson should not shift blame to natural occurrences like rain because I am sure a feasibility study was done. Could the Chairperson give a substantive answer because when you conduct a feasibility study, you factor in rain, drought and all manner of things? I am not impressed or satisfied with that answer. Could she give a substantive answer?’

Date: 25th February 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Statement on status of Lokichogio International Airport

'Mr. Deputy Speaker, Sir, I had already given the undertaking of the Ministry. The Cabinet Secretary (CS) gave an undertaking that work will be expedited. That is already happening and work is in progress. So, there will not be any undue delay. As for the feasibility studies, the Ministry said that some of the occurrences were unpredictable. Be it as it may, the CS has been invited to appear before the Committee on Roads and Transport on 1st March, 2016. Once he confirms to attend, we shall definitely invite not only the Senator for Turkana but all other Senators.
We will inform them in good time because many other issues had been raised previously. We invited the CS but unfortunately, due to the changes in the offices, he could not attend. By 1st March, 2016, we shall have all the answers in detail by the CS himself.’