JULY 2016 KEWOPA MEMBERS HANSARD [SENATE]

CHAIRS

Date: 6th July 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

Date: 26th July 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

COMMITTEE OF THE WHOLE HOUSE

Date: 13th July 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015)

‘On a point of order, Mr. Temporary Chairperson, Sir. Vocabulary keeps changing all the time. We are in a new format of approaching gender issue moving towards “Chairperson” rather than “Chairman.” Yes, the connotation “Chairman” can also mean woman but why should we have doubts about it? Why do we not just go for “person” rather than have “man” and say man also can be a woman. The vogue and practice now is to move towards “chairperson” rather than “chairman.”

Mr. Temporary Chairperson, Sir, when we say man or woman, there is a difference. A man is a man and a woman is a woman. There is both the biological and the social contrast. It is exactly that, that we are running away from. The legal position that “chairman” represents both is a position that people still debate. That is why people are slowly moving towards being progressive. This is because when we say chairman, it can be a man or a woman. Why presume that we have to say man and that will be inclusive of woman?

I support the Chairperson’s position that we be progressive on this. After all, we keep changing and improving and even that definition can change so that we move from chairman to chairperson as the right terminology to be used. We cannot say that we are going to use chairman because it has been used before and that there is a legal premise for it. Is there a legal premise for the word chairperson?’
Date: 14th July 2016
Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: The Health Bill (National Assembly Bill No.14 of 2015)

‘Mr. Temporary Chairman, Sir, while I appreciate the Chair and the good work they have done, I am worried that we are going to end up with a different product. The Bill will change completely. Why would we delete Clauses 30 to 44 when we are facing so many challenges at the moment with regard to nurses and doctors? We have the example of Busia where the county assembly has told the governor that he has to deal with the children that became disabled. I thought that this institution would have come and harmonized some of these things. I am worried that this Bill will turn out to be a different one.

Mr. Temporary Chairman, Sir, we are dealing with issues of our children and health matters. I saw an amendment where we have decided that vaccination can be done. We have brought great confusion in the whole process. As a mother, I think that the county governments should not decide when my child, for example, will be vaccinated. If we allow that we will be killing our children and encouraging other complications. The Senate should be serious about health matters. We, Members, have insurance cover and that is why we run to Nairobi Hospital and other hospitals. At the grassroots level, we have quacks who have taken advantage and we are giving them more advantage by what we are now doing.

Even if we proceed with the amendments, this Bill will have to go to mediation.

Mr. Temporary Chairperson, Sir, the problem is not how we do things but why we refuse to realise that in the implementation of all this, the national Government gets its ego with the money and the county government does the same. At that time, they forget that we are dealing with human beings and it becomes a conflict of resources between the two. My Senator and the Chairperson of the Committee on Health are both in the Committee of Finance, Commerce and Budget. They know very well that when it comes to allocation of funds, you will see how governors will forget that we are dealing with health and will be looking at the resources that cut across. When I look at the establishment as a person, this was to establish the Kenya Health Human Resource Advisory Council (KHHRC). If we feel that it is anchored so much at the national Government whilst health is devolved, then I thought that there would be a way of coming up with the same but for the counties. However, in a way, they should also have an advisory different from that of the national Government. If we feel that the Council is so anchored at the national Government, let us create it but anchor it more in the counties, so that we have equal health services. Whether I am in Bungoma or Kakamega, I should get the same health services so that we remain the same. If we have a patient, we come to the Kenyatta National Hospital (KNH). If the patient goes back to Kakamega Level 5 Hospital, she can still get the same health services.’
Date: 14th July 2016  
Member of Parliament: Sen. Catherine Mukite  
Contribution She Made On: The Health Bill (National Assembly Bill No.14 of 2015)  

‘Mr. Temporary Chairperson, Sir, Article 187(1) of the Constitution says:-
“A function or power of Government at one level may be transferred to a Government at the other level by agreement between the two levels of governments.” We are trying to pass this Bill. There was public participation and the Council of Governors (CoG) objected. We also looked at it at the Committee level. The national Government has bought a lot of medical equipment on lease/hire which has been distributed to the hospitals. Now, they want to re-classify these hospitals so that they take back the power from county governments, yet we know that health has been devolved. Why can we not hear the Council of Governors (CoG) out? We have their comments on record in the Committee on Health.

Date: 14th July 2016  
Member of Parliament: Sen. Janet Ongera  
Contribution She Made On: The Health Bill (National Assembly Bill No.14 of 2015)  

‘Mr. Temporary Chairman, Sir, I also rise to support the Committee’s proposals and amendments. We should not lose the gains that we have made in devolution. We have come a long way, particularly to devolve health services, so that we bring them closer to the people. I know that my sister, Sen. Elachi, is very passionate on the rights of mothers and young ones, but I want to plead with her to look at this amendment from a holistic perspective. Under the Constitution, as our able Senate Minority Leader has stated, we are the guardians of devolution. We should not at any one time try to return back to the national Government the gains that we have already achieved from devolution at the county level. Mr. Temporary Chairman, Sir, I support the Committee’s amendment.’

Date: 14th July 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made On: The Health Bill (National Assembly Bill No.14 of 2015)  

‘Mr. Temporary Chairman, Sir, I appreciate what my colleagues have said, but I gave my opinion as a woman of this country. I was not doing it on behalf of the Government. I imagined myself as a doctor working in a county. If my husband asks that I get a transfer to another county, what procedure will I use to be released from that county? I was looking at this amendment from a gender perspective, because mostly women are the ones who move from one county to another.’

Date: 19th July 2016
Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: The Reproductive HealthCare Bill (Senate Bill No.17 of 2014)

'Mr. Temporary Chairman, Sir, I beg to move:-

THAT, the Bill be amended by inserting the following new clause immediately after Clause 6.

Consent

(1) An assisted reproduction health care provider shall not perform any treatment or procedure of assisted reproduction without the consent in writing of all parties seeking assisted reproduction services.

(2) An assisted reproduction health care provider shall not freeze any human embryos without specific instructions and consent in writing from all the parties seeking assisted reproduction in respect of what should be done with the gametes or embryos in case of death or in capacity of any of the parties.

(3) An assisted reproduction health care provider and facility shall not use any human reproductive material to create an embryo or use an in vitro embryo for any purpose without the specific consent in writing of all the parties to whom the assisted reproduction facility relates.

(4) The consent of any of the parties obtained under in vitro fertilization may be withdrawn at any time before implantation of the embryos or the gametes to the woman’s uterus.


Mr. Temporary Chairman, Sir, I beg to move:

THAT, Clause 2 be deleted and substituted therefor with the following clause –

In this Act—

“access to” means the ability of an individual to obtain or receive appropriate, safe, accountable, effective, quality health information and services;

“adolescent” means any person aged between ten and eighteen years;

“adolescent-friendly reproductive health services” means reproductive health services that are accessible, age-appropriate, and safe for adolescents and are designed to attract interest and sustain adolescent motivation to utilize such services;

“antenatal care” includes the correct diagnosis of pregnancy, followed by periodic examinations, screening and management of complications during pregnancy;

“authorized facility” means a facility authorized by the Medical Practitioners and Dentists Board for the purposes of this Act;
"assisted reproduction" means a technique that is used to attempt to obtain a pregnancy by handling or manipulating the sperm or the oocyte outside the human body, and transferring the gamete or the embryo into the reproductive tract;
"assisted reproduction facility" means any premises used for procedures related to assisted reproduction;
“board” means the Board of Directors established under section 4;
CAP141
“cabinet Secretary” means the Cabinet Secretary for the time being responsible for health;
"child" has the meaning assigned to it in the Children's Act;
CAP 260
“clinical officer” means a person registered as a clinical officer under the Clinical Officers (Training, Registration and Licensing) Act;
“commissioning parents” means a married couple of opposite gender who seek the help of a surrogate mother to bear them a child through artificial insemination;
“contraception” means the deliberate prevention of pregnancy by measures that prevent the normal process of ovulation, fertilization and implantation;
“contraceptive methods’ refers to the means by which deliberate prevention of pregnancy is achieved by use of devices, drugs, or surgery;
‘emergency obstetric care’ means the basic and comprehensive life-saving interventions performed to treat major birth complications,
“emergency treatment” means treatment immediately necessary to preserve life or prevent a permanent disability;
“family planning” means the conscious effort by a person to plan for and attain the person’s desired number of children and to regulate the spacing and timing of the births of the children with the use of contraceptives or natural family planning;
CAP 62B
“female genital mutilation” means female genital mutilation as defined in the Prohibition of Female Genital Mutilation Act;
“health care provider” means any person or institution that has been authorized to deliver health care services;
“health regulatory bodies” refer to an institution authorized by law to regulate the practice of medicine or health care provision; "in vitro fertilization means" means the process by which an ovum is fertilised by a sperm outside the body;
“informed choice” means a voluntary decision by a patient to use or not to use a reproductive health care service, after receiving adequate information regarding the options, risks, advantages and disadvantages of that service;
“informed consent” means consent obtained freely, without threats or improper inducement, after appropriate disclosure to the patient of adequate and understandable information in a form and language understood by the patient;

“intra-partum services” means the correct diagnosis, followed by periodic examinations, screening and management of complications in the period from onset of labour to the completed delivery of the newborn and the completed delivery of the placenta;

“life skills education” means a structured programme of needs and outcomes based on participatory learning that aims to increase positive and adaptive behavior by assisting individuals to develop and practice psycho-social skills that minimize risk factors and maximize protective factors;

“maternal care” includes health care of a woman during pregnancy, childbirth and forty two days after childbirth;

“medical practitioner” means a person registered under the Medical Practitioners and Dentist Act, Cap 253;

“natural family-planning” means a method of planning or avoiding pregnancies by observation of the natural signs and symptoms of the fertile and infertile phase of the menstrual cycle;

“neonatal services” means the correct diagnosis of, screening and management of complications in the first four weeks of life;

“parent” means a biological parent, an adoptive parent of a child, a commissioning parent, or a legal guardian;

“post abortion care” means the correct diagnosis and management of incomplete abortion and related complications;

“post-natal” means the first six weeks after birth;

“post-natal services” means the correct diagnosis, followed by periodic examinations, screening and management of complications in the first six weeks after birth;

“post-partum” means the correct diagnosis, followed by periodic examinations, screening and management of complications in the period immediately after the complete delivery of a newborn and the placenta;

“pregnancy” means the presence of a foetus in the womb;

“provider-initiated health care” means the provision of care or testing to ensure public health or advancement of medicine;

“referral services” means the process of seeking appropriate treatment in which a health worker at one level of the health system, having insufficient resources to manage a condition, seeks the assistance of an adequately resourced facility; “reproductive health” means a state of complete physical, mental and social wellbeing, and not merely the
absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes;

“termination of pregnancy” means ending a pregnancy before the foetus is viable;

“tier of care” refers to the organization of devolved healthcare services into: community health services, primary care services, county referral services and national referral services; and

“trained health professional” means a registered clinical officer, a registered nurse and a registered midwife who has acquired the relevant skills for decision-making and provision of reproductive health services.

Mr. Temporary Chairman, Sir, I beg to move:

THAT, the long title of the Bill be amended by deleting the words “free from discrimination, coercion and violence” appearing immediately after the words “regarding reproduction”.

The purpose of the amendment is to ensure that it is in line with the Constitution without discrimination, coercion or violence.

Mr. Temporary Chairman, Sir, pursuant to Standing Order No.139, I beg to move that the Committee do report to the House its consideration of the Reproductive Health Care Bill (Senate Bill No. 17 of 2014) and seek to leave to sit again tomorrow.’

**Date:** 19th July 2016  
**Member of Parliament:** Sen. Joy Gwendo  
**Contribution She Made On:** The County Outdoor Advertising Control Bill (Senate Bill No.11 of 2015)

‘Mr. Temporary Chairman, Sir, I beg to move:-

THAT, Clause 3(1) of the Bill be amended in paragraph (d) by deleting subparagraph (ii) and substituting therefor the following new sub-paragraphs-

(ii) relating to the location or direction of a religious institution; (iia) relating to a public education institution or public medical institution;

*(Sen. Gwendo further submitted amendments to clauses 2, 4, 5, 6, 7, 8, 9, 10, 11, 14 and 15. She introduced new clauses 13A and 16A)*

**Date:** 21st July 2016  
**Member of Parliament:** Sen. Martha Wangari  
**Contribution She Made On:** The Employment (Amendment) Bill (Senate Bill No.1 of 2015)

‘Mr. Chairman, Sir, I beg to move:-

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause-
The principal Act is amended by inserting the following new section immediately after section 29-
29A. (1) Where pursuant to section 157 of the Children Act, a child is to be placed in the continuous care and control of an applicant who is an employee under this Act-
(a) the employee shall be entitled to three consecutive months pre-adoption leave with full pay from the date of the placement of the child;
(b) in the case of a female employee who is married, the employee shall be entitled to three consecutive months pre-adoption leave with full pay from the date of the placement of the child; and
(c) in the case of a male employee who is married, the employee shall be entitled to two weeks pre-adoption leave with full pay.
(2) An employee eligible for leave under subsection (1) shall notify the employer in writing of the intention of the adoption society to place the child in the custody of the employee at least fourteen days before the placement of the child.
(3) A notice under subsection (2) shall be accompanied by documentation evidencing the intention of the adoption society to place the child in the custody of the employee, including a custody agreement between the employee and the adoption society and an exit certificate.
(4) Subsections (2), (3) and (7) of section 29 shall, with necessary modifications, apply to an employee eligible to leave under subsection (1).

Mr. Chairman, Sir, I beg to move:-

THAT, the Bill be amended by inserting the following new clause immediately after clause 1-
1A. Section 2 of the Employment Act, in this Act referred to as the “principal Act”, is amended by inserting the following new definition immediately after the definition of the term “employer”-

“exit certificate” means written authority given by a registered adoption society to a prospective adoptive parent to take the child from the custody of the adoption society;

Mr. Chairman, Sir, the essence of this first amendment is to include adoptive leave prior to the adoption process itself. The time that a mother or an adoptee requires, mostly is before the order is given. Initially, the Bill had anticipated a maternity and paternity leave after the adoption, but in the public participation, we were able to gather that the time that is required is before. We are now amending it to make sure that it is pre-adoptive leave, so that one gets custodial time on the placement of the child.

The new clause deals with the issue of exit certificate. There was an argument by employers that there is no way of verifying that someone wants to adopt a child. When you are pregnant, for biological mothers, it is evident, but for adoption you have to give something
legally to show that you will adopt a child. That is why we are providing for the exit certificate. Already the process is complete and employees can justify that to their employers, so as to qualify for the leave, so that it is not abused.

Mr. Chairman, Sir, pursuant to Standing Order No.139, I beg to move that the Committee reports progress on its consideration of The Employment (Amendment) Bill (Senate Bill No.1 of 2015) and seeks leave to sit again tomorrow.’

**BILLS**

**Date: 5th July 2016**

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

**Contribution She Made On: The Basic Education (Amendment) Bill (National Assembly Bill No.38 of 2014)**

‘Thank you, Madam Temporary Speaker. I support this amendment Bill. In the last three years when Sen. Kagwe was the Chairperson of Education Committee, they made sure that the Early Childhood Education Centres (ECEC) were started in many parts of the country. I want to thank the current Cabinet Secretary (CS), Ministry of Education, for the good work he is doing. We have many challenges facing our children.

I support the idea of having county education boards because they will facilitate the full realisation of all children to access quality basic education. They will also ensure all institutions of basic education and training have a conducive learning environment.

As it is now, many of our schools face many challenges in terms infrastructure. We, as parents, do not really understand our children because most of the time they are with their nannies and teachers.

We have had conflict with the public schools, private schools and faith based schools when it comes to admission. These boards will act as a bridge between various stakeholders and schools. They will address the thorny issue of management of schools in their counties.

Mr. Temporary Speaker, Sir, Clause 12 says: -

“Every head of a public institution of basic education and training shall not later than 28th February of each year develop and submit to the Sub-county Education Board and a copy to the County Education Board, a list profiling the performance and conduct of learners in their institutions in the preceding year whose parents or guardians are unable to pay school fees for.”
I thank God because hon. Members of the last Parliament did a lot with their Constituency Development Fund (CDF). They made sure that students stayed in school by paying their school fees. We need to laud them for that.

Now that we have restructured the CDF, I hope Members of the National Assembly will concentrate more on education of our children. It is a pity to see a student who qualified to join Alliance High School learning in a day school in a village because his parents could not to take him to school of his choice. We expect hon. Members to use their CDF money wisely and pay school fees for the needy students in their constituencies. If they do so, those young men and women when they complete their education, they will transform their villages. Now that we have a lot education infrastructure across the country, let us concentrate on equipping them and posting teachers there, so that our students can reap maximum benefits.

Mr. Temporary Speaker, Sir, I participated in two different functions with a governor to raise funds for the needy students. In one functions, the governor said he had spent more than Kshs75 million in paying school fees. That got me worried because education is a national function and we have the CDF money. Poverty is very much entrenched in our society. Therefore, there is need to assist the less fortunate among us so that they can take their children to school. I hope these boards will monitor and make sure children from disadvantaged background complete their education. I do not want to see the prevailing situation whereby children of the benefits from the CDF kit. That will be very unfortunate.

We also need to request our counterparts from the National Assembly to give more money from the CDF for purposes of education and not the Kshs2,000 as they having been doing in the past. This board must ensure that they track the students they are supporting to enable them finish school. The role of the board should not just be to write reports. They should ensure that they give the report to the relevant authorities that are able to pick up the matter and ensure that the children receive sponsorship to enable them to complete their studies.

Mr. Temporary Speaker, Sir, Clause 11 of the Bill states that when Section 39 of the principal Act is being amended by inserting the following new paragraph immediately after paragraph “h” that puts in place measures to ensure that children who meet the criteria for admission to a public secondary school, but fail to gain entry into or are likely to drop out on account of inability to pay school levies, are supported to complete secondary education. That paragraph captures what I was saying. We need to have a database of every bright child in the village. If we have 30 needy cases in Sagana Village, the board must make sure they complete their education. It is unfortunate to see young children selling groundnuts on
the streets of Nairobi in the evening. We must have structures which will help those children from Kawangware and Mathare to go to school. They should not be selling grounds on our streets or we use them to commit crimes. We, as leaders, must change ourselves and our values if we want our children to change. I beg to support.’

Date: 12th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: The Micro and Small Enterprises (Amendment) Bill (Senate Bill No. 12 of 2015)

‘Mr. Temporary Speaker Sir, I congratulate Sen. Wamatangi. If he was baptized “Wamatangi” it is not for nothing. This is a very noble cause and he is actually teaching Kenyans, especially the younger generation; that they can leave this society a better place than they found it.

These are ways of improving on the economy. I stand here very excited because I feel I have been vindicated even before my Bill, the Reproductive Healthcare Bill has passed.

Mr. Temporary Speaker Sir, I feel vindicated because this is the kind of dream I had when I was coming up with a Bill, and concentrating on the adolescents. I said that both the national and county governments should come up with ways where our young teenagers are fully engaged and prepared for the future. They learn all these life skills, do the vocational training and many other ways that can help them uplift their lives, empower themselves, contribute to the wellbeing of the society and help Kenyans eradicate this overdependence on white collar jobs.

Having had the privilege of studying in India for six years, these are also the kind of ideas we came back with. We have seen how India has survived. They have improved the small sectors. Even the big industries like TATA began in a small way. They have recognized what, to some extent in Kenya was called the Jua Kali industry. They have supported all those small entrepreneurs and made the young people and everybody have this entrepreneurship attitude in mind. They have seen that everybody is taken care of.

We have people who are talented, have different backgrounds and stay in different environments. When we, for example, talk about the informal enterprise, including vendors, hawkers, livestock traders, fish mongers, artisans and the rest, it shows that all these Kenyans who are doing the little trade can be recognized. Sen. Wamatangi correctly said that they need the support and legislation that can ensure that they get all the financial support, all the legislation and all the policies that can guide them.
Since I declared that I want to contest the Lang’ata seat, I have gone around Lang’ata and seen that this is a cosmopolitan state. Everybody is organized. We have the youth who are organized in the car wash trade and women in table banking who are making soaps and *kiondos* also known as Kenyan baskets. Others are engaged in all sorts of small businesses. All they need is to be supported, and these guidelines will provide the necessary support. If they are protected by the law and empowered in a way that they can access these resources, they will build their capacity and improve not only their social status but the economy of the entire country. Over-dependence on white collar jobs will be a thing of the past.

I am glad that this law is recognizing the county governments who must also facilitate and ensure that they support these small traders who also need the recognition and not to make life difficult. This is because the groups that fall here for now include the youth and women whereas accessing the *Uwezo* Fund and many other financing agencies is not very easy. When the space is opened up, many more now have ways that they can depend on themselves. I beg to second.’

**Date: 12th July 2016**

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

**Contribution She Made On: the Micro and Small Enterprises (Amendment) Bill (Senate Bill No. 12 of 2015)**

‘Mr. Deputy Speaker, Sir, I rise to support this Bill. It comes at a time when we are just about to have the United Nations Conference on Trade and Development (UNCTAD) which deals with trade. It comes at a time when the Chamber of Commerce is about to do their elections which deals with issues of small enterprises and trade.

Therefore, I thank the Senator for Kiambu for coming up with this amendment, which is critical because, first; this is a key sector that has employed thousands of Kenyans and secondly, it is a sector that has contributed so much to our Gross Domestic Product (GDP) but has never been given an opportunity to be vibrant. It has never been given an opportunity to participate even in the different sectors that we have like the Kenya Private Sector Association (KEPSA) and the rest.

The amendment is very clear immediately after paragraph C (iii) – “...the informal sector including vendors, hawkers, market traders and other small business people and where the enterprise does not operate from a designated location”. These are the real key Kenyans. The fishmongers at Kenyatta Market should now be included because they contribute to our GDP and revenue collection at a very high level. This is one sector that has made many Kenyans survive. When Kenyans say they are hustlers, it is within this sector that they are...
able to take their children to school and ensure life goes on especially in the counties. The counties have had so many investment forums.

However, within those, one wonders where the voice of the livestock trader, the hawker, the public transport operators or the market traders where they collect revenue is heard.

In this country, when we come to layers of how we do business, we will never look at this sector as “business”. That is where our young people are finding challenges. They do not want to be innovative and engage in such business. It is because they believe this is not business. Therefore, there is need to anchor it into an Act of Parliament. We have students who have visited us. In the new dispensation, we do not have white-collar jobs. However, if one has gone to campus and can craft a better way of doing things, they will be wealthier than the one with a white collar job. Therefore, we need to ensure that we give them incentives. Even when the Kenya Revenue Authority is giving incentives to various groups that do business, it is only the manufacturers who are beneficiaries. Every person is doing business. They are required to have licences and pay KRA dues. However, whenever it comes to incentives of who is who in terms of tax incentives, they will never be there. However, now that we are anchoring them as any other, they are supposed to be bigger beneficiaries than the manufacturers.

For many years, we have been wondering how to ensure the livestock traders and pastoralists are able to thrive. Billions of shillings daily circulate among livestock business people. That is the reason some areas experience serious cattle rustling. When we anchor this into law we bring in a law to safeguard them. We are able to prosecute those doing cattle rustling in court, for charges against crimes on humanity. When they engage in cattle rustling, they even kill. This will make them understand that they can trade in livestock and make good money. Many people do not know that, and that is why very few people are in that business. We have left the whole of that sector to pastoralists.

You can be involved in agriculture whether you are from the pastoralists community or not and benefit.

We have had issues of fishmongers and we have also heard the public outcry concerning fish from China and other places, but that is business. If you understand that fish mongering is also a business for people in micro and small enterprises, you also have to understand the importance of having liberty in that trade. You can export your fish to China and China can as well export its fish to Kenya. We can both do business as long as we ensure that fishmongers also have a market for their fish.

Mr. Deputy Speaker, Sir, we have always believed that cyclists and boda boda riders are people from the western region of Kenya because they are the ones who use bicycles. However, today, with the traffic jams that we have, if my opinion is sought, I would like to
see roads being done in such a manner that you can leave your car somewhere and just cycle to town. I hope that counties can pick up on that matter and make it easier for Kenyans to ease the congestion of traffic jams that we have. That will also make Kenyans healthier because it is a way of exercising. So, as we look at the principle of why we are amending this Bill, the Ministry should also be informed because as much as we do this, if the Ministry does not have that will of ensuring these are traders like any other, we will go nowhere.

When the officers of the Kenya National Chamber of Commerce and Industry (KNCCI) go to meet the President, they should make sure that small entrepreneurs are part of those who will accompany them because they are the ones who do business but not the leaders and the chairmen. Entrepreneurs should go and tell the President how they feel and the challenges they face while carrying out their small businesses. The KNCCI is structured in a way that it appears to cater for only those who have businesses worth billions of shillings. However, who makes Kenya survive? Just the way the middle class makes the economy run, small-scale entrepreneurs are the ones who flourish our industries and the economy in this country.

Going forward, I hope that we will give them a better opportunity to show what is supposed to be done; a better opportunity to go and showcase not just the kiondos but also other things because we have very good entrepreneurs and innovators in this country.

The only problem is that because they are not under the KNCCI, you will find that they will never get anywhere and especially women. Women are the ones who run small-scale businesses. They are the fishmongers and vendors but when it comes to those who can sit and dine with the “who is who” of this country and in engaging in bilateral business talks, they are nowhere to be seen.

That has been the trend even during the regimes of former presidents of this country. I have not seen more women than men engaged in such ventures, yet women are the ones who run this country by engaging in small-scale businesses. When you go to Gikomba Market, you will find women and when it comes to selling njugu, it is women but the men are the beneficiaries of that. We need to see women engage in harvesting sand because it is also a business. We also need to see women engage in the transport sector or the so-called boda boda sector in order to benefit.

Mr. Deputy Speaker, Sir, I want to thank the Senator for Kiambu very much because as a Government, we have ignored the sector of micro and small entrepreneurs for long yet we have Uwezo Fund and the Women Fund. People who benefit from these funds are the same people who conduct businesses of fish mongering, vending and all those small-scale businesses. I want to appeal to my President that after the election of officials of the KNCCI,
the chairman should meet small-scale entrepreneurs and select people who will be part of the team that will talk to the President. Let them have their own spokesperson who will say what they are going through. I know they are having many challenges with the county governments and you will find them being overtaxed. Right now, when you go to Malindi, you will find boda boda operators there are suffering and the same applies to those in Nairobi. I sought a statement here to see how we can help them and ensure that they also do business. We are collecting very much revenue from the small-scale entrepreneurs but we have given them very little benefits in return to what they are doing for our country. 

Mr. Deputy Speaker, Sir, as I finalise, it will also be important to ensure that the necessary infrastructure to support small-scale entrepreneurs is put in place within counties. Counties conduct investment programmes all over, which is good for building their names, but they must know that their important stakeholders regarding what they do are the small-scale entrepreneurs. As they plan, they should be aware of what happens all over the world. 

There is something called Dubai 2020. I would like to see people sitting down and ensuring that the team that will go to Dubai will not just comprise of the “who is who” of this country, but will also include small-scale entrepreneurs. They should be given an opportunity to package their products so that they meet international standards when they go out there. 

Mr. Deputy Speaker, Sir, I want to thank Othaya Coffee Farmers. They have moved a step forward and they are able to market their coffee in Denmark and all over the world. I also want to thank the President for that task team that he put up to ensure that brokers are removed. We want the same to happen regarding sugar and tea industries, so that other farmers can benefit by selling their own products. We should train them on how to package products to meet international standards so that they can be exported anywhere in this world.

Lastly, Britain exited from the European Union. Again, we shall have to go back to the drawing board to see how we shall discuss with them the issue of trade. We should not forget the small-scale entrepreneurs who sell vegetables and other products in Embu and other places because they will also be affected. Therefore, as we amend this law, we must be alive to the fact that we have very many other issues. Therefore, we require the best infrastructure to assist both men and women and ensure that they both benefit from the incentives given to the manufacturers of this country. Mr. Deputy Speaker, Sir, with those few remarks, I support.’

**Date: 14th July 2016**

**Member of Parliament: Sen. Agnes Zani**
Contribution She Made On: The County Governments (Amendment) Bill (Senate Bill No. 21 Of 2015)

‘On a point of order, Madam Temporary Speaker. Is Sen. Obure in order to mislead us that some of these officers do not have power in the development of policies and plans? This is because if we look at the jurisdiction and what has been given in the County Government Act, the sub-county administrator and ward administrator have specific functions that have been given.

The sub-county administrator is responsible for the coordination of various things, including the development of policies and plans. The same is also given for the ward administrator.

Madam Temporary Speaker, I support this Bill by saying that the promise of devolution which is the cascading of resources, as we have said here consistently, has been so important. It is unfortunate that certain administrative functions of devolution are not working to the level that we expected. However, at least, that promise was there.

The second aspect where this Bill comes in is the devolution of systems and operations which is key so that the cascading does not just end. A lot of information on the structuring happened up to the county level. However, at the sub-county and ward levels, all these considerations were not put in place. That is what makes it very important that the key offices of sub-county, ward and village administrators are given the power that they are expected to have. This is because they have a very key role to play. As has been mentioned in that paragraph, they are meant to coordinate the participation of communities and locations in governance at the local level. Madam Temporary Speaker, three years into devolution, there are certain parts of this country that have not heard what devolution is all about, at the lowest village level.

This is why we have had a problem because civic education has not cascaded down as it ought to. Remember, we had a centralized system of Government for so long. So, all the time, people still have expectations from the central Government yet we have county governments that are independent. Some of these services can actually be cascaded at that particular level.

Madam Temporary Speaker, some of the roles that are meant to be played by ward administrators, village administrators and sub-county administrators are very key.

Some of them touch on issues like service delivery, empowering of the community, ensuring that the public service is provided at the lowest level, where possible, and ensuring coordination and public participation. Part of the problems of accountability that we have had at county governments level have to do with public participation and the citizens still cannot actively play their part. If they were empowered to know what questions to ask and how to ask them, that would be very key because they would be able to hold the county...
governments accountable to ensure resources are well utilised. Since we cannot directly get down to a villager, I am sure the sub-county administrator, ward administrator and the village administrator has a very important role to play. So, these administrative functions are very key and they need to be played too. Secondly, the Bill addresses the issue of qualifications, which is also very key.

As Sen. (Prof.) Lonyangapuo was moving this amendment Bill, he mentioned the bit about governors just giving jobs to their cronies, relatives and “this one and that one” and that really undermines the functions. I was listening to an audio tape that was correlating development and the problems with development. One of the issues that came out was the culture of nepotism because jobs are given to people who might not be qualified.

So, the section on qualifications is very key. People should get jobs with the right qualifications so that they do what is expected to be done.

Madam Temporary Speaker, the Bill goes ahead to address how this should be competitively done by the CPSB. That is very critical. It gives the minimum levels of education for the various positions and also qualifications in terms of having knowledge, administration and management. You can never undermine these specific aspects especially for management at the county level.

I think the contention in this Bill is on the clauses that sort of tie the tenure of these officers with those of governors. I have just had a quick check to confirm that.

Those who were employed by the CPSB should be on permanent and pensionable terms. Therefore, we should not have a situation where we have these terms attached to a particular governor. If that is the case, it will undermine the whole issue of transition from one governor to the other and we will be having different people all the time and that will create problems. As we continue with this debate, I hope we will have consensus about this and look at it again as we move to the amendments.

We want to understand what ails this process so that we solve the problem. We have to amend this so that we follow what is provided by the CPSB. We should also ensure that people who are employed are qualified and they can do the job well on a long term basis.

Looking at the role that these particular office bearers should play, including service delivery, provision of infrastructure, reaching out to the community and ensuring participation, this becomes a key amendment to this Bill which will help structures at counties such as wards and villages. That is key for devolution to succeed. Madam Temporary Speaker, thank you.’

Date: 14th July 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: the Micro and Small Enterprises (Amendment) Bill (Senate Bill No. 12 of 2015)

'Madam Temporary Speaker, thank you for giving me this opportunity so that I may also contribute to this Bill. Let me start from the outset by saying that I rise to oppose this Bill. I want to oppose it very strongly on the basis that I feel that the timing of this Bill is ill conceived and very mischievous at this time, particularly when we know that there are a number of distinguished honourable Senators in this House who would like to be governors. Has this Bill been brought so that these Senators may create jobs so that they can also give their people? I know that quite a number of these Senators are going to become governors, but this is not the way to go about it.

Madam Temporary Speaker, I rise to oppose the main object of this Bill and that is Sections 50, 51 and 52 which wants to send some people home, particularly sub-county administrators, ward administrators and village administrators. These are public servants who were appointed on the basis of merit. They have not been appointed on the basis of political gerrymandering. They have been appointed by a competent public service. I want to remind the Mover of this Bill that governors do not, in the County Governments Act or the Constitution, appoint any employee. It is the County Public Service Board that appoints.

Madam Temporary Speaker, I feel that this is ill conceived. Is the Mover trying to tell us, for example, when the President appoints civil servants, when the term of the President ends, will all these civil servants in the national Government go home? We need to create stability in this country. We need to create a system of employment. If there is a problem on how these officers are employed, talk about amendments to the law that can ensure that the manner in which the recruitment and appointment of civil servants is done is fair and equitable.

The law should ensure that the appointment of public servants is streamlined with regard to public participation, diversity of communities, inclusion of all clans or communities, minorities, persons with disability, gender and the marginalized. These are the issues that we would be considering, but not on the basis that these officers are illiterate or have been appointed irregularly. Therefore, after every five years or 10 years when a governor finishes his term, they go home and we create more space.

Madam Temporary Speaker, these are neither Ugandans nor Tanzanians. They are Kenyans. Therefore, I feel that the timing of this Bill is ill conceived, with due respect, to the distinguished senator who I have a lot of respect for. I, therefore, strongly oppose it.’

Date: 19th July 2016

Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: The County Governments (Amendment) Bill (Senate Bill No. 21 of 2015)

‘Mr. Temporary Speaker, Sir, I also rise to disagree with this Bill because I do not support the County Governments (Amendment) Bill (Senate Bill No.21 of 2015) as it seeks to discriminate against the ward structures in the county governments. We are well aware that there are two levels of Government. We have the national Government and county governments. These are all independent. I think it is the people who should set up structures and laws of how they want to administer their counties.

The objective of the Bill is to amend Sections 50, 51 and 52 of the County Governments Act in order to bind the CPSBs to employ sub-county administrators, ward administrators and village administrators after every general election. This will be very expensive in terms of training and, therefore, it will be costly to county governments. In my view, the existing sub-county administrators, ward administrators and village administrators should be given an opportunity to reapply for the jobs so that they are vetted first on a priority basis before other new staff are considered. That will help to cut down on the cost of training by county governments. We know that county governments have had difficulties and challenges in setting up structures and also training their staff. If we have to roll out the staff every five years, then it means that county governments will never settle because it is after five years that a person starts grasping what he or she has been doing. How do you think of changing that person before the expiry of five years? When you remove a person from a position or a job, there must be good reasons why you do so. You should ask yourself whether that person failed to perform their job. If they have failed, then there are other avenues in which we can vet such a member of staff.

I oppose this Bill on that basis but introducing academic qualification is a good idea. That is almost everywhere because what we are looking for is quality performance.

I have no objection to introducing the qualifications because they already exist. What I do not support areClauses 50, 51 and 52 that talk of re-employing administrators at the county level every five years.

I think we should let the county governments run their affairs and if they have any difficulties, then the Senate is there to offer support or help in training some of these administrators. We can also appoint technical staff to improve the oversight at the county level. I do not support.’

Date: 19th July 2016

Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: The County Governments (Amendment) Bill (Senate Bill No. 21 of 2015)

'Mr. Temporary Speaker, Sir, thank you for giving me the opportunity. I want to thank the Mover of the Bill who is my friend. However, on this, we are not friends. I do not support the Bill with reasons. This Bill will bring challenges in terms of continuity of service delivery in the county governments. As my able Senate Deputy Minority Leader said, institutional memory will be lost. For us to protect the institutional memory, we should not tamper with the staff working for county governments, including administrators. I do not agree with the Bill simply because it will bring a lot of challenges and deny the marginalized groups, including people with disabilities, employment opportunities. If the sponsor of the Bill could bring an amendment that will retain employees who are disabled, I may be convinced to support. As it is, I must protect the interests of marginalized groups who are employed as ward and sub-county administrators.

Mr. Temporary Speaker, Sir, I oppose this Bill because instead of pegging the appointment of county government workers to public service, it pegs it on the political environment. This is unhealthy when it comes to service delivery. The route that we want to take will not help devolution to grow, because administration is different from politics. If we send home people every end of the five-year term, it will be like closing service delivery from the people. It will take time for other people to be recruited and understand the running of county governments.

I support the idea of improving the academic qualifications of administrators. However, we should not introduce challenges so as to sort out other challenges. We should amend the section that deals with academic qualifications, but not overhaul the whole administration which is the backbone of devolution right from the grassroots up to the county level.

How will we deal with administrators who are employed and pensionable? We do not need to bring problems into people’s lives simply because we are in power. We must protect the people we are leading. These are our voters and we must protect their interests. I oppose the Bill.’

Date: 20\textsuperscript{th} July 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: The National Hospital Insurance Fund (Amendment) Bill (Senate Bill No.9 of 2015)

'Mr. Deputy Speaker, Sir, I beg to move that The National Hospital Insurance Fund (Amendment) Bill (Senate Bill No.9 of 2015) be now read a Second Time.
This Bill touches on a critical issue of health in our country. It also touches on how Kenyans will pay for health services and the National Hospital Insurance Fund (NHIF). It is an amendment to The National Hospital Insurance Fund Act which is old. There are a few things that have emerged. First of all, we have the devolved governments and the health function is devolved. In the Fourth Schedule of the Constitution, there is a part that assigns duties to the county governments. What interests me is part (c) which talks about promotion of primary health care. It is costly to treat diseases in this country, especially the plague of cancer. Families are sinking all their savings into treatment. I say this because two weeks ago I lost my mother-in-law to liver cancer. It was hard for me. It is hard to get affordable treatment in this country and many Kenyans are suffering. Most Senators will agree with me that a day does not go by without getting an invitation to a *harambee* that deals with medical expenses.

Mr. Deputy Speaker, Sir, this amendment also seeks to look at how contributors to NHIF are treated in this country. We have the standard by the Government and organizations, employees and the voluntary contribution. We know that if you are not a member of the NHIF you really suffer. The way it is structured nowadays, it really helps in tackling medical bills. However, not many Kenyans are aware that they can contribute to the NHIF and the consequences of late contribution. We are staring at a crisis in terms of unemployment in the country. We have millions of young people who are out there with no formal employment. Most probably, they will be in the voluntary contribution of NHIF.

If one has a contract or employees that are covered by NHIF as required by law and delays payment by a day or two, they are charged a punitive penalty that makes them to withdraw their workers from NHIF. A penalty that is five times more is not encouraging the businesses that we are talking about. Most women and young people in the country are in private businesses because the white collar jobs are not easily available; the Government is not able to churn out as many jobs as it should. Most people are in Small and Medium-sized Enterprises (SMEs).

Mr. Deputy Speaker, Sir, we are lucky to host the United Nations Conference on Trade and Development (UNCTAD) 14 in the country. The conference has a dedicated session to deal with the youth and women. There are hundreds of delegates from all over the country that have come to press that even as we look at the achievement of Vision 2030 and Sustainable Development Goals (SDGs), we should have a friendly environment for business for young people and women, because they are the drivers of economies in most of the developing countries.

There is a simple amendment to ensure that the penalties are made affordable. For example, if somebody is working for company ‘X’ and his or her payment is delayed, they do
not have to suffer by paying five times more as an upcoming entrepreneur, so as to continue with their subscription to NHIF. The first amendment is that of Section 18 of the principle Act in sub-section (1) by deleting the words “five times” appearing immediately after the words “a penalty equal to” and inserting therefor the word “twice”. This was achieved through the public participation that we did in the Committee on Labour and Social Welfare. We involved many stakeholders in terms of the reduction of these penalties. It does not make sense that we want to encourage young people and other people to contribute to NHIF, yet by law we make it difficult to sustain the contribution. That is what informed this reduction. We should encourage more people to keep contributing to the National Health Insurance Fund (NHIF) because we know how helpful it is.

The second amendment is critical. It is in line with the mandate of the Senate under Article 96 of the Constitution. Article 96 (1) and (2) states as follows:-

“(1) The Senate represents the counties, and serves to protect the interests of the counties and their governments.

(2) The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties, as provided in Articles 109 to 113.”

That takes me to the Fourth Schedule because generally, health is a devolved function. It is true things are not as perfect as they should. In fact, we are far from achieving globally acceptable levels of healthcare. However, devolution has given hope such that when one visits the Nakuru Provincial General Hospital, they do not have to go all the way to do a Magnetic Resonance Imaging (MRI) test at the Kenyatta National Hospital (KNH). We already have equipment for dialysis and MRI at a more affordable cost than one would pay to transport a patient to Nairobi, host them and feed them. The role of county governments in NHIF is also critical. The constitution of the Board of the NHIF, Section 4, Cap 255 states that the board came into being when county governments were not existing. All the representation here does not touch on county governments. There is one person who was appointed by the President; the Principal Secretary to the Ministry of Health or his representative; the Principal Secretary to the Ministry of National Treasury or his representative; the Principal Secretary of personnel management or his representative; the Director of Medical Services; one nominee of the Federation of Kenya Employers (FKE); a nominee by the Central Organization of Trade Unions (COTU); One nominee of the Kenya National Union of Teachers (KNUT); a nominee by the Kenya National Farmers’ Union (KNFU); two members appointed by one Cabinet Secretary; one from the Association of Kenya Insurers (AKI) and another nominated by the Non-Governmental Organizations (NGOs) making healthcare providers; another from the Kenya Medical Association (KMA);
then NGOs dealing with provision of healthcare services and finally there are healthcare and religious organisations represented.

We do not have any representation of the county governments. This Bill seeks to ensure that since the county governments are very serious stakeholders considering the devolution of health services and the roles as stipulated in Schedule 4(2) that allocates duties to county governments, it is mandatory that they have representation. Therefore, these other amendments that is, Section 4, Cap. 255 are meant to ensure that there is representation to the Board by the Council of Governors (CoG). Therefore, we will have the CoG because it is recognised by law. They will nominate one person to that Board. That way, we will take on board the issues of concern to the county governments.

The Standing Committee on Health in this House has been bombarded by very many issues of health facilities that lack medical personnel, unpaid medical personnel, delayed payments and absence of medicine. In fact, one of the most recurring issues in the County Public Accounts and Investments Committees is the issue of referral hospitals. During the County Allocation of Revenue Bill we had an issue because there was a reduction of the money meant to go to referral hospitals. These referral hospitals serve counties all across the country. Again, the conditional grants for medical facilities are very limited in terms of use. Most counties have complained that they are unable to reallocate money to ensure they keep up with their duty of promoting primary healthcare. That amendment will ensure the CoG is represented in that board. The other issue is that of the Workmen Compensation Act. This is procedural because it was repealed and it is still in the Bill. We are supposed to clean up these laws and align them to devolution and adjust to the new Constitution. That amendment is basically to replace that with the Work Injuries Benefits Act as it should be; Cap 236.

The issue of NHIF and healthcare in this country is still far off from being the best. However, that does not mean that we as the Senate abscond our duty. It is important that county governments feel a part of it.

Article 189 of the Constitution ensures that despite these two levels of government being distinct, they are also very interdependent.

Article 189(2) states:-

“(2) Government at each level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities.”

That is the spirit of the Constitution. When people suffer from NHIF contribution or lack of it, one realizes that these people are in the counties and the national government also serves those counties.
During the Committee Stage or at a later level, we can address the issue of dissemination of information on NHIF. They are not doing enough in terms of enlightening the population on the importance of having the NHIF card. Though NHIF has had very many scandals, and other funny stories, in terms of services they have improved. In some hospitals, one is able to get dialysis for some sessions paid for by NHIF. One is also able to do some more specialized treatments including dentistry. If that can be made known to the population, we will be able to get more people interested in contributing to this Fund per month.

Sometimes Kenyans need a little pushing. Even now when we talk of continuous voter registration, we are still the same people who still wait for the last minute. People do not know the importance of this card until they have a sick person in their families or circles. That is when they realize this card helps. Every weekend I get medical appeals including this coming weekend. These people do not know the existence of NHIF. It would be upon the board to actually disseminate the information through the Ministry of Health. They need to sensitize us and tell members that they should take up NHIF. Those are the simple amendments that this Bill seeks to include in the principal Act. I hope we can enrich it and get the county government representation which should not be negotiable. Penalties should be reduced and more Kenyans should be encouraged to join the Fund, including those from such sectors as the Small and Medium, Enterprises (SMEs), the youth-owned businesses and the jua kali sector. They should know that they can take control even when unemployed and get members to contribute and be part of the scheme. I beg to move and ask Sen. Sijeny to second the Bill.’

Date: 20th July 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: The National Hospital Insurance Fund (Amendment) Bill (Senate Bill No.9 of 2015)

‘Mr. Deputy Speaker, Sir, thank you for the opportunity to contribute to this wonderful and marvelous Bill. First, I congratulate Sen. Wangari who has thought very considerably to prepare this Bill and present it at the Senate. It is a very sensitive and humane Bill. In our country, the poverty level is still very high and medical expenses are extremely on the higher side. We have been trying to champion some facilities which, like for the assisted reproduction, are still very expensive. A full medical session for this, for example, would cost kshs500,000. Most Kenyans cannot afford this.

Mr. Temporary Speaker, Sir, the National Hospital and Insurance Fund (NHIF) came in as a saviour. It has helped so many. Personally, I did not understand the importance of this Fund until recently when my baby sister was admitted because of breast cancer and the Bill was
exorbitant. She was in hospital for about two months and we could not afford to pay. If we are complaining, then how about Wanjiku in Mashinani?

The NHIF came in handy after all the deductions and the payment that they effected on our behalf. We were then able to settle the Bill. I wish to confirm that they have become efficient and you only need to apply and abide by the rules in order to obtain the assistance. Mr. Temporary Speaker, Sir, it is on that note that we wish to encourage many Kenyans to subscribe to this NHIF and to ensure that they remit their subscriptions.

However, they should not be penalised exorbitantly when they fail. These are things that at times when people change their employment; they do not follow up because that is what the employer does. Personal contributors need to be told what to do. These are the things that the chiefs in the villages should disseminate and encourage Kenyans to embrace.

We know that the health sector has been devolved but Kenyans are still suffering. We have the Vision 2030 and Kenya has subscribed to the Social Development Goals (SDGs). Not long ago, we were in New York and we saw a lady from the grassroots who sat at the table when the SDGs were being drafted. This was encouraging because we know that health is one of the issues that affect Kenyans and especially women. Many women have died because of pregnancy related complications. The complications arise because the health facilities may not be within their reach or they cannot afford the private hospitals and do not have the NHIF cover. Once this is done, they are able to protect their health accordingly.

Mr. Temporary Speaker, Sir, when a woman is expectant, the medical emergencies cannot be postponed and therefore one cannot think otherwise. When a patient cannot afford to pay for healthcare, it becomes very painful. We have seen many lives lost and some stay with injuries or complications because they cannot afford to pay for treatment. When a patient is told that he or she has a kidney problem, they worry much about how they will obtain the medical cover. Chemotherapy and such related medication are expensive. I am glad to tell Kenyans that NHIF can support and has supported my relative and many other people that I know. They need not suffer quietly.

The little contribution is all that they need to give and they will be supported. We know that if Kenyans are not healthy, they cannot participate in developing the economy. A healthy nation is a wealthy nation. We need to ensure that Kenyans get the correct medical care so that they can end poverty. With extreme poverty and poor health, there is no success. The social status too, will not improve and therefore the people will not take up these leadership roles. The children will not attend schools because they are unwell. Instead of approaching properly trained medical personnel, people will buy painkillers across the counters to ease the pain. I encourage Kenyans to avoid that and visit hospitals where they will be treated
accordingly. The NHIF is the saviour. Now, with Sen. Wangari’s Bill, there should be no worry about hefty penalties. The burden of the medical care shall be eased accordingly.

Mr. Temporary Speaker, Sir, the inflation rate has hit the country. When we enact such laws, it is because we are sensitive. The inflation will not hit the country always because of our faults but because of unforeseen and unavoidable circumstances like global warming, epidemics and terrorist attacks, among others. These are not necessarily man-made. Corruption could be part of it but we know Kenyans are suffering because of high inflation. Like now, when the maize supply is inadequate, part of it is imported.

Fish is also imported and all these will affect the Kenyans. If the people from Nyanza region cannot support themselves because their daily trade has been affected, they will not afford the expensive medical care.

Complications arise everywhere and we normally hear myths and stories, but the rate at which cancer disease is rising is alarming. We have seen young children suffering from diabetes and Human Immuno-Deficiency Virus (HIV)/Aids related complications affecting many. All these require money to obtain medical care. Therefore, we need to see how to shield ourselves from this difficult problem.

Mr. Temporary Speaker, Sir, when Sen. Wangari proposed that there should be proper representation at the board by the person nominated by the Council of Governors, it is important because the county governments are governing the economy down at the devolved units. They have the latest information and they know how the environment is. They have a way of finding out where everyone lives and their needs. What is important is that the two governments work together and come up with harmonised policies which will ensure that all Kenyans obtain medical attention without discrimination. Mr. Temporary Speaker, Sir, once we take care of the health sector, then there are other things like education that will prosper. All our children will obtain education to the highest level that they can achieve. Even if free education is rolled out but the health of the child is wanting, then it is a waste of time. We shall lose a generation because we cannot provide the services that are required. If at the secondary or the university level, people cannot access or afford the medical care they need because of the exorbitant fee, we as a nation shall not prosper. Mr. Temporary Speaker, Sir, with those few remarks, I beg to Second.’

Date: 20th July 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: The National Hospital Insurance Fund (Amendment) Bill (Senate Bill No.9 of 2015)
Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to also contribute to this Bill. Let me join my colleagues from the outset in congratulating Sen. Wangari for bringing up this very important and fairly straightforward Bill. This Bill aims at entrenching devolution right into the counties. As we know, health services have been devolved to the counties. Therefore, amending Section 4, which I fully support so that we get a member from the Council of Governors (CoG) sitting in the board, is a very acceptable and straightforward matter. However, I feel that time has come when even the NHIF should be fully devolved to the counties.

Since we have already devolved health services, I do not see why we should now have a national umbrella body that manages insurance schemes.

Mr. Temporary Speaker, Sir, we know that right now, there are many insurance schemes in the world which benefit our people, just like the one Sen. M. Kajwang spoke about on micro insurance. These are the kind of schemes that we need, like the ones in the USA. When Sen. (Prof.) Anyang’-Nyong’o was the then Minister for Health Services, I remember he attempted to introduce an insurance scheme yet it was rubbished. He was made to look like the villain. Had he been given the opportunity then, that health service scheme that he intended to introduce would have really benefited our ordinary people right in the counties.

Mr. Temporary Speaker, Sir, I also support the second amendment which intends to reduce the penalties which have been imposed by The National Hospital Insurance Fund Act. There is no need of making defaulters pay such a hefty penalty when this scheme is actually supposed to support the poor. You know that majority of members of this scheme are really in the bracket of what we call “the youth and young people.”

Therefore, I welcome that amendment. Mr. Temporary Speaker, Sir, I can also see that there is another amendment for the recovery of compensation of damages which I also support. However, there is an elephant in this House. The elephant is that we are all the time debating on Bills which when we send to our sister House, the “Lower House” which is the National Assembly are never passed. So, I do not see why we should be wasting our time debating on Bills here in the House and yet we do not agitate through your Office to ensure that, indeed, the National Assembly passes them just as we pass theirs. We are on record in this House saying that when the National Assembly Bills come here, we do not waste our time but debate on them, just as we are honourable Senators, and pass them. Therefore, I feel that it behooves the National Assembly to pass our Bills. Right now, I believe over 39 Bills have gone there.

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

Date: 20th July 2016
Member of Parliament: Sen. Martha Wangari

Contribution She Made On: The National Hospital Insurance Fund (Amendment) Bill (Senate Bill No.9 of 2015)

'Mr. Temporary Speaker, Sir, I thank my colleagues, from the Seconder to the other Senators, who have contributed to this Bill. To Sen. M. Kajwang, there is no magic in getting your Bill signed. In fact, the Bill that I sponsored and was signed; the County Governments (Amendment) Act, was authored when the late Sen. Gerald Kajwang was in office. So, it tells you how far it goes. It has been two or three agonizing years to actually trace it from where it was. So, I share the frustration in terms of expediting our Bills which has also been cited by Sen. Ong’era. We hope that the same attention and seriousness that we give the National Assembly Bills will be given to ours so that at the end of the day, we can show our work to the electorate, who expect us to yield fruits by coming to this House.

Let me touch on a few issues that have been alluded to by Senators. One is on the issue of cash transfers. I sit in the Committee on Labour and Social Welfare as the Vice Chairperson and this is one of the issues that we have a problem with in terms of tracking and oversight of these monies. We took it upon ourselves as a Committee to use public participation as required in Article 10 of the Constitution to go to counties to find out what the issues are.

We went to Kiambu and Nakuru counties. One issue that was constant was the fact that the elderly, even with the Kshs2,000 that they get, end up spending it on medical care. In fact, it is not enough. The object of the cash transfer was to afford the vulnerable people a meal. It is meant to go to food but it ends up on medical expenses.

This tells you where the gap of the National Health Insurance Fund (NHIF) comes in. If you have an NHIF card, then you can access outpatient services, most of which are needed by the elderly. There has been a very radical proposal that we were dealing with the Government taking up the contribution of NHIF of the over 65 year olds, in terms of their social responsibility as the Government. It definitely has quite a huge cash burden. However, we talk of billions of shillings that are lost – Kshs400 billion that is not accounted for in the country. So, we should explore this matter.

Mr. Temporary Speaker, Sir, Sen. Kajwang talked about the issue of employers. Allow me to defend employers in this case. I am looking at a young person or group of young people who have employed a few others and are making, say, bricks or providing cleaning services to the Kenya Airways and their payment is delayed maybe by a day.

Those who have Government tenders know that it happens a lot. Being a small organisation, even if your pay is delayed for a day, you should pay five times. What are we doing to these young organisations?
I know, Sen. Kajwang, as a Member of the Young Parliamentarians Association, you will agree with me that most Kenyans and young people are employed in the white collar jobs and they are looking at chances to start these businesses and keep them afloat.

So, I would really push and hope that we can see the sense of reduction in that sense. This is because the contribution is supposed to be done on the first day of the month according to the Act. How many, even in your businesses, can pay salaries on the first day? If you are late by two days, you pay five times.

For me, that is the argument that, we must protect the small and medium enterprises, the youth owned businesses and Persons With Disabilities (PWDs) whom we have given a chance to do business with the Government and other organisations.

However, the payments are still not as good. In fact, they say that you will be paid within 30 days. So, if you delay by a day, you pay five times. This is too punitive for these young businesses. We cannot put them in the same category as the international businesses. That is why I still insist that, yes, we need a fine for deliberate noncontribution but we also need to encourage and give these incentives that you are talking about to these upcoming enterprises.

The other issue is one which Sen. Kajwang has alluded to. In fact, when I put it on Facebook that I was to move this Bill today – new media is the way to go at this time – I got very interesting responses. The responses were in terms of how to deal with NHIF in the social aspect to give this cover but also have a minimum for commercial interest. It is quite interesting but we must look into it and see how to make it profitable in a way, hoping that we can deal with it. The problem with NHIF is that it has been riddled with scandals and so it becomes very hard. That also brings into question the issue of appointment of the Board and how professionally they will run it. If the scheme is properly and professionally run, it should do business ---

Thank you Mr. Temporary Speaker, Sir. That is also an issue that we should explore. I agree with Sen. (Prof.) Lonyangapuo and Sen. Kajwang on the composition of this Board. I agree that in the Third Reading, we should look into whether we need farmers associations, the Kenya National Union of Teacher (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) represented here. In terms of making it efficient, we can look at it during the Committee Stage.

The other issue is one that is quite critical. It is not addressed in this amendment. When it comes to the issue of choices of hospitals, you realise that most outpatient services are not offered in big hospitals. You cannot access Nairobi Hospital or Kenyatta National Hospital. I think we can also look at that in the Committee Stage. I remember that it was raised during public participation that we need to look into how these hospitals are settled on. This is
because if you pay your premium, you should have an array of choices. They limit these hospitals to some very small enterprises and lock out the Karen, Nairobi and Kenyatta National hospitals. It then becomes very hard to attract contributors to NHIF. If you have that card and you have paid your premiums, then you should be accorded services in any hospitals of your choice.

With those remarks, I beg to move and thank all the Senators who have contributed. Pursuant to Standing Order 54(3), I request that you defer the putting of the question to another day.’

Date: 20th July 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: The County Governments (Amendment) Bill (Senate Bill No.4 of 2016)

‘Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity to contribute to this Bill. I rise to support this Bill. It is within the mandate of our role as the Senate, of representation and law making, on issues that concern the county under Article 96 of the Constitution. I also support it because I have a lot of respect for the Mover of this Bill, the distinguished Senator for Kirinyaga County, Sen. Karaba.

The Senator has exercised due diligence on this Bill. He has ensured that there is proper participation and that the people are moving with him as they make the request of changing the headquarters of Kirinyaga County from Kerugoya Urban to Kutus Urban Area. I recall that Members of the National Assembly had attempted to make a different order. I stand to be corrected. This matter went to court. Since we do not have any injunction restraining the Senate from participating in this matter, I do not see any reason why we should not support this Bill.

As we look at this Bill and the approval of the amendment, I hope that due diligence has been done, there has been proper publication and that this is the wish of the people. I also reiterate what Sen. M. Kajwang said and hope this has not been done on political gerrymandering, so that it benefits a few. I hope that it is a people driven movement which has the support of the county government.

Finally, I urge our distinguished Senator to ensure that as he makes these amendments, he can also look at other amendments in the County Government Act, so that we have clear criteria as to how to move a Bill, to ensure there is a headquarters so that it is never at any time in contention and Section 6 complies exactly with the Third Schedule. I beg to support.’

Date: 21st July 2016

Member of Parliament: Sen. Martha Wangari
Contribution She Made On: The Constitution of Kenya (Amendment) Bill (Senate Bill No. 16 of 2015)

‘Thank you, Mr. Deputy Speaker, Sir. I congratulate the Mover of the Bill, Sen. Sijeny. This Bill talks to the Constitution that Kenyans voted for overwhelmingly in 2010. Under Article 81 of the Constitution on the general principles of the electoral system, there is a clear provision, under (b), on how the electoral system should be. It says:-

“The electoral system shall comply with the following principles- (b) not more than two-thirds of the members of elective public bodies shall be of the same gender.”

The issue of the gender parity and equality in this country in terms of leadership has come a long way. We have graduated from a moment when Parliament had only one, three or ten women. Today, we boast of improved numbers. In fact, in the National Assembly we have 68 women Members, inclusive of the 47 in the affirmative seats. In the Senate, we have 18 women out of the 67 Members. This also extends to the county assemblies. We are not lucky to have elected many women Members of the County Assemblies (MCAs). The current women membership in the county assemblies is about 4 per cent. Most of them were ‘gender top-ups,’ as stipulated in Article 177 of the Constitution.

This has both the good and the bad, even was we boast of these numbers. In the 10th Parliament, out of the 210 constituencies, there were 18 women Members. That was a better percentage compared to today, when we have 290 constituencies, yet we only speak of 16 elected women. Therefore we are moving two steps forward and two steps backwards; the gains are not absolute. We have had challenges as demonstrated in the election of governors. No woman was elected to be governor. Similarly, no woman was elected Senator. I say this with a lot of pain. When the President of the United States of America (USA) was visiting this country, he said that the non-inclusion of women in any body, whether public or private, is like having a football team and half of it are not participating in the game. If you look at the demographics, the women are slightly above 50 percent of the global population.

However, these numbers have not translated in terms of political offices or political party offices where this political process starts. We are also lagging behind in the professional world.

Looking at the Gallery, I know that young boys and girls have visited this Senate. It is very sad when they hear that no single woman qualified to be a governor, out of the over 50 per cent of us in population. The process of election in this country has been very tough for women. The terrain has been very tricky. I always give an illustration when I talk of gender parity; that if we are watching a match at the Moi International Sports Center, Kasarani, and Sen. Kajwang is six feet tall and I am five feet tall, if there exists one crate for
someone to step on, I should get that crate to step on to get to Sen. Kajwang’s height. That is the essence of equity. We need to pull those that are disadvantaged.

The Constitution (2010) has been very generous. It was achieved through a negotiated process and very abrasive women, the likes of Phoebe Asiyo and Beth Mugo, who were in the first Kenya Women Parliamentarians Association (KEWOPA), when they were very few. In fact, most of us are sitting in these positions of affirmative action courtesy of other women. It is, therefore, our duty and responsibility as women of this country and as women sitting in Parliament, to ensure that we entrench this in law and come up with this framework as is required of us. If we do not do so, we will be absconding our duty.

This has also been reiterated by the President of Kenya when he came before the National Assembly. Even in the Jubilee manifesto women participation in every level has been emphasized. In the different parties they are given some kind of affirmative action in terms of payment of nomination fees. In my own party, United Democratic Front (UDF), we were charging women aspirants 50 percent so that we could get more.

It has been a long process and we are not there yet. Eighteen out of 68 is about 26 per cent. We still have not achieved the requirement of Article 81 in terms of ‘not more than two-thirds should be of the same gender.’ We still have a long way to go. Of course, we are doing much better than other democracies, including much bigger and older democracies like the US who have been there for about 200 years. They still look at us as a role model in terms of women participation and affirmative action.

This Bill, therefore, aims at making this a reality. Of course, it does not replace the fact that we need to have more women elected. That tells us, as people sitting on affirmative seats, that we have no option but to go out there and fight for these positions.

Until we have a level playing ground, we will still need to consider affirmative action or the ‘nominated seats’ as it is, to achieve this parity. This Bill does not intend to give it as a token. In fact, it envisages that all of us will go for election. Many of us even in this House have made a deliberate effort to identify a constituency and run. We must do that and encourage the over 600 Members of County Assemblies who were nominated as ‘gender top-up’ to seek election into office. However, if that still does not happen, we must look at the modalities of achieving Article 81(2). How do we give a framework of achieving that?

There have been several proposals. This Bill has been a culmination of many processes that we have engaged in our different capacities, especially as KEWOPA. We are the first beneficiaries of affirmative action under this Constitution. We had different views and finally came to an agreement that we tabled today. It has been well presented here by Sen. Sijeny. We agreed to import the provision of Article 177 of the Constitution, which is very clear on the constitution of county assemblies. It says:— “A county assembly consists of a) members
elected by registered voters of the wards, each ward constituting a single-member constituency on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every fifth year; and,
b) the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender.” It was an oversight to provide this for the MCAs and leave it out for the National Assembly and the Senate. That is why we are experiencing the current problem. We are still talking of 26 per cent here and 20 per cent in the National Assembly, because this was not provided for. Therefore, it is meant to actualize Article 81(2) by importing what is in Article 177. I have been very vocal on the issue of the MCAs because at the end of the day, we have had very harsh judgement of the women leadership in this country. We have had ourselves being referred to as flower girls; we have been seen to be bonga points at the county assemblies - that is what they are called. The segregation of members elected as under Article 177(1) (a) and (b) is very clear. That is why I proposed an amendment to have the MCAs sworn on the very same day. The current MCAs, came on board as ‘gender top-ups,’ four months after election. It means that they did not participate in very crucial decisions of the county assemblies. They missed out in the election of the Speaker. They could not vie to be Deputy Speaker or participate in very critical committees. We have scrutinized committees that deal with finance issues in the county assemblies and know that very few women are members of the budget or public accounts committees. Most are nominated to the labour, social welfare, social development and cultural development committees. That is a very bad culture.

This Bill will help to deal with the fact that it is not just numbers that we are looking for. We want to give them a proper portfolio and a good starting point. When one comes in four months after everyone has settled, you have a disadvantage already. You are not able to perform at your best. This Bill is very critical and in the centre of this Constitution. We have had a threat of dissolution of Parliament if it is not enacted. It is our responsibility to look at it and see how best to address it.

There is one thing that I would look forward to amend at the Committee Stage. If one is sitting on an affirmative action seat, whether as a Women Representative, a Senator or a Member of the National Assembly, they should not serve for three terms. If one serves in an affirmative seat for one term, you have already been given a push to vie for a position. Give that position to another woman and let them also have a chance to have a profile and build momentum to run for a seat. These are some of the things that were made as a compromise and this Bill envisages two terms. I think that two terms is too much. I hope that we will relook at that. If one serves in an affirmative seat for one term, they should then run for office.
The other good thing is the exit clause. This will not be permanent. I hope in 20 years when we review, we will do affirmative action for men or maybe we will be at 50-50 and hence, not need any affirmative action. Therefore, this exit clause helps a lot, so that it is not seen to be permanent. Women should not just relax and do nothing towards acquiring these positions. We must go out there and encourage everyone who serves on an affirmative action seat to get out so that we can grow the numbers. With those many remarks, I beg to support. I hope that Members will see the need, duty and the constitutional requirement of enacting this Bill into law.’

Date: 21st July 2016
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: The Constitution of Kenya (Amendment) Bill (Senate Bill No. 16 of 2015)

‘Thank you Mr. Deputy Speaker, Sir. I congratulate Sen. Sijeny for bringing this Bill to the Senate. I just want to reiterate what Sen. M. Kajwang said; counting the achievements that we have had in the world today. The current Kenya Ports Authority Managing Director is a woman. We also have the British Prime Minister, the German Prime Minister among others. These are some of the achievements that we have managed to conquer as women. These women managed to attain these positions through their struggles. In Kenya, we have to amend the Constitution for women to get these positions. Women do not need to get these positions as tokens; we are asking for your support. We understand that this is a man’s field and we come from a society that is patriarchal. Women are considered to belong in the kitchen, nursing and teaching careers. When a woman vies for a political position, she is considered a rude woman. She is described by words that I cannot use in this House.

Mr. Deputy Speaker, Sir, we are not asking for tokens. We are not asking to be nominated or given ‘free seats’. We would like to vie with you people, the men in this Parliament, but we would like you to support us and not to fight us. We do not want to hear stories of women vying and they are stripped of their panties, which are hanged---

Much obliged, Mr. Deputy Speaker, Sir.

As women leaders in this society, we are not asking for tokens. We are asking for the support of men and male leaders. I wish the society could be prompted to change the thinking that a woman cannot be a leader. For example, in any group a woman will many a times be given the position of an organising secretary or treasurer. They will never be chairperson, not because they not capable of handling the position, but because it is perceived that the chairperson’s position has to be taken by a man.
Mr. Deputy Speaker, Sir, I urge political parties to find a way of supporting women so that when issuing nomination certificates, women pay half the nomination fees, like what some parties did during the last general election. Women should also be supported in terms of campaign materials and security. Lack of such things is what makes most women shy away from vying for positions. It is not because they are afraid or they are incapable, but because of they have seen other women go through before. There is no tool more important in development than the empowerment of women. When you empower one woman, you have empowered a whole society. When you support one woman, you have supported a generation. Mr. Deputy Speaker, Sir, I beg to support.’

Date: 21st July 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Constitution of Kenya (Amendment) Bill (Senate Bill No. 16 of 2015)
‘Thank you, Mr. Temporary Speaker, Sir. I also want to thank Sen. Sijeny for bringing the amendment to the Constitution regarding a critical issue to our country. Article 261 (5) may be used against Parliament if we are unable to ensure that the two-thirds gender matter is determined.
I also want to thank Sen. Mutula Kilonzo Jnr., Sen. Hassan and the Senate Minority Leader for their stand when this Bill was in the ‘lower House’. They stood firm and declared that it is time that we finish with the agenda.’

Date: 21st July 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: The Constitution of Kenya (Amendment) Bill (Senate Bill No. 16 of 2015)
‘On a point of order, Mr. Temporary Speaker, Sir. I have been listening to Sen. (Dr.) Khalwale talking and I am wondering whether he is in order to mislead us about the interpretation of Clause 1(a) which states that a person elected under Clause 1 for a seat in Parliament or a county assembly shall be eligible for re-election under Clause 1 for two terms only. That means that if they had been there and they want to be re-nominated for the third term, they will not. This Clause does not suggest that they must be nominated for two consecutive terms. That is a misunderstanding that creates a lot of unnecessary interpretation and debate, specifically for this Clause because at the end of the day, we are saying that this person should not be elected more than two terms. It does not mean that if you have been here for one term, you must again be nominated for a second term.’
Date: 26th July 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: The Constitution of Kenya (Amendment) Bill (Senate Bill No. 16 of 2015)

‘On a point of order, Madam Temporary Speaker. Let me start by commending Kenyans who reacted very quickly. Therefore, is Sen. Wetangula in order to dilute the whole statement that Kenyans have made clearly? People are listening to him. He is our leader. What he says is critical, but could he correct that assertion about Kofi Olomide because battering is battering. There is nothing like extending a leg or anything to anybody. There is nothing that will be extended with force and we call it extension. If you hit somebody, you have hit him or her. People are hit in private. This one had the audacity to do it in public. It will not happen again. We do not want that sort of thing.

Madam Temporary Speaker, when Kenyans spoke as we promulgated the Constitution in 2010, it was very clear that not more than two-thirds of the same gender should hold a particular position. Sometimes we refer to it as the two thirds rule and sometimes as one-third gender rule because gender is a social construct. It is not men or women, it is not sex. Gender is a social construct, but because that social construct in a patriarchal society like Kenya has tended towards discrimination for women, when we talk about the one third, we are talking about the affirmation for this one third to be able to come up.

Kenyans made that decision. When we started this debate, Sen. (Dr.) Khalwale raised a point of order to question the whole idea of the Bill being properly before the House. In my understanding, that provision and principle is already in place. What is not in place and what we are trying to do now is to come up with a legislative framework for us to achieve that. It is interesting because without that sort anchoring, it becomes difficult for women to move to leadership positions. We hear it from men and every time that they support women, they have daughters and that they have mothers who are women. If that was the truth of the matter, we would not be in the situation we are in. We would not be in a situation where when that Bill went to the National Assembly twice; it was rejected with the second rejection being worse than the first rejection. Those are the same men who had spoken in that same language. That is why we find ourselves in a situation where we want to anchor this in a better way. I am happy it has come in the “upper” House because I find here Senators men and women of repute who will look at this Bill with a very conscience lens and try to achieve what it is that Kenyans have asked for.

Madam Temporary Speaker, it is not difficult to do this. If you look at countries like Rwanda, they have attained 64 per cent gender representation with 64 per cent being women. For example, Finland, we have 80 women in a parliament of about 200 members.
The interesting thing about Finland is that most of these have been elected. We obviously pick that discourse or argument from that setup into this setup and say; why can they not be elected? We would love to be elected, but we must look at our historical, social and cultural limitations that have been the key to putting us in the situation we are in. So, when we are talking about affirmative action, we are not talking about it because we love it or we want it to last forever, but we are talking about it because it is the one that will catapult us to a point where one would became a reference point where the girls who are interested in joining politics can watch and get interested and come on board.

Madam Temporary Speaker, Sen. Wetangula, as he made his contributions, talked about the difficulties that women face. This is how we are. We know of many parliamentary seats that could easily have been won by women and they may have won those seats, but they were not able to be declared the winners. We know of women who have died and somehow the level of violence that is meted on women is most cruel and violent, including getting into the point of hurting children in the name of power. So, when you find women in a situation that they are in, where they are a little bit cautious, there is reason for it. Therefore, every time we have this argument, we must be able to contextualize it in that particular realm so that we understand what it is we are talking about and we do not become skeptical and say women can go. Women can go to fight for these positions, but we need to look at their talents clearly. Madam Temporary Speaker, this amendment Bill is very important because it aims at entrenching that. If we look at the numbers in the National Assembly and the numbers in the Senate, the argument that Sen. Wetangula has put is true. If we have more women elected into these seats, we would have less need to have the women nominated into these seats. Right now, in the National Assembly, 16 women in the constituency were able to get those seats and we hope we will get many more in the future. We have the 47 women county Members of Parliament and we have the five nominated women giving a total of 68 women in the National Assembly. In the Senate, we have a membership of 67: we have 49 men and 18 women, respectively.

The shortfall in the Senate is much lower than in the National Assembly. The shortfall in the Senate is about five women. If we have, for example, two nominated Senators – and Sen. Ongoro, you are going for the Senator’s seat and I know a few others who want to be elected to be members of the National Assembly. We pray and hope for the best for you to get those elections so that we have women sitting here so that we do not have somebody saying like one of the Senators commented that you are escorting delegations and that we cannot vote for our delegations.

This is because we vote as a delegation but in consultation with the head of delegation. It would be a fresh breathe of air to have those positions filled by women. It is possible and
can happen. The numbers will vary. In the National Assembly, to attain almost 150 Members, we need about 70 more added, if things remain the way they are but going into the election we expect that change.

The foundation of this Bill is that it tries to address the issue of having a constitutional assembly, both at the National Assembly and the Senate, by having not more than two-thirds of the same gender within those particular bodies. Article 177 of the Constitution saved a situation for the county assemblies. It gave an important provision that at the end of the day, the number of special seats necessary to ensure that not more than two-thirds of the membership of the assembly is of the same gender was entrenched within the Constitution. Immediately after the elections, it was possible for county assemblies to seat, look at the numbers and calculate how many more are needed and embrace them. This did not happen for the National Assembly and the Senate. Article 97 of the Constitution deals with the composition of the National Assembly and Article 98 deals with the composition of the Senate. This Bill, therefore, tries to entrench the same principle within the National Assembly and the Senate.

Clause 3 (2) is an additional clause. We realised that if we leave this within the Constitution as it is, it will be a problem for it to be enacted. Therefore, we are making a provision in this Bill to take legislative policy and other measures, including setting standards to achieve the realization of this particular clause. Without a clear affirmative action to address that specific clause, it becomes difficult for us to do that.

Madam Temporary Speaker, allow me to go to the contentious clause. A lot of contributions that we are getting across this clause are to do with the misreading of the clause. Clause 1 tries to solve a problem of having nominations of one particular Member exceeding two specific terms. It is already addressing the problem of having a Member being nominated for the third and fourth time. When we talk of women Senators and leaders wanting to be nominated 15 times, it is a misrepresentation of the clause. This clause tries to cure a good. It states that a person should only be nominated for two terms.

The eligibility refers to qualification; it does not state that a person must be there. We know that in any nomination procedure, some might be nominated once or twice. It is a political party decision to be made. Therefore, we are misinterpreting this clause given what I have heard from the debate since Thursday. I stood on a point of information and informed Sen. (Dr.) Khalwale. He told me that if I were his lecturer, I would have misled him. There is no misleading because this clause is very clear. We are talking about eligibility which does not infer “a must.”

I will go along the lines of Sen. Wetangula, that if this clause is creating confusion, we can discuss about how best we can address it. I do not think that the spirit of this particular Bill
was for the women leaders, especially those in this House or the National Assembly, to entrench themselves. That is not the interpretation that we had expected to come on board. Article 97 of the Constitution addresses the issue of the National Assembly and the number of special seats. Article 98 focuses on the specific provisions for the Senate, which are critical and have been put out in the Bill. It is important to have the sunset clause because 20 years is a long time. We expect that after 20 years, we would have attained more than the two-thirds or the one-third, but there is also the possibility that it will not have happened. We do not want to reach a point where we have closed all avenues. In the previous Bill, we did not have this review in place. This Bill puts that review in place, which helps us to move ahead.

If you look at the issue of nomination from a positive perspective, yes, we are nurturing women. However, some unpalatable statements have been made in this House about how people get their nominations. I am so disappointed because some of these statements come from women. Initially, when we were at political meetings, some women would stand and speak the loudest about such things. When it comes to some positions, not everybody can get them. No matter how many nominations we give, some people will not get those nominations. As women, we must stand and support each other. The worst thing is for any woman to stand and talk about how another woman got a nomination, by doing God-knows-what. In fact, people should ask her because she might now that system better than anybody else.

When it comes from men, I will ask two questions: Do you not think that there is any woman qualified enough to be nominated? When it is a man who has been nominated, what did he do to be nominated? Nominations are there to help make specific contributions. Women are coming up with these positions both in the National Assembly and the Senate. Sen. Wetangula has just talked about the role of women in the Senate and the amount of work that we put in. The fact is that if you look at the composition now, we are at 90 per cent. These are the things that we need to press on. As we look at the Committee work, what sort of contribution are women bringing into those committees?’

Date: 26th July 2016

Member of Parliament: Sen. Catherine Mukite

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

‘Madam Temporary Speaker, may I commend the Mover of this Bill on the amendment of the two-thirds gender principle. She is putting a lot of effort to move this Bill.
I support this Bill because it is about the Constitution which was voted overwhelmingly by the people of Kenya. When Kenyans voted for Articles 97 and 98 on the composition of the Senate and the National Assembly, they knew they were voting about the numbers which would affect the wage bill.

Madam Temporary Speaker, in my view, we have seen many women making effort and in 2017, there will be many women vying. We may be talking about a lesser number of women being nominated because I am hoping there will be more women who will come through the elective position.

This Bill proposes that political parties should embrace women and work closely with them. It is through the political parties that we will enable women to get to elective positions. Therefore, we need our party leaders to be positive because they are the ones who will give the nominations. If they do not, then I do not see us going far in actualizing the affirmative action of the Bill.

Madam Temporary Speaker, I am a Member of the International Parliamentary Union in Geneva where we meet twice a year. We have 168 countries who have subscribed to the Union. One of the sustainable development goals number five is about gender parity. We normally give progress of what each member state is doing to actualise the position. Rwanda is the leading country because it has more women in elective and state positions. However, Kenya is not doing well with only 20 per cent. Therefore, I urge the House to support the Bill so that as a country, we move forward.

We know that countries like the United States of America (USA) and the United Kingdom (UK) have a presidential woman candidate and a Prime Minister, respectively. Mrs. Hillary Clinton was given a nomination by the democrats meaning they have a lot of faith in their women. I request our party principals to embrace women because they have the ability if given a chance. As my party leader said, men work with hooliganism but we do not want to look at that when we get to the General Elections in 2017. We want to change the way we do politics. We want to reach a level of selling one’s ideals. We do not want to sell muscles and how one is strong or how to bulldoze women to scare them from vying for elective positions.

Madam Temporary Speaker, affirmative action is important going forward. I do not think that there is any development without the involvement of women. Women have been marginalized for a long time. I am glad that with our Constitution, women can now come on board. We should encourage nomination of more women so that they can serve in elective positions. If we do that, we shall save many families out there. If a woman is elected, she will make sure that she serves her constituents but you will find that most of our men -
outside there - marry many women. The more money one has, the more wives they marry but a woman is dedicated to serve her family and the constituents without too much ado.

Otherwise, I commend Sen. Sijeny for her good work. I hope that we will support this Bill. If there are disagreements, we should sit and solve them out.

Madam Temporary Speaker, as regards a clause which I think is contentious a little - where it provides that the Bill is intended to advocate for a second nomination – in my view, the Bill provides that the nomination is after a candidate has vied. Then, the nominated candidate shall be the best loser in the election instead of awarding girlfriends as you have branded us. The male Members have said that we are girlfriends but we are not. In fact, they can be willing boyfriends also.

Madam Temporary Speaker, the clause about having a chance for a second nomination is to curb the nomination being given four or five times. If for the second time, I stood for an elective post and garnered 30,000 votes, I have added the votes to my presidential candidate. Therefore, he or she should recognise the effort that I have made. We also spend money when campaigning because it is not a free undertaking.

We know that campaigns in Kenya are expensive. So, on that basis, women should be given a second opportunity for our nomination if we can prove that we did a good job.

However, if we do not, then we miss the nomination and another is granted the opportunity where she will continue building capacity.

Madam Temporary Speaker, the gender parity is not about women. It is a signal that I am giving to the men. In the next 10 years, men will be crying to us wanting to have the affirmative action. That time, we shall be smart enough and we will know how to deal with them. Thank you.'

**Date: 26th July 2016**

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

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

'Madam Temporary Speaker, I thank you for this opportunity. I wish to thank all the Senators who have contributed to this Bill. I do not take it for granted. I know that they have taken their time. Some researched well, listened and came up with very good ideas.

First and foremost, I wish to respond and say that before this Bill was tabled, or sponsored at the Senate, there was very wide consultation. We consulted widely and I wish to record that it is the Attorney-General who was the convener of the meeting where all stakeholders who deal with women issues came, discussed and researched widely. We know the tremendous efforts by the National Gender and Equality Commission (NGEC), especially the
Chairperson, Madam Winfred Lichuma, who has given all her time and put her best foot forward to ensure that this Bill comes to reality.

Madam Temporary Speaker, I wish to inform my colleagues that many formulas were discussed and debated. This was the best option out of all the ones that were suggested by the various Non-Governmental Organizations (NGOs), the Law Society of Kenya (LSK) and many others. It was exposed to a lot of public participation. Therefore, what is in the Bill is well thought out. This affirmative action is not only a Kenyan initiative. It is a global initiative because many countries internationally and within the region have embraced this affirmative action. Zimbabwe, for instance, started implementing affirmative action in the year 2013 after their elections and they have complied. What we are bringing here is something similar.

I was sent to Rwanda on Thursday to represent the Senate in the Commonwealth Parliamentary Association Conference which dealt with Commonwealth women parliamentary issues. What came out is that what we have put in this Bill is what all the Commonwealth countries are urging their member states to ensure that they have constitutional, legislative and political ways of ensuring and encouraging women participation.

Madam Temporary Speaker, by coming up with this Bill, it should not be seen that it is us who have been nominated that are looking for a second chance of nomination. It is our role as the women of Kenya and the world to ensure that we improve and increase women participation. That is why we are enshrined in the Constitution.

I also wish it came out clearly that there are several pending Bills; some at the National Assembly, but one has already come, passed and is already law that as women and other stakeholders, we propose amendments to the Political Parties Act and other electoral laws. In those Bills, we indicated and gave proposals that for a person to be elected and not nominated as in the previous Constitution, all the people who are to be elected through the affirmative action, must pass through the electoral process as is stated in the Constitution.

By saying that, it does not mean that we are looking for shortcuts to come back. Our colleagues should also give proposals on what criteria they would like to be used.

Madam Temporary Speaker, for example, it is common knowledge that I am contesting for the Langata Constituency parliamentary seat. If I win, so be it. I will not come back to the Senate. I will definitely cross over to the "lower" House, the National Assembly. However, if I do not win, but end up as the best loser, that means, I attain the highest number of votes out of the losing candidate, there is nothing wrong with my political party considering my efforts. By the time I contest and lose with high votes, as Sen. Mukite has said, I will have promoted the political party and increased its membership. Therefore, if the party is satisfied.
that you are the best person, and they recognize your efforts and competence, then it is up to the political party to decide if you meet the criteria.

This is a time when women are being recognized internationally. Kenya should not be the only country that is lagging behind. Even people who are less democratic are being given a chance by political parties in their countries. We will ask the relevant political party leaders to give us the political will and support and not only lip service. They should ensure that the affirmative action is real. I can see that the Senate Majority Leader is pleading and harassing me to check on time. I wonder what other Bills he wants to move.

Madam Temporary Speaker, the Senate Majority Leader was not here on Thursday when my colleagues were devouring and being unkind to me. I have the HANSARD here to prove it. However, two wrongs do not make a right. As a woman and leader, I must show that we can rise above pettiness and focus on the main issues. I also wish Sen. Wetangula was here. We, as Kenya Women Parliamentarians Association (KEWOPA) and Kenya Women Senators Association (KEWOSA), have mentored so many women so far. You all know that we do not have a financial kitty that supports our activities. We, as Senators, use our minimal resources to reach out to other women, both professional and non-professional. We have mentored many young professionals even in the villages. We go everywhere because our mandate is not restricted to counties even though we are registered voters in certain counties. If we are called upon by the women in Turkana, Coast or Tharaka Nithi, we will go. According to the Constitution, women know that we are here because of them. They are our constituents. We have to advocate for their rights.

On a light note, some people have said that women or party leaders are championing to bring their wives, girlfriends, daughters and so on. Those wives are also Kenyans. The best example is the First Lady. She has done a tremendous job not only in Kenya but in the world. We have seen her efforts to improve women’s rights, maternal healthcare and HIV/AIDS. If the President through his political party; The National Alliance (TNA), was to consider nominating her for whichever position, as women of this country, we would support him. The governors’ wives also have the association of county first ladies. They are also going round doing the right things. Therefore, being a wife or spouse is not necessarily wrong. There are many other criteria. Your work should be assessed and our colleagues should judge us for what we are; as their equals and not otherwise.

I will sit in the Committee on Legal Affairs and Human Rights and see what can be done. If the Bill cannot be amended, then I will consult our colleagues because the eligibility part is a bit contentious so far. It has never been contentious even when I appeared before the
Committee on Legal Affairs and Human Rights. With other stakeholders, I appeared before the Committee on Legal Affairs and Human Rights in pre-publication and even after publication. We discussed. The issue of eligibility was a contribution from the Committee, that there has to be a limit so that the same women cannot be nominated forever.

After discussions with the stakeholders and women, we agreed that it is not possible in all cases that a women being nominated after five years is ready to roll on to the strenuous campaigns. We come from different backgrounds. Some of them are just concentrating on getting their degrees so that next time, they can contest for the seats that they want; gubernatorial and so on. It is not mandatory that after one session, you must nominate them again. It was just stating the qualifications or eligibility. For instance, if you sit for an exam, the examiner can say that it is only graduates who can sit for the exam. Going there as a graduate does not mean that you have passed the exam. You must read and do it. You must be examined.

So, regarding the word “eligibility”, I will look for time so that I can persuade the Senate Minority Leader, Sen. (Dr.) Khalwale and other Senators. Sen. (Dr.) Khalwale was so unkind to us, not polite at all. Being a good debater does not mean that you must insult or belittle your colleagues. We can argue and debate with decorum because this is truly the “Upper House.” Madam Temporary Speaker, with those few remarks, I beg to move.

Madam Temporary Speaker, pursuant to Standing Order No.54(3), I beg to move that you defer putting of the question to a later date.

Date: 26th July 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Kenya Medical Supplies Authority (Amendment) Bill (Senate Bill No.4 of 2014)

Madam Temporary Speaker, I thank you for giving me this opportunity to contribute to this Bill. From the outset, I support this Bill. This is an amendment Bill that seeks to align it with the Constitution. It is very clear in the Fourth Schedule. The distribution of functions between the national and county governments has been clearly stipulated. I refer to county government’s specificity in terms of what they are meant to do. They have a function as far as county health services are concerned, specifically county health facilities. They have a jurisdiction for the functions across county health facilities, pharmacies and promotion of primary healthcare.

From the outset, this Bill has to be well anchored in a devolved system. There is no way that can be done without creating new structures and giving those structures responsibilities that make it possible for this organ to be well entrenched in the Constitution, the counties and
have synchrony between the two. That is why the aspect of introducing an authority is important. This is the apex. This authority will have a national mandate linking directly with the counties. Therefore, that amendment at Clause 2 where we are adding an authority to run the specific responsibilities is important. Madam Temporary Speaker, at Clause 3, specific additional definitions are put in so that we anchor this Bill clearly within a devolved system. These terminologies and definitions were not there in the principal Act. We have definitions about the council which in this case is referring to a council of county governors. We have definitions about the county governments as per the reading of Article 176 so that it is explained exactly where these are and what essential medicines and medical supplies are.

This Bill brings out very well one of the things we have had a contention with the National Assembly any time we are talking about counties. You cannot talk about counties without talking about the people in those counties. Therefore, when we talk about a Bill touching on a county, this is such a Bill. It touches on the people in the counties and the provisions that they actually get as a result of being in those counties.

The inclusion in Clause 4(aa) creates the very important idea of consultation at the level of the Authority and the Council, thus creating a consultative process for very key and sometimes very sensitive aspects of procurement, warehousing and ensuring availability of adequate medical supplies to the county governments. This Authority will create an important link for such consultations so that there is no confusion about what is going on. The county governments are going to establish drawing rights, and maintain appropriate supply chain systems for drugs and medical supplies. In many instances, especially when we are talking about the supply to public hospitals or public institutions, there has been a lot of hue and cry. Sometimes medicines allocated, procured and distributed to a hospital are not availed to the patients. This coordinating and streamlining will help ensure that these supply chains start from the origin and end with the patient being able to receive these medicines. They will also be able to utilize the available equipment for appropriate delivery of drugs.

The final premise is that the sick person should be well. This coordination has previously been centralised but is now a devolved function. We still have debates on equipment that have been given to counties and how they are meant to be used. Clause 4(a) talks about an agreement between the national and county governments. This is hinged on the inter-governmental agreement. It is this section that entrenches the connection between the national and county governments through an intergovernmental agreement that is going to be put in place and will allow for transfer of functions that fall under the county governments so that they are well prepared to handle those functions and have the powers as a result of those functions being given to them.
Madam Temporary Speaker, it is important to ensure that adequate resources are provided so that when this transfer is implemented fully, there will be enough resources. This is because devolution was not just about devolving functions but also resources. The Senate has spoken severally about the idea of costing of these functions. Today, we were talking about village polytechniques in the Committee on Education and the need to have them funded in order to run properly. The issue of how much has been allocated for those functions and where the money is came up again.

Having a specific council in place is also a critical issue in this amendment. It says:- “Two persons, one a man, one a woman will be members in that council”.

The gender balance in this role is very important. The Bill is clear that the recommendations, consultation, Council of Governors and the making of the regulations will be properly entrenched.

Clause 7 touches on the connection between decision making at the Cabinet Secretary (CS) level, the authority, the council and the county governments so that they can make all these important regulations for better carrying out of the objects of this Act.

The CS is critical in driving this process. I suggest that immediately after this Bill becomes an Act of Parliament, correct structures and processes, finances and resources be allocated so that we are able to have everything in place and being run properly.

Finally, I commend this Amendment Bill. It will seek out and bring out clearer cooperation and functioning between national and county governments which is the gist of the Bill. This is so that at the end of the day, we have clarity about what is expected to be done at the various points. The Bill also clearly gives the functions of the Authority and the responsibilities of the CS. This Bill, like others which we have enacted, will help entrench devolution within the counties. I support.’

Date: 26th July 2016

Member of Parliament: Sen. Catherine Mukite

Contribution She Made On: The Parliamentary Powers and Privileges Bill (National Assembly Bill No. 35 of 2014)

‘Madam Temporary Speaker, I rise to second this very important Bill; The Parliamentary Powers and Privileges Bill, 2014 whose objective is very clear. The Mover stated very clearly that the National Assembly Powers and Privileges Act, Cap 6 which is the current law on this subject did not envisage a bicameral parliament. Therefore, this Bill is moved today so that we can debate on the various clauses that the Mover talked about.
The main objective of the Parliamentary Powers and Privileges Bill, 2014 is to give effect to Article 117 of the Constitution. We know that Article 117 (1) of the Constitution talks about freedom of speech and debate in Parliament. Parliament may for the purpose of orderly and effective discharge of the business of Parliament provide for the powers, privileges, immunities of Parliament, its committees, the leader of the majority party, the leader of the minority party, the chairpersons of committees and members.

Madam Temporary Speaker, the Mover has touched on all these items and I would like to support the Bill because it is important particularly to legislators because when we stand here to speak, we sometimes speak about matters that are sensitive. The Bill seeks to protect us from legal suits and give us powers, privileges and immunity. This Bill sets out the code of conduct within Parliament. It also protects the precincts of Parliament. The Al Shabaab have bombed supermarkets in the past because of laxity in security checks. The Bill gives impetus to our security arrangements within Parliament. I support this Bill on that basis.

Some Members of Parliament have been harassed for not conducting themselves in a proper manner. For example, we saw what happened in the National Assembly when the President was delivering his Speech during the Joint Sitting of Parliament early this year. Hon. Opiyo Wandayi was ordered out of Parliament by the Speaker. We will have a Committee that will listen to contentious and conflicting matters. We have also had cases where governors appear before the Senate and are confronted by some Members. We do not want governors to be mishandled and thrown out of the Committee rooms by the orderlies. If we have a Committee in place to handle such matters, we shall have a better way of conducting our business without disruption.

The Mover also talked about two joint committees that will be formed by the National Assembly and the Senate. Both committees will be headed by the Speakers. These committees will be important because they will bring together the two Houses and promote the bicameral system. We are supposed to work together so as to serve the public better. Madam Temporary Speaker, I beg to second the Bill and thank the Mover.

Date: 26th July 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Parliamentary Powers and Privileges Bill (National Assembly Bill No. 35 of 2014)

'Madam Temporary Speaker, I stand to support this Bill. We have key organs in this country; the Judiciary, Legislature and Executive. The legislative body is incubated by Parliament, which by all means, is a symbolic and key organ in terms of ensuring that the legislative arm
is catered for. A lot of things happen in Parliament. Members of Parliament are recognized and acknowledged to have a lot to offer within their societies in coming up with the right legislation.

This Bill is titled ‘The Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014).’ It includes both the National Assembly and the Senate.

Madam Temporary Speaker, I think all aspects of the operations of what happens within Parliament are well catered for. The Bill is extensive and it gives details. It does not leave anything to chance because every aspect has been well tackled. The Bill provides for the precincts of Parliament by giving geographical position. It also provides for the privileges and immunities of Members and the Committee Members both at the Senate and the National Assembly. The membership of the proposed Committee will be the Speaker of the National Assembly Chairing the six Members and 14 Members drawn from the Senate and the National Assembly respectively. It also gives the provision of summoning of the witnesses when required.

Further, it gives clear provisions about publications and broadcasting and especially how the material that is used from publication and broadcasting can be used so that it is not abused. Madam Temporary Speaker, in the Fourth Schedule, it clearly gives a code of conduct that is meant to help Members of Parliament in their day to day business. As usual, we do not rely on media reports as evidence. That has been confirmed too. The issue about carrying guns is also addressed. Parliament is a House of decorum and Members are expected to dialogue and not fight or utter adverse words against each other.

The precincts of Parliament have been well defined. In sub-clause (2), the definition becomes key. Where Parliament sits outside the precincts of Parliament, such a place shall be deemed to be the precincts of Parliament precincts. This is key for the Senate because we may have a sitting in counties. Our sitting in a county will therefore be deemed a Senate House.

Madam Temporary Speaker, we have protection from debt, civil and criminal suits, freedom of speech and that no proceedings or decisions of Parliament can be questioned by any court of law. It gives an allowance from freedom of expression. There is also protection of the members of staffing taking minutes. The information of the Committee should not be shared beyond the Committee sitting. Where there is a contravening situation, there is a provision on how to address it. There are penalties that have been given to curb such practice. It has been said right from the beginning that the threshold for these penalties needs to be clear. Therefore, from the onset of a committee meeting, it is important to sort out the issue of threshold on the punishment that can be meted out on what has been committed.
On the issue of the summons, it has always been considered as if they are requests but actually, they are summons. Also considered is the taking of oath, publications and broadcasting, issues of assault, obstruction and threatening of another Member have been mentioned.

Madam Temporary Speaker, if this Bill is passed, we shall have order but there are certain areas which this Bill will entrench making Parliament to have the dignity and decorum that it should have in any jurisdiction.’

MOTIONS

Date: 5th July 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Establishment of a joint select committee of parliament to inquire into allegations against the IEBC

‘Mr. Temporary Speaker, Sir, I rise to support this Motion. It is important. It is clear from the events that have been happening lately that there were issues. As the saying goes, “where there is smoke, there is fire.” Half of the country would not have been protesting if there was nothing wrong. This exercise is important because this Committee will be given an opportunity to strengthen the IEBC. As CORD has been saying, dialogue is required and is the only way to go. The question also arises, why it took about three years for the Jubilee Government to note that it is through dialogue that issues can be resolved? This is very encouraging. This spirit should proceed from now henceforth. When there are any issues to be determined, people should sit down in a civilized manner, deliberate upon issues and not allow third parties or strangers to get involved. Right now, the whole world is watching Kenya. We portrayed our image in the public media internationally in 2007, to some extent in 2012 but the good Lord is on our side, we still have a country which we are very proud of.

Mr. Temporary Speaker, Sir, having said that, I encourage this Committee, as serious as they are, because they are men and women of high integrity. Our Senators are the team leaders, Sen. Murungi and Sen. Orengo whom we have a lot of faith in to guide this Committee and deal with every detail of whatever can be happening, listen to Kenyans and come up with good and airtight recommendations and ways of implementation of the same. Once done, then we would urge the Government to implement all the recommendations to
the nitty gritty details. We also urge other coalition partners not to bring or pull surprises or monkey business and invoke the so called tyranny of numbers when the matter goes to the Floors of the two Chambers to ensure that what the public has recommended carries the day.

I urge the Committee and Parliament at large; the Senate and the National Assembly, to prioritise this issue, give it the sensitivity and speed that is required so that we sort out our issues and proceed with the elections as enshrined in our Constitution. We definitely should not add Jubilee one day or extra hour than what is there. Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.’

**Date: 5th July 2016**

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

**Contribution She Made On: Establishment of a joint select committee of parliament to inquire into allegations against the IEBC**

'Thank you, Mr. Temporary Speaker, Sir. For this opportunity to contribute to this very important Motion and to say that all Kenyans have been looking forward to this moment, where we could resolve this matter and finally have an amicable way to sort out the issue of the electoral process and the IEBC.

We know that many Kenyans were getting anxious on the manner that this issue was being carried forward and it is good to ultimately see that it ends up in an institution that is recognized in our Constitution even as we look on matters to do with the Constitution on issues to do with the electoral process.

It is important to also note that many of us in this country both from the Jubilee and CORD coalitions were saying the same thing but expressing ourselves in different ways. At no time had the Jubilee Coalition said that there was no need for electoral reforms or expressed their interest in one way or the other but was only very categorical that we use the institutions that are in place.

I am happy that finally, sanity has prevailed upon all of us and we are having this process happening in the precincts of Parliament. I have no doubt that the Members that have been chosen to sit in this Committee, the two co-Chairs Sen. Murungi and Sen. Orengo, have immense experience, they are distinguished lawyers in this country and they will look into the mandate of this Committee.

The only sad part is that, I know there is a third in terms of gender balance and that is not something that we just talk about because we want just want to talk about it, but it is something that is in our Constitution. We are dealing with a constitutional process. I can see that from the CORD coalition who only brought one lady, Hon. Mishi Mboko. I believe that
they also have other women who are Members of Parliament and who are equal to this task. This matter is not an issue which should be swept under the carpet. In future, we should have women taking the two-thirds and our male colleagues being a third of either gender—

Mr. Temporary Speaker, Sir, as I conclude on this matter because of time, it is important that next, the two-thirds of the other gender should sit in such a very important committee. I am sure that they are also equal to the task. I want to speak on issues to do with electoral process. In any country, matters of elections are very emotive because people want to have trust and confidence in the whole process of elections. That is like what we were talking about concerning the police. It is more about building the confidence and people having trust in certain institutions. I hope that the Members of this Committee will look at this matter in a critical manner but not party politics if we really want a credible process to happen in 2017. I also think that 30 days are adequate so that whichever way it goes, then the process of preparing for the next general elections will not be interfered with.

Mr. Temporary Speaker, Sir, it is also important to note that the mandate that needs to be looked at so that we do not have any quagmire and gaps that we will need to sort out later. This Committee will have to look at all those matters and what happens if the commissioners have to go—’

Date: 5th July 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Establishment of a joint select committee of parliament to inquire into allegations against the IEBC

‘Mr. Temporary Speaker, Sir, I also want to support this Motion. I appreciate that we have come back to our senses as politicians. I remember when the issue on the IEBC started, the first cry was why can we not do the process through Parliament. If we had started earlier and agreed on the numbers and the method, we would have already sorted out this issue. Therefore, I thank my brothers and sisters from the CORD for appreciating that the institution of Parliament is key in terms of taking forward our country with the new dispensation that we have. Mr. Temporary Speaker, Sir, having said that, it is also important to note that Kenyans are looking at us. I believe what the Senator for Makueni has just said is what some of us will do. I believe we will not go there and display sideshows of political agendas. I hope we will agree with recommendations of the Kriegler Report and come up with a way of conducting our elections in order to see our country go forward without going to the streets, throwing stones and makings Kenyans suffer and die for the sake of politicians because at the end of the day, about 400 only people who will enjoy. We keep
saying that Kenyans are under some Kenyans but as political leaders, we should know that our country needs us more than we think.

Mr. Temporary Speaker, Sir, I just want to read the summary of the results and this is public knowledge. I know my Senator spoke about two million but I want to put it as it is. When you go to the website and everywhere else, you will find that the total valid votes for the presidential candidates was 12,221,053.

The variance from other elective votes was 26,491. For any Member of Parliament (MP) at that time, the total varied votes were 12,194,562. Therefore, the variance was 26,491. The women’s representative’s total varied votes were 12,101,568. Therefore, the variance with other elective position was 118,485. The total votes for the post of Senator were 12,131,294. The under-variance from all the elective votes was 89,759. The total varied votes for the post of the governor were 12,162,733. Therefore, the variance for other elective positions was 58,320.’

Date: 5th July 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: Establishment of a joint select committee of parliament to inquire into allegations against the IEBC

‘Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to support this Motion. This is an important and a landmark Motion for our country because it is after the culmination of very serious events that occurred in our country that we have arrived at this decision. I, therefore, rise to support it. First of all, I would like to commend the CORD principals, hon. Raila, hon. Kalonzo and Sen. Wetangula. I would also like to commend Sen. Muthama and Sen. Orengo for ably steering serious protests against the IEBC that have led us to this dialogue. I also commend Sen. (Dr.) Khalwale who was even imprisoned for championing this matter.

Mr. Temporary Speaker, Sir, while we are supporting this select Committee, I hope that it will not bog itself down with the issues of 2(a) which is inquiring into the allegations against IEBC. We do not want to know who ate what part of the chicken be it the drumstick or the back. We are particular about---

Mr. Temporary Speaker, Sir, had the distinguished professor waited for me to complete my sentence; he would have known what I am arriving at. We are concerned about item (b), to find out a legal mechanism on how to deal with the current IEBC. Looking at the key words for this Committee should be impartiality, efficiency, accuracy, verifiable, secure and accountable system. We want an electoral process that is independent and can assure us of a level playing field that is free and fair. I am not saying that item 2(a) is not necessary.
However, those are issues that the court will determine as to who ate which part of the chicken be it the drumstick or the back.

Mr. Temporary Speaker, Sir, we do not want this Committee to be bogged down with issues that should be left to the purview of courts. We want this Committee to give us a report that can jumpstart and accelerate the elections to be done in August 2017. We do not want the Committee to be bogged down by non-issues. I can see the professor agreeing with me.

Date: 27th July 2016  
Member of Parliament: Sen. Naisula Lesuuda  
Contribution She Made On: Adoption of the mediation committee report on the Community Land Bill

'Mr. Temporary Speaker, Sir, I take this opportunity to congratulate the Members of the Mediation Committee - I was one of them - for putting in many hours. As the Senate, we did away with the entire Bill. The Mediation Committee had to look at the Bill clause by clause to make sure that we could agree on the many areas that we had issues with.

The Community Land Bill is a sensitive Bill because it legislates on land, especially the pastoral lands and other areas where for a long time the communities have owned the land. We had to make sure that all interests are taken care of by this Bill. I want to also confirm that we agreed on all the clauses. We believe that this Bill will serve the intended purpose. I support.'

Date: 27th July 2016  
Member of Parliament: Sen. Judith Sijeny  
Contribution She Made On: Destruction of facilities in secondary schools

'Mr. Temporary Speaker, Sir, this is a very important and serious issue. It is sad and disheartening to see what is going on in this country. We, leaders or adults appear to be helpless. I wonder what the State is doing about it. This is beyond individual institutions or the school heads to handle. At the rate at which it is happening, it looks as if there is coordination or something similar.

Last time I stood here and said that we are going to lose this generation of the youth if they are not checked. There is a lot of damage going on. We can now see what is going on. Waking up, deciding to burn anything even if it is your exercise or note book, is a serious thing. For you to want to destroy your own and your colleagues personal belongings, books, beddings and going ahead to burn the library is very serious. We know how parents have suffered for many years.

For many years, parents have always contributed funds for building schools. The children of parents who cannot afford to get the money are denied access to the schools. I am thinking
about the people in the rural areas who invest all their money in their children only for schools to be burnt later. I have seen some selling all their cows, chicken and even household goods. They do not even know how it feels to listen to a radio. They sell their property so that they can buy their children books and other items to go to school. As much as we are talking of free education, it is not free *per se*. We know that there is still some fee and money that has to be spent and the parents have to look for it. After going through all that thorough investment, we see what happens when schools are being burnt.

Mr. Temporary Speaker, Sir, this is psychological torture to the children. We need to find out what is it that is going on in the minds of the children. As the police invest in investigations and security, they must start finding out what is going on in this country. We saw what happened during the Post-Election Violence (PEV) in 2007/2008. Very many children and even adults were, and still are, traumatised to date. Many of them cried for many nights because of seeing a lot of fire and people dying. Some time back, about 68 children in a school in Machakos were burnt to death. If we do not watch out, this is where we are headed. To me, it is more of a criminal activity. It is very criminal in that anyone who has an intention to destroy anything--- I do not know whether it is evidence that is being destroyed by the schools. If a bursar’s office and the administration block are burnt, what does that mean?

The Ministry of Education should come out very clearly and tell us because after getting involved in this for so long, they must be having a clue. Keeping quiet and trying to hide things will make matters worse. Just the other day, some legislators were being arrested and accused of destroying evidence. If some people, whether teachers or bursars know that they made a mistake, it is always good to own up and say you know you have erred, but you are ready and willing to correct it. You should correct the situation instead of trying to destroy evidence.

We need to know whether it is criminals or the Al Shabaabs who have joined schools or if it is the radicalisation of children because we have had cases of children disappearing. If we do not watch it, they will soon start burning our homes, churches and even this Parliament. So, this is something that has to be controlled and stopped at the beginning.

We know there are times parents also have a problem. When there is a problem between couples, what they do is to throw the children to boarding schools without preparing them psychologically. These are children who are used to hostile environments or violence in the home, but nothing has been done. As they invest a lot in security, every school must have serious cancelling sessions. They need serious professional counselors to deal with these issues. We need counselors that can also reach teachers because if teachers debrief
students, they also have to find a way of coping and talking to the children so that we avoid all this.

The churches and religious leaders also have a role to play. This is the time to come in very quickly. The way they were involved in the IEBC matters, this will be another national disaster that should be taken care of and all religious leaders should come together.

Mr. Temporary Speaker, Sir, I beg to support and condemn it in the strongest terms.

Mr. Temporary Speaker, Sir, thank you for adding me time. I strongly believe and I know I am not wrong. Social media or mobile phones have a major role to play in all these things. It is high time we controlled the access of mobile phones and the social media. Why should children have mobile phones while in school? When President Obama was here, we witnessed cases where internet was inactivated and in some cases phone calls could not go through. Why can that not be done in schools? If children have to access the internet, they should have particular times to do so, so that they do not get involved in all these criminal activities and share wrong information. That is where the main problem is. Social media will ruin our country if we do not watch out. They need to be controlled.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to condemn in the strongest terms. I request that serious action be taken by the state.

Date: 27th July 2016

Member of Parliament: Sen. Naisula Lesuuda

Contribution She Made On: Destruction of facilities in secondary schools

‘Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this Motion. I also thank Sen. (Prof.) Lesan for bringing it, so that we can air our views and deliberate on this important, but also sad situation. Mr. Temporary Speaker, Sir, it is a sad and shocking situation. It is something that has left all Kenyans wondering what is happening. We know that it has happened in the past, but we have never seen it happen in the magnitude that it is now happening in this country. It is almost like a daily routine. Every day, there is a school being razed down. It is a moment that we have to pose as a country and ask ourselves what is going on. It could just be a problem at the surface, but there is an underlying problem that we have to look out for and find out what is going on.

Mr. Temporary Speaker, Sir, when you think about it, it shows that there is a fabric that is not together in our country where children resolve to burn, cause chaos and mayhem regardless of what the situation is or why it is happening. It is also a question where you ask whether they are also learning bad manners from grown-ups and the things that we do when we want to protest instead of having dialogue or sitting down to raise issues. It is not just about the schools, but it also dents our education system as a country. Last year, the
issue of exam cheating was all over the newspapers and media. As if that was not enough, now it is the issue of discipline. These things are all over the international media, social media and online. Other countries are wondering the sort of students and young people we are bringing up. This is not something to be taken lightly; we have to look at it as a whole. We have had different reforms in our curriculum and done piecemeal reforms to fix things. It is time to realise that there is a big problem that needs to be fixed.

There are all manner of speculations regarding why the schools are being burnt down and none of them holds water. There is speculation that maybe the teachers and the students are not happy or that there is a problem with the Cabinet Secretary. Ultimately, there is no reason big enough for students or anybody else colluding with them to raze down a school. It is sad because ultimately it is the parents who will bear the brunt. They will have to raise money to build those dormitories. This is something that the parents, the stakeholders and the State need to look at.

We also have to relook at the security in the schools. Given that cases of schools being burnt are now rampant, we should anticipate it and heighten security in our schools. One wonders whether there is no student who can report these happenings. We have heard stories of students securing everything, including their boxes, and then burning the dormitories. Is there no student who can raise the alarm regarding such plans?

As I conclude, we have read that the CS will meet the stakeholders and the clergy tomorrow. As a daughter of a bishop, I know that sometimes we overburden God on things-Mr. Temporary Speaker, Sir, it is important for them to sit down and talk. Since these cases could be demonic, we would like to blame the devil for every bad thing. I had initially thought that we should close all the schools and get a solution to this problem, but I am sure that there is wisdom in not closing the schools. As they sit down, they should get us a lasting solution, not only on the burning and indiscipline that is in our schools, but all other issues that have been raised regarding education. We should work on them in a systematic manner and make sure that we implement them, so that we raise our standards of education and bring back the glory of education in this country.'

Date: 27th July 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: Destruction of facilities in secondary schools

'Mr. Temporary Speaker, Sir, it is a sad time for this country which has worked hard on its education system. Education is one of the greatest pillars for social mobility and general human development. Since Independence, there have been various commissions on education matters which produced various reports, including, the Gachathi Report and the
Koech Report. These reports have proposed various systems of education over time and made various suggestions. With all that, we still have chaos within the educational sector, for example, about the system that we want to adapt in terms of education. We keep moving from a system that gives many years in primary to one that gives the 8-4-4 system. The tenet of the 8-4-4 system was to ensure that people get some skills to enable them look for employment.

We are already considering further reforms in our education sector, thus producing students whom we do not know. We do not know whether they are targeting to be self employed or they are getting the right skills. The other problem is the curriculum that we have within the education system. What sort of Kenya are we trying to develop through our educational system? What sort of values do we hope this Kenya will have? Is there anything in the curriculum that addresses these values? By 1990, there was a core education curriculum and subjects to ensure that these values are instilled in our young people. They included social education and ethics and religious education. We had the support from members of the family including parents; the issue of parents not having enough time for their children due to commitments did not exist. We seem not to have a value system anymore. We do not have values that can lead us to patriotism; thinking about the importance of institutions. It was very rare to witness riots in the universities and students would never burn their own institutions. They would riot out there, but make sure that their libraries and classrooms are safe. However, this started changing about ten years ago. Students are turning inwards and destroying their own institutions. The question to the students who are rioting is: What will they sit for their examinations from if they burn down their schools?

Mr. Temporary Speaker, Sir, one of the reasons for what is happening is cheating in examinations. The levels of cheating have increased across all the institutions, unfortunately with all the stakeholders quite aware about this situation and not working hard enough to ensure that it is appropriately addressed. It started with what we used to call 'mwakenya', a small piece of paper that students used to write some answers. The last time I caught a student cheating, he was using three foolscaps. How did he expect to remove the foolscaps, read through them and answer questions? It meant that he had not revised at all.

We have students who will come out of that system and become doctors and lawyers. If a student gets a mean grade of "A" through cheating and goes ahead to study Medicine, he or she will be expected to treat patients and administer medicine. This is very dangerous. I know that there are various factors that come into play, which we need to address. Various stakeholders’ meetings have been held at various levels, but when the crisis begun, we needed to have been able to hold a roundtable meeting with all the stakeholders and find a
way to deal with this. For example, yesterday, one school quickly sent away students after getting intelligence reports that the school would be burnt.

Somehow, for the last two to three months schools have been burnt and nothing much has happened in terms of addressing the issue, since the stakeholders are all confused.

Mr. Temporary Speaker, Sir, when you think about the nexus of a set of students waiting for examinations papers to come to them, you will realize that the teachers and the parents are involved in the whole scam.

Mr. Temporary Speaker, Sir, despite the removal of ranking, there is still a sense of competitiveness. You will find the newspapers ranking schools and many people are geared about passing.

It is a shame when one has a certificate and does not know what it is all about. It is also a shame when one is invited to talk about a subject matter, but does not have an idea about it. Soon, our students may be barred in other countries because it will be in the public domain that they will not be able to perform. Therefore, this is an area where we have to find solutions.

Mr. Temporary Speaker, Sir, I hope that through this process, that such resolutions can be made. From the way things are going, probably students will not have prior knowledge of the exams. Therefore, it is in their results that we shall know what kind of students they are. However, we need stakeholders to sit together and find solutions and let the solutions be adhered to. It is unfortunate that though this is a sector that has had policies and research for about 50 years, it still oscillates. This oscillation is because of the financial gains for some individuals who wish to reap. These range from the supply of books, aiding cheating in examination and the change of system among others. At the end of the day, it is something that we have to address. The moment to deal with it is now.

The students must do the exams whatever the circumstances. If the whole issue is about avoiding examinations, it should be a lesson. The teachers, parents, religious leaders, curriculum developers and universities should sit together and address the crisis.

This is a crisis that is taking place among a different group of youth. This group is not similar to those of the 1960s. They have a different way of thinking and doing things. The study that was done sometimes back revealed this. Therefore, we need to understand the circumstances surrounding this problem and look at the various factors like technology, social media and many others. From these, a solution should be mapped for once that will get us out of this mediocrity that we are currently experiencing in the education sector.

Mr. Temporary Speaker, Sir, it is possible to achieve it. If all the stakeholders come together with seriousness, then it will be addressed with honesty. It should not be about name-calling, bashing or blaming one another. It was a good show when we saw the students
hiding their faces in the courts because they knew it was not the right way of doing things. The society expects a change to come once and for all. They should change their behaviour and know what they are expected to do. The other sectors can come in and help out in looking at the issues that need to be addressed. However, the level of shock suggests that we should have found a way of addressing the matter quickly in a comprehensive manner. It should be addressed in a conclusive manner too. When we compare our educational systems with others like in Singapore and India, we find that they are doing better. In Kenya, we have situations where some sit for an examination for others yet we have technology and identification systems that can be used. We only need to clear the whole set up and find a way forward.’

NOTICE OF MOTIONS

Date: 28th July 2016
Member of Parliament: Sen. Fatuma Dullo
Contribution She Made On: Renewal of mandate of ad hoc committee on correctional facilities

‘Thank you, Mr. Speaker Sir. I beg to give notice of the following Motion:-
THAT, aware that the Senate resolved to establish a Select Committee comprising 11 Senators to inquire into the policy on legislation on the treatment of prisoners and detained persons in correctional facilities in Kenya on 22nd October, 2015;
APPRECIATING, that the mandate of the Select Committee lapsed when the Senate extended the same for 45 days on 7th April, 2016;
REGRETTING, that due to heavy workload and sheer magnitude of the assignment, the Committee is yet to table its report in the House and requires more time to conduct a further and thorough inquiry into the subject matter of its mandate;
NOW, therefore the Senate resolves to renew the mandate of the Committee by a further period of 30 days to enable it to conclude its work and Table its report in the House.’
PROCEDURAL MOTION

Date: 6th July 2016
Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Approval of procedure and rules committee membership

‘Madam Temporary Speaker, I rise to support the Motion. This just confirms that the Senate is making things better for the next Senate by setting up structures. This structure will enhance the efficiency of our work. It is very important to delegate some of the responsibilities because there is a lot of work to be done. We have been seeing delegations coming here to do benchmarking. We know legislation process changes with time. Therefore, with the constitution of this Committee, we will be more efficient in our work. It is constituted of team players who will work hard for the benefit our country. I beg to support.’

Date: 6th July 2016
Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Approval of procedure and rules committee membership

‘Madam Temporary Speaker, I also rise to support this Motion for setting up this Committee. I appreciate the fact that there a quite number of women who will ensure the business of the House will run smoothly. I hope they will learn a lot from your experience. You have been instrumental in the running of this House. The most important thing to note here is that this Committee has a substantive number of people who will deliver and make sure Senate asserts its position always.’

Date: 6th July 2016
Member of Parliament: Sen. Liza Chelule

Contribution She Made On: Approval of procedure and rules committee membership

‘Madam Temporary Speaker, thank you for giving me the opportunity to support this Motion. I am in support of this Motion because the Senators who have been listed to transact business on behalf of this House are Senators who I know will deliver. As Sen. Elachi has mentioned, we feel represented as women Senators to this Committee. I know that any issue related to women will be articulated adequately. I, therefore, beg to support this Motion.’
Date: 6th July 2016  
Member of Parliament: Sen. Janet Ongera  
Contribution She Made On: Approval of procedure and rules committee membership

‘On a point of order, Madam Temporary Speaker. Thank you for giving me your indulgence. I came in late and I was not aware that you had asked us to raise our hands. I would like to support this Motion and say from the outset that it is long overdue. We needed to have a RBC right from the outset when we started this Session in 2013. Therefore, I welcome that the RBC has now seen the sense of it and created another Committee for Procedure and Rules and called the other one the Senate Business Committee. I am also happy to note that the gender threshold has been met and we have distinguished lady Senators and not women as my colleague Sen. Elachi referred to them.

I am aware that all the Senators listed are capable and will represent us well. I request that they make rules for this House that will serve posterity as we conclude our term as the first Senate in the new Constitution. I am sure that these rules will stand the test of time and will be used even after 100 years and we will be remembered as the pioneers for setting up the Procedure and Rules Committee. I beg to support.’

PETITIONS

Date: 5th July 2016  
Member of Parliament: Sen. Fatuma Dullo  
Contribution She Made On: Leasing of Buffalo Springs and Shaba game reserves by the county government of Isiolo

‘Mr. Speaker, Sir, I rise to support this Petition. I wish to confirm to the House that I was out of the country last week. It is proper for Sen. (Dr.) Khalwale to present this Petition on behalf of Kenyans. At the end of the day, we will work together as a House to achieve the objective.

The issue of the parks in Isiolo has been pertinent. It has been ongoing for a very long time. From the information that I have, proper consultation has not been done. In this era, with the provision of the new Constitution, it is important for Kenyans to know their rights and how their property is invested. This park has been generating revenue and creating
employment to quite a number of people. It is important for them to be consulted so that they can know what their fate is once this changes hand.

Mr. Speaker, Sir, I support this Petition. It is important for the process to be fasttracked. I am sure the Senate will work on this and make sure that justice is done.’

COMMUNICATION FROM THE CHAIR

Date: 6th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegation of students and lecturers from Pan-African University

‘Mr. Speaker, Sir, first and foremost, I wish to congratulate the ladies and gentlemen who have come. I wish to encourage the young ladies that the sky is actually the bottom and not the limit. You can aim higher and score higher in whatever you strive for. There is a song that goes; “I know that I can be what I wanna be.” That should be the spirit. Study hard and maintain discipline. In the future, I would like to see most of you coming to this House as Senators. You can make it; there is nothing that can stop you. I wish you all the best. Welcome, our distinguished visitors. Thank you.’

Date: 6th July 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Visiting delegation of students and lecturers from Pan-African University

‘Mr. Speaker, Sir, I would like to join you in welcoming the girls from Riara Secondary School and the gentlemen who are also visiting. Riara Schools are known to perform well in academics. I encourage the girls to work hard because their dreams are valid. Somebody challenged dreams here, but God and send one a sign through a dream. The sky is the limit and not the bottom. Work hard and you will get there. You can be Miss World, a Senator or anything in life, so long as you have your goals and focus right. Thank you.’

Date: 6th July 2016
Member of Parliament: Sen. Liza Chelule
Contribution She Made On: Visiting delegation of students and lecturers from Pan-African University
‘Mr. Speaker, Sir, thank you for giving me this opportunity to also join you in welcoming students of the Riara Group of Schools. I count them fortunate because they have visited the Senate during a heated debate between two strong Senators. I hope this will enhance their capacity. As the leaders of this country, we are happy to receive them. I congratulate Sen. Adan for taking her daughter to that school. We wish you the best. Avoid bad behaviours in school. We count on you because as children, you are our blessings. Most welcome next time.’

Date: 6th July 2016
Member of Parliament: Sen. Fatuma Dullo
Contribution She Made On: Visiting delegation of students and lecturers from Pan-African University

‘Mr. Speaker, Sir, I wish to join my colleagues to welcome Form 2L from the Riara Springs Campus. Of course, you were interested in coming to the Senate to learn how debate is done. I have attended the functions of the debating club in Riara and according to me, sometimes their performance is even better than the Senate’s. I am really proud of this school. They are very fluent in their English. For those who are planning to take their children to school like Sen. Hassan, Sen. Mutula Kilonzo Jnr. And Sen. M. Kajwang, this is where your child should go.

I wish to welcome them and wish them a nice stay in the Senate. I hope you will learn one or two things. The sky is the limit as my colleagues have said. For your information, to be a Member of Parliament (MP), you must be a professional first and then end up in the Senate or the National Assembly. That means that you have to work hard, be a professional and then come to Parliament so that you can deliver on your mandate. Being a girls’ school, we are very ---

Mr. Speaker, Sir, I am concluding. Girls, we are doing very well and we need to compete with men or the boys. These days, boys are the ones that are a threat. So, pull up your socks. You are in the best school and you will be the best performers if you work hard. Once again, I welcome you to the Senate and I hope you will learn from what you have seen today.’

Date: 19th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegation from Olodariak Boys Secondary School

‘Mr. Temporary Speaker, Sir, I also wish to welcome the young leaders of tomorrow who are present at the Senate today. I wish them God’s blessing and urge them to work hard. They
should read and understand what they are being taught. They should not cram. They may never get a chance for revision and before they know it, they may find themselves standing where I am today and you will have to remind yourself of what you saw today. I am proud of you.

Parents work so hard. I am talking as a mother because we carry children for nine months, give birth, bring them up and pay school fees. Parents want to be rewarded by you being responsible and disciplined citizens. We do not want to hear things such as “Project X”. Please, maintain discipline according to the culture that you have been taught and spiritual guidance that you have been given. The education that you have been given is not for nothing. I wish you well and hope to see you at the next level when you invite us for not only weddings, but graduation ceremonies as well.’

Date: 20th July 2016
Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: Visiting delegation of students from Murang’a County studying at Egerton University

‘Mr. Deputy Speaker, Sir, I want join you to welcome the students who have visited the Senate. Secondly, I am neither happy nor convinced with the response to the Statement given by Sen. Sijeny on the Sen. Karaba’s question.

I request that we get a clarification on what the Ministry is doing to give protection to persons with disabilities using public roads in terms of talking robots to allow the visually impaired to cross roads safely, drop-out roads connecting to other roads for persons using wheelchairs and paintings used to show the direction for the hearing impaired. She should clarify whether the users who are persons with disabilities--

Date: 20th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegation Loreto Girls’ Secondary School

‘Mr. Deputy Speaker, Sir, I appreciate the students who have come and encourage them to work hard. I tell them that the sky is the bottom, not even the limit. The sky is the beginning of better things ahead. I am sure by the time you are taking charge, we will not be having the affirmative action because I see from your determined faces that you will take up leadership positions, study hard and achieve your hearts’ desires. Remember what you have been taught.

Adhere to the rules, the spiritual and traditional values that you have been taught and ensure that you make this place better for the future so that when we are tired you will be
in charge and taking good care of us. As the African saying goes; a child is only yours when it is in the womb and belongs to everybody when it is out.
I am talking to you as your mother because I know that you will be taking good care of me in future. I wish you good luck and God’s blessing.’

**Date: 20th July 2016**

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

**Contribution She Made On: Visiting delegation of students from Nkuene Girls High School, Meru County**

‘Mr. Deputy Speaker, Sir, I want to join my colleagues in welcoming these students here and on behalf of the Kenya Women Senators, I want to encourage these young women that it is possible to become whatever you desire to be and I hope that they can see that even in the leadership in this House, we have 18 women. I want to tell them that they can be where they want to be and pick only the good things and sieve the bad ones. I say that because even in school destruction, there are very few girls schools that have been burnt. So, statistically, girls are the superior brains. I want to tell them to continue in that route and congratulations for coming to the Senate. They should pick what should apply to their lives and be where they want to be.’

**Date: 20th July 2016**

**Member of Parliament: Sen. Judith Sijeny**

**Contribution She Made On: Visiting delegation of students from Nkuene Girls High School, Meru County**

‘Mr. Deputy Speaker, Sir, I also wish to welcome the young ladies who are the future presidents and leaders of this country. In my capacity as the chairperson of the Kenya Women Senators Association, the next time, I will expect one of them to be standing here in their capacity. I know I am a Nominated Senator but as my colleague as just said, this is the time when women are being elected into key positions in this world and I believe through your help and support and all your relatives who are in Nairobi, you will also assist me to be elected as the first woman Member of Parliament for Langata Constituency in 2017.’

**Date: 21st July 2016**

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

**Contribution She Made On: Visiting students and coordinators from Universidad Pontificia Comilla, Madrid, Spain**
‘Thank you Mr. Speaker Sir. May I also extend a warm welcome to the students and coordinators from Madrid in Spain. Welcome to Kenya. It is a beautiful country as you might have already found out. I think the sort of engagement you are getting into is key to us. We appreciate that you have been in touch with HIPSIR and that you are specifically targeting areas of peace studies. As you might know, we are always looking for that sort of equilibrium and working hard towards it in this country. I hope that during your interaction with the people that you are going to talk with, you will pass some information and share experiences of the two countries. Karibuni Kenya and enjoy yourselves. We appreciate that you have also come to the Senate of Kenya to see how we conduct our deliberation.’

Date: 21st July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegation of students from Nkuene Girls High School, Meru County

‘Thank you Mr. Speaker, Sir. I also wish to welcome them as you have done. I am delighted because I can see that all of them are ladies except one. I know those are very serious people and they are the future Prime Ministers and Presidents of that Republic. I wish you well and I hope you shall learn from the best that you can get. I am corrected that you do not have a President but a Kingdom but I know you will be the leaders of whichever position you have. Welcome, feel at home and I hope we shall network the next time we join you in your country.’

Date: 21st July 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Visiting delegation of students from Nkuene Girls High School, Meru County

‘Thank you, Mr. Speaker, Sir. May I also join you in congratulating the delegation from Spain. I notice that these are young people who have come to our country to study our political democracy. I want to assure you that the democracy in Kenya is extremely vibrant. We have two major political parties namely the Jubilee Party and the Coalition for Reforms and Democracy (CORD) that are very strong coalitions. The political parties are very vibrant which is clearly seen in the exchanges in this House. In the Senate, being the “Upper House”, we take a bipartisan stand on issues which we come across, especially issues that are of national importance. I hope you are going to learn our sense of democracy and how we practice it.'
I also want to congratulate HIPSIR for the good work that they are doing. We want them to also ensure that they do an exchange program for our African students to other European countries so that they can also learn similar practices. Thank you.’

Date: 26th July 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: Visiting delegation from the Zimbabwe parliamentary committee on legal affairs
'Thank you, Mr. Speaker, Sir. Permit me to extend a warm welcome to the delegation from Zimbabwe. We are happy you came to visit us. Zimbabwe and Kenya have enjoyed very friendly relations for a long time. Both countries share a lot of similarities as they pursue development. It is in order for us to meet, interact and exchange ideas. Feel at home and enjoy yourselves as you eat our version of "sadza" which is ugali.'

Date: 26th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegation from the Zimbabwe parliamentary committee on legal affairs
'Thank you, Mr. Speaker, Sir. I also wish to join in extending the warm welcome to my learned friends from Zimbabwe. We have had a very good interactive session. We learnt a lot from them and they have also learnt a lot from us. They are gender sensitive. The Affirmative Action Bill or Gender Role Bill that is in the Order Paper today is already being practiced in Zimbabwe as from the year 2013. I thank them very much for that. The gentlemen, the hon. Lady and their clerk are gender sensitive. I hope we shall also visit you in Zimbabwe and thank you for choosing Kenya.’

Date: 27th July 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Visiting delegation from Marell Academy, Bungoma County
Mr. Speaker, Sir, I wish to also welcome the students. Indeed, you have made a wise decision to come and see what happens in Parliament, especially in the Senate. We want to encourage you to work hard, learn and understand what you are being taught. Remember those strict Christian and good traditional family values that you have been taught. You are the future leaders and you should aim high to pursue any career of your choice. You can be doctors, lawyers like me, and even professionals like your lecturers. The space is always open.

You are welcome and you can always come to the Senate. We want to see a President come from you because we know where the next President will come from. Thank you.’

Date: 27th July 2016
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: Visiting delegation from Marell Academy, Bungoma County

‘Thank you, Mr. Speaker, Sir. I want to join you together with my colleagues in welcoming the pupils of Marell Academy which is in Bungoma County that is neighbouring Kakamega County. I would want to inform them that this is the Senate, the “upper” House, which is full of brains and I believe they will learn a lot. We are nurturing these children to be future leaders.

As a leader representing the youth, I wish them well and welcome those aspiring to join politics.’

Date: 27th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegation from Matungulu Girls High School
‘Mr. Temporary Speaker, Sir, I also join you in extending the warm welcome to them. I am happy that these are girls. I have been a champion and advocate for the girl child for many years.
You are in the right place. We want you to be very good girls. Work hard. You are future leaders. Currently in the world, the space is for women in the present and the future. You will make better leaders. Understand what you are studying. You can achieve anything. You can become lawyers, doctors, engineers but also take up leadership positions wherever you are; be it in class, at home or in Sunday schools. Remember the good values you have been taught. Make us proud. The sky is the limit. Next time you come back in five or 10 years, we would like you to stand here as Senators for the areas you come from. Thank you very much. God bless you.’

Date: 27th July 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: Visiting delegation from Matungulu Girls High School
‘Mr. Temporary Speaker, Sir, I join you and my colleagues in welcoming the students and teachers to this Senate. I would like to let the students know that there is no barrier to be anything that they would want to be in this world. I remind them of the huge sacrifices that their parents have made for them to acquire education.
In whatever action they take, they should always remember that their sponsor, parent or guardian has sacrificed a lot for them to have education. Please postpone everything else. The world will not run away. When you are in school, focus on what has taken you to school. I wish you the very best.’

STATEMENTS

Date: 5th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josepah Mwenda and taxi driver Joseph Muiruri
Mr. Temporary Speaker, Sir, first and foremost, I wish to extend my heartfelt condolences to the families of the bereaved. To lose a loved one in that particular manner is shocking.

I once attended a conference in Harare, Zimbabwe in 2008 and watched a video on extra-judicial killings and police brutality in Kenya. I protested because I saw things that I could not imagine could happen in my country. However, after this incident I am left quiet, embarrassed and ashamed. This is not something that can be tolerated.

I support Sen. Murungi in saying that an independent body should take charge of the investigations. It should not be the same culprits; it is normally easy to support one another. The Constitution of Kenya is very clear that every Kenyan has a right to legal representation. Therefore, one should not be condemned for doing their job. Whatever it is, the law should take its course. If we do not take proper steps or condemn this act in the strongest terms possible, doctors may start to be killed for saving lives. People should not be condemned for doing the right thing.

Therefore, I urge that the necessary steps are taken. Since I also represented the ‘Muthaiga two’ when they were taking their statements, does it mean that I could have been followed, killed and put in a gunny bag? I condemn this act in the strongest terms.

Date: 5th July 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josephat Mwenda and taxi driver Joseph Muiruri

‘Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to condemn and protest the barbaric killing of Mr. Wille Kimani, a young man at the age of 31 who had not even tasted the sweetness of marriage. I also condemn in equal breadth the brutal killing of his client, Mr. Josephat Mwenda and the taxi driver, Mr. Joseph Muiruri, whom I am told is a constituent of the Senate Majority Leader.

These people were not arrested. If I may borrow the words of the Senate Minority Leader, they were kidnapped. They screamed as they were kidnapped. I am sure many other police officers saw what happened, but they chose to keep quiet. They chose to pretend that nothing had happened. This kind of impunity is what we in CORD are saying no to. We stand against this kind of impunity. We demand that the killers and perpetrators be brought to justice.

I have just heard one of my colleagues requesting that the Federal Bureau of Investigation (FBI) looks into this matter. In the same breadth, I also demand that the FBI should investigate the murder of Mr. Jacob Juma who was killed in very mysterious circumstances and nothing has been said or done about it.
Finally, I condemn the kind of killings that the police are perpetrating because it means had the “Muthaiga two” not been Members of Parliament; they would have met the same fate that met the lawyer, his client and the taxi-driver. I stand with my colleagues to condemn that act.’

Date: 5th July 2016  
Member of Parliament: Sen. Martha Wangari  
Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josephat Mwenda and taxi driver Joseph Muiruri

‘Mr. Temporary Speaker, Sir, I join the Senate Minority Leader and my colleagues in condemning the despicable act. As I watched the young widow who has a very young son and been left by Mr. Wille Kimani, the young lawyer, all that was running through my mind was that all this could have been avoided. It is a pity this young son will grow up not knowing his father because of an incident that could have been avoided. I have no words to describe what the families of the three young men are going through. Looking at the scenario and the circumstances under which they were killed, we cannot even start imagining what happened to them. The postmortem and the autopsy report was quite a sad story. We can only imagine what they went through.

The right to life is not negotiable. That is in the Constitution. We must see justice. I join the lawyers in standing with one of their own. I know that they had peaceful protests in Nakuru County and other counties. That is commendable because we need to show leadership in whatever position we occupy. That leads me to the leadership of the Senate Minority Leader, who has brought this matter to the Floor of the House. Just because some of us are quiet, does not mean that we do not have an opinion. We feel touched that their young children will grow up without fathers. The mothers will have to explain what happened to their fathers. That is the worst thing that can happen to any woman. It is quite a painful experience. I hope justice will be served.’

Date: 5th July 2016  
Member of Parliament: Sen. Naisula Lesuuda  
Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josephat Mwenda and taxi driver Joseph Muiruri

‘Mr. Temporary Speaker, Sir, I thank the Senate Minority Leader for bringing this serious matter to the attention of this House. What happened is very unfortunate. I would like to pass my condolences to the three families. It is sad to see young people lose their lives as they seek justice. The initial case that the young lawyer was following on pro bono was also against police officers for the rogue act that they had done. To add salt to injury, the same
people came to finish the three victims totally. That is a very unfortunate incident and it does not matter whether we are in Government or the Opposition. This is a matter that every Kenyan is condemning. This is not the first time that this is happening and it raises a lot of issues that we look into. The issues of the Independent Policing Oversight Authority (IPOA), witness protection and people who are seeking justice against the system because we have witnessed in our counties the police officers kill people in a manner that is unlawful. To date, some of them have not been heard in courts. We must be a country that takes care of its people and not the other way round, especially for people who are seeking justice. I hope that this is not just about statements that we will forget. The three families have to get justice for what happened.’

Date: 5th July 2016
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josephtat Mwenda and taxi driver Joseph Muiruri

‘Mr. Temporary Speaker, Sir, I thank you for giving me this chance to add my voice in condemning these barbaric acts and painful occurrence that has happened to our fellow Kenyans.

I am a Christian. I believe that no human being has the right to take the life of another. So, whoever thinks or believes that because they are a police officer or Government official, they can take away the life of another Kenyan is wrong at all levels. This is not an issue of Jubilee or CORD. It is about protecting the lives of Kenyans. As leaders in this Parliament, who will we lead if people keep dying or we keep encouraging the loss of lives of these Kenyans? We are leaders because we are leading Kenyans. So, we need to join forces not as Jubilee but as Members of Parliament (MPs) and leaders in this country to condemn the killing of fellow Kenyans who we are supposed to represent and lead towards the right direction.

Mr. Temporary Speaker, Sir, in our line of protecting these Kenyans, we have to ensure that something serious is done to these police officers to serve as a lesson to other police officers. The badge that they wear which is written, “Utumishi kwa Wote,” - Utumishi is supposed to be in the right way, not to kill us, end our lives and make us fear them. You should not drive around and when you see a police officer, think you will die or wonder which mistake you have done. We see what they do. Sometimes you are stopped on the road and an offence just comes to their mind. All of a sudden you have just committed an offence; for instance, you do not have your driving licence. I need to see a police officer and feel safe around him or her; not to fear.
Therefore, I condemn this act. As leaders, we should come together and ensure that justice is served to these families that lost their loved ones.’

Date: 5th July 2016

Member of Parliament: Sen. Liza Chelule

Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josephat Mwenda and taxi driver Joseph Muiruri

'Mr. Speaker, Sir, I join my colleagues in condemning what happened to the three people who were killed in the last five days. It is a surprise to me because a policeman who is supposed to give you security is the same person who will turn around and brutally kill you like what they did a few days ago. I give my condolences to the families of these three men who died in a terrible way. We condemn this and I hope this act is an individual act and it is not about Jubilee, Orange Democratic Movement (ODM) or any other party. It is about all of us, as leaders to come up, stand up and condemn the act. I hope justice will be done and I believe now that they have been arrested, proper investigations will be done and justice will be seen to be done. I rest my case and condemn it.’

Date: 5th July 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josephat Mwenda and taxi driver Joseph Muiruri

'Mr. Temporary Speaker, Sir, I also rise to condemn the killings. Today, this country is sad that when young people want to stop mafias or cartels in land and businesses of tendering, they are killed. We must stand and condemn that completely. We must tell Kenyans that time has come where issues that we used to have those days where people found themselves in a court for nine or 10 years are no more. Cases of succession take too long to be settled. You will find some cases going on for 15 or even 30 years and that is why families start using the police to kill each other. The lawyers would wish to end such cases but they are caught in between.

Mr. Temporary Speaker, Sir, it is sad for the families of the lawyer and the taxi driver. This is something that we need to go beyond. It is not just about the bodaboda or-- - I think there is something deep in this issue that we do not understand. It might be a case involving somebody very senior in this country who decided to use our young policemen who have no idea to kill someone and hire somebody to dump the bodies in the water and they are found in all this mess. I hope the lawyers will go deeper than what we are seeing and unravel what happened. This will also help to stop what others might be thinking to do.’
Date: 5th July 2016  
Member of Parliament: Sen. Fatguma Dullo  
Contribution She Made On: Extra-Judicial killings of lawyer Willie Kimani, Josephat Mwenda and taxi driver Joseph Muiruri  

‘Mr. Temporary Speaker, Sir, first, let me pass my message of condolences to the families of the three who were killed brutally by the police. This is really very sad. It is taking us back to the dark days of this country which is unacceptable. The police are supposed to protect the lives of Kenyans and deal with criminals. In this particular case, these were not criminals but Kenyans who were going about their business to work for their lives.  
Mr. Temporary Speaker, Sir, we always make noise when such things happen but I believe after this, the families will be left alone. I wish to appeal to the Law Society of Kenya (LSK), where I also belong, to do something to take care of the families and moreso the child that is left behind by Mr. Kimani. This is very sad and we should not accept it.  
Mr. Temporary Speaker, Sir, secondly and finally, the police are investigating themselves. We raised such an issue when I was at the Kenya National Commission on Human Rights (KNCHR). We cannot allow people to investigate themselves in this country. No evidence will come out and everything will be concealed. We need independent bodies to investigate these matters and make sure that justice has been done.  
This is really very sad and very serious and it will make young lawyers who are coming up to fear to carry out very serious cases like this. This is killing a profession. Mr. Temporary Speaker, Sir, we need to---’

Date: 6th July 2016  
Member of Parliament: Sen. Joy Gwendo  
Contribution She Made On: Industrial action by Unionisable members of the kenya plantation agriculturalworkers  

‘Mr. Speaker, Sir, I am a Member of the Committee on Labour and Social Welfare. I will consult with the Chairperson to have the relevant answers by next week on Thursday.’

Date: 6th July 2016  
Member of Parliament: Sen. Janet Ongera  
Contribution She Made On: Burning of secondary schools in Kisii County  

‘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 recent burning of secondary schools in Kisii County namely; Nyamache Boys Secondary School, St. Andrews
Kagwi Boys High School, Nyakoiro High School, Itierio Boys High, Mochenwa, Riambase and Nyamonye SDA Secondary Schools. In the statement the Chairperson should:
(1) Explain the reason for this burning happening in our schools especially arson cases and steps to address the root cause.
(2) State what the Ministry of Education, Science and Technology is doing on the rising indiscipline in the schools.
(3) State the measures taken to prevent similar cases arising across the country.
(4) Why are secondary school principals being transferred because of the burning of these schools? What is the co-relation?

Mr. Speaker Sir, may I request through your Chair that the Chairperson of the Committee on Education would call the Senator for Kisii County and as members of that delegation which I am the Vice-chairperson, be present when the CS for Education is called.’

Date: 6th July 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Recent increase in the price of maize floor
‘Mr. Speaker Sir, pursuant to Standing Order No.4 (2) (b), I wish to seek a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the recent increase in the price of maize floor.
In the Statement, the Chairperson should:-
(a) Confirm that the recent increase in the price of maize flour is not due to millers preferring to import maize from neighbouring countries instead of buying locally produced maize.
(b) Specifically clarify why the millers are not purchasing produce under the Galana-Kulalu Irrigation Project and state what the Government is doing about it.
(c) Confirm that millers have been avoiding maize from the National Cereals and Produce Board (NCPB) because it is of poor quality owing to poor quality storage.
(d) State the extent of the financial loss incurred by NCPB as a result of the negligence in maize storage and indicate what disciplinary measures the Government has taken against the culpable officials of the corporation, considering that such negligence could lead to food insecurity in the country.’

Date: 6th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Harassment of boda boda operators in Nairobi County
‘Mr. Speaker, Sir, with regard to Statement “f”, we are not satisfied with the Statement provided. As a Committee, we have summoned the Nairobi County officials next week to
give us further clarification. We, therefore, request for at least two weeks. We agreed to meet them on Thursday, which is the convenient day. We can give the answer in two weeks time.’

**Date: 6th July 2016**

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

**Contribution She Made On: Harassment of *boda boda* operators in Nairobi County**

‘Mr. Speaker, Sir, I agree with the Vice Chair that the statement provided is unfortunate. They do not dispute or agree with the penalty of Kshs200,000. We need to get to the bottom of this matter because it is serious. It is unfortunate how the Ag. County Secretary has answered this question. What is it, Sen. (Dr.) Machage?’

**Date: 6th July 2016**

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

**Contribution She Made On: Campaign against manufacture and consumption of second generation alcohol**

‘Thank you, Mr. Speaker, Sir. Sorry; I had just received the response to the Statement, so I went to share it with Sen. Khaniri. We have not gone through it. Therefore, I request that we be given an opportunity to go through it so that he can also critique it and then we issue it tomorrow.’

**Date: 6th July 2016**

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

**Contribution She Made On: Compensation of land owners along the standard gauge railway (SGR) route**

‘Mr. Speaker, Sir, I would like to support Sen. Mbuvi. I am one of the affected persons. However, I made a decision. My mother was a Muslim while my father was a Christian. I made a decision because I was brought up by a single mother. I made a decision to be saved and become a Christian. So, Sen. Mbuvi, it is wise as Sen. Haji says; you declare your position; whether you follow your father or mother.’

**Date: 6th July 2016**

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

**Contribution She Made On: Compensation of land owners along the standard gauge railway (SGR) route**

‘Mr. Speaker Sir, I am not being repetitive. I echo the same words that Sen. Kembi-Gitura said. Since the distinguished Chairman had already indicated in this House that he was
ready to proceed, and it was only that Sen. Mbuvi was not in the House, it behooves the Chairperson to apologise to this House for misleading you and the entire Senate. Secondly, we would also like the record to clearly show that it was not because Sen. Mbuvi was not present that the Statement was not read. I have a right to repeat because we want this matter to be brought to an end and with a proper ruling, so that in future, other Chairpersons may not take us for a ride.’

**Date: 6th July 2016**

**Member of Parliament: Sen. Judith Sijeny**

**Contribution She Made On: construction of Kirinyaga sewerage plant**

‘Mr. Speaker, Sir, I have the permission of the Chairman, as the Vice Chair, to proceed. The Statements are not ready and I have communicated the position to Sen. Karaba who sought for them.

Yes, Mr. Speaker, Sir. Although they are not ready, we have invited the Cabinet Secretary and he has confirmed that he shall attend our meeting on the 20th of this month, which is next week, where we shall deliberate on all these issues and after that, give a position. We shall invite Sen. Karaba to attend that meeting, so that he can also interrogate the Cabinet Secretary and his team.’

**Date: 13th July 2016**

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

**Contribution She Made On: (Senators’ General Statements) volatile situation in South Sudan**

‘Mr. Speaker, Sir, first of all, I congratulate Sen. Wetangula, our Senate Minority Leader for bringing up this very important issue. South Sudan was really the hope and dream of Africa. It proved that we, as Africans, had come of age and were able to give birth to a new nation.

In my further request, the chairperson should tell us what the Jubilee Government is doing with regard to Kenyans living in South Sudan, particularly truck drivers. What is their welfare? What has been done in evacuating them? We would also like to know in that statement what the state of preparedness of Lokichogio Airport is with regard to evacuations and emergency landing. The last time we had problems in South Sudan during the civil war, Lokichogio Airport was really overwhelmed with aircraft movements. I am very passionate about the airport because I am the one who built it. What is the preparedness of our Government in dealing with it?

We also want to know how prepared the Jubilee Government is in dealing with the issue of refugees, particularly now that they are closing the Dadaab Refugee Camp.
This is a matter that needs the international community coming together. It is not just the President calling for a ceasefire. There are also internal problems here in Kenya where I expected that ceasefire to be called. I expect the international community to rise up and deal with this matter. South Sudan is the hope of Africa.’

**Date: 13th July 2016**

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

**Contribution She Made On: (Senators’ General Statements) Volatile situation in South Sudan**

‘Mr. Speaker, Sir, this is a statement that has attracted a lot of interests and a matter of concern both nationally and internationally. It is an urgent matter. I request Members to give the Committee till Thursday, next week. We will then give a comprehensive answer to the issues raised. Some of the issues touch international organizations. It is good that we consult and give a proper Statement.’

**Date: 13th July 2016**

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

**Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills**

‘Mr. Temporary Speaker, Sir, I just want to ride on that Statement that as the Chairman looks at the issues raised, we also need to understand why the police are dealing with young people in that sort of manner. Is it possible that there might be a squad within the police that is being used by ordinary people to do what is currently happening?’

**Date: 13th July 2016**

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

**Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills**

‘Mr. Temporary Speaker, Sir, thank you for this important question that has been raised. Last weekend, we buried a Kenya Defence Force (KDF) soldier in my county who had been killed under mysterious circumstances. He had worked in various places including Somalia. It is sad that a soldier can serve in Somalia and escape death from Al-Shabaab but come to die under mysterious circumstances at home and yet we think it is normal.

Mr. Temporary Speaker, Sir, what we have been seeing in the country is something that we should not take lightly. We should know that every life counts. As Sen. Murkomen said, after we get the answers to these questions, we need to get a proper update on what is going on in this country. This is something that we cannot take lightly or ignore.’
Date: 13th July 2016  
Member of Parliament: Sen. Elizabeth Ongoro  
Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills

‘Mr. Temporary Speaker, Sir, I would like to add my voice to what has been raised by colleagues. The magnitude of abductions and extra-judicial killings that we are experiencing in the country qualifies to make the matter a national crisis. This is not the time for finger-pointing, blame game or making reference to particular Ministries. It is time for the nation to come up with lasting solutions.
We need to be sober and serious when dealing with this issue. This is because when it gets to a point that even those we expect to give security to us are the suspects, then we do not know whom to turn to. Even as a witness, you are not sure whether the police officer interrogating and collecting evidence from you will not kill you later in the night.
This is so serious a matter that if we do not deal with it, we will have a judicial system that is completely useless. No one will offer himself as a witness because he will fear for his life. Lawyers will also become very choosy on the cases to handle because they will fear that if a case is sensitive, they will be abducted and killed because of simply doing their professional duty.
We cannot just expect the line Ministry to give an appropriate answer to this. We demand from the line Ministry and the Executive arm of the Government to bring to the Senate a proposal that is serious and which will stop these senseless killings. What action is the Government putting in place to ensure that we end up with a special department and trained force that will interrogate this matter to give us a lasting solution?’

Date: 13th July 2016  
Member of Parliament: Sen. Judith Sijeny  
Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills

‘Mr. Temporary Speaker, Sir, I forgot. I wish to present a rider on it. May I do so with your permission? It is on the same issue. The other day, it was reported in the media that in Oldonyo Sabuk River, there are young people who retrieve bodies. That is how they earn a living. Every now and then, they are called upon to retrieve bodies.
We want thorough investigations to be done around that river. We should know why bodies are being dumped there every now and then. It is sufficient for people to survive on it. That is a very serious issue.’

Date: 13th July 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: Upgrading of former provincial secondary schools to national schools

‘Mr. Temporary Speaker Sir, I rise to request a Statement on behalf of Sen. Kagwe on the upgrading and elevation of some former provincial secondary schools to national school status. 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 same.

In the Statement, the Chairperson should:-
(a) State the number of national schools and provide the list of such schools per county in the country.
(b) State how much money was allocated to each school to enable them transform to national school status.
(c) Explain the rationale that guided the aforementioned allocation of funds in “b” above.
(d) Explain whether there are plans to allocate more funds to the same schools in the future; and,
(e) Explain the mechanisms put in place by the Ministry to ensure the new national schools match with the national school standards that earlier existed.’

Date: 19th July 2016

Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Implementation of senate resolution on state of affairs in Kenya Airways Limited

‘Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.45(2)(b) to seek a Statement from the Chairperson of the Sessional Committee on Implementation regarding the status of the implementation of the resolution of the Senate on the state of affairs in Kenya Airways Limited. In the Statement, I would like the Chairperson to apprise the House on the status of implementation of each of the recommendations made by the ad hoc select Committee of the inquiry into the affairs of the company and its subsidiaries in its report on the matter as tabled on 1st December, 2015 and adopted by the Senate on 3rd December, 2015. Mr. Speaker, Sir, I have another Statement. I do not know---’

Date: 19th July 2016

Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Implementation of senate resolution on the disappearance of twins at Pumwani Maternity Hospital

‘Mr. Speaker, Sir, the second Statement is directed to the same Committee.'
I rise pursuant to Standing Order No.45(2)(b) to seek a Statement from the Chairperson of the Sessional Committee on Implementation regarding the status of the implementation of the resolution of the Senate on the disappearance of twins at Pumwani Maternity Hospital on 6th January, 2015. In the Statement, I would like the Chairperson to apprise the House on the status of implementation of the recommendations made by the Standing Committee on Health in its report on the matter as tabled on 15th September, 2015 and adopted by the Senate on 2nd December, 2015. Thank you.’

Date: 19th July 2016
Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: Volatile situation in South Sudan
‘Mr. Speaker, Sir, I also want to ride on that. My concern is on the priority that the Government gives to the people. The Government has failed to protect its people. This issue is very serious. As we get the response, we should also get the way forward on what plans the Government has in regards to the security of the people of Kenya. When you connect the two, you see that hijacking of Kenyans is connected to other--- Mr. Speaker, Sir, the Government should prove that it has not failed. That is the statement that I want.’

Date: 19th July 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Volatile situation in South Sudan
‘Mr. Speaker, Sir, I was not holding brief since they are here. Let me remind the House that last year in this Senate we passed a Motion urging the Ministry of Foreign Affairs and Trade to ensure they put up an institution in every Embassy; an institution to deal with issues like what is happening in South Sudan. At that time, we had a lot of hue and cry on the issue of domestic violence against workers in Saudi Arabia. I do not know what happened. I urge the chairpersons, as they answer this question, to go back and look at the Motion we passed. We have around 37,000 Kenyans working in South Sudan. We need a way of ensuring either we use the Kenya Defence Forces (KDF) to go with buses and bring those Kenyans who want to come back home---. We have very serious investors who would want to stay and protect their own investments or wait for calm to return to the country in order to continue with their businesses. I hope we can use KDF with buses for just two days and bring back our brothers to this country.’

Date: 19th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Implementation of government policy on free maternity services

'Mr. Speaker, Sir, on 16th June, I sought for a Statement from the chairperson on the Standing Committee on Health. The last time we were in Session you ordered that it be given today. However, I have not seen it on the Order Paper. We have not even been informed whether it is ready or not. It concerns maternal care in Kisumu County.’

Date: 20th July 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Construction of the Kirinyaga sewerage plant

'Mr. Deputy Speaker, Sir, on Statement (d), the Cabinet Secretary (CS) was present during our meeting today and he informed us that the Sewage Department is not within his docket. He does not deal with construction of sewerage plants. He said that the House could, perhaps, redirect the issue to the Housing Ministry.’

Date: 20th July 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Status of Makutano-Ngurubani-Kimbimbi-Samson Corner Road

'Mr. Deputy Speaker, Sir, the Statement is ready. This was a request for a Statement on the status of Wanguru Airstrip in Mwea, ongoing renovation of the Kimbimbi-Sagana-Kagio-Kutus and Ngurubani-Kimbimbi roads.

Supplementary questions were asked by a number of Senators with regard to the ongoing renovation of the Sagana-Kagio-Kutus and Ngurubani-Kimbimbi roads. The specific questions were:

1. Why the Government was not widening the Sagana-Kaggio-Kutus Road?
2. Why the Government was not taking care of the shoulders that were already worn out, particularly between Ngurubani and Kimbimbi?
3. Why the heights of bumps had not been increased to slow down the speed of motor vehicles?
4. Was the Kshs45 million the total amount spent to repair the Kirinyaga section or the entire length of the road.
5. The Sagana-Kagio-Kutus road was meant to be completed by the end of June but it was far from being completed. What was the cause for this delay?
6. What is the Ministry’s policy with respect to bumps because some of them are unofficially erected on the roads?
(7) What measures have been taken to ensure that persons with disability easily and comfortably cross the roads?

(8) The Makutano-Ngurubani-Kimbimbi Road tender had been split into three for faster construction to take place. According to the Procurement Act tenders cannot be split. Can this be explained?

(9) There are many motorbike accidents occurring on the Eldoret-Kitale Road. What steps does the Government intend to take to address this?

The response is as follows:-

The road is not too narrow for it originally had a carriage way with width of six metres and unpaved shoulders of one metres on each side. However, some sections have eroded over time resulting in the reduction of shoulder width and part of the carriage way. The Kenya National Highways Authority (KENHA) plans to progressively reinstate the road to its original condition starting with the ongoing contract where we have completed reinstatement of sections between Sagana and Kagio.

The KENHA awarded tender No.KENHA/MTCE/RD/1865 of KShs45,838,096 and part of the scope of the works was for the reinstatement of the critical worn out shoulders of Sagana-Kagio-Kutus Road which has been done. The contractor has been instructed to widen by benching and reinstating to gravel conditions all the critical sections of the shoulders.

The Makutano-Ngurubani-Kimbimbi-Samson Corner Road is not too narrow as it has a carriage way with a width of 6.25m and 1.5m wide shoulders on each side. Both carriageways and shoulders are in good condition. It is noted that the shoulders are heavily used by non-motorized traffic especially within the trading centres. The speed bumps preceded with rumble strips installed are standard as recommended by the Kenya National Highways Authority (KeNHA).

The bumps, in combination with the warning signs are supposed to warn the motorist thereby reducing the speed as required in order to enhance road safety. Enforcement agents and traffic police are required to ensure compliance. Raising the bumps beyond the standard height may lead to disastrous safety issues in case a motorist hits the bumps accidentally at a high speed.

The contract of Kshs45,838,096 is for the entire road section from Murang’a- Sagana-Kagio-Kutus to Samson Corner. However, most activities shall be undertaken within the Kirinyaga Section; 10 kilometres between Sagana and past Kagio where resealing works have been instructed. The Sagana-Kagio-Kutus section was scheduled to be completed on 27th June, 2016. However, the project was derailed due to unfavourable weather conditions occasioned by the heavy rainy season experienced in the months of March, April and part of May, 2016.
Also, low surface temperatures from June to date are not conducive for surface dressing activities. However, the contractor has completed all activities of pothole patching and reinstatement of critical shoulders to gravel condition. The only activity remaining is surface dressing. Nonetheless, the contractor has stockpiled all the required materials for the remaining activities and has undertaken to complete once the weather becomes conducive. The Ministry’s policy with respect to bumps is to calm traffic, control traffic speed and improve road safety. The demand for erection of bumps has been necessitated out of uncoordinated and unplanned settlements along the high mobility roads resulting to conflicts and compromise on road safety. The Ministry targets to install footbridges to eliminate pedestrians crossing the roads at undesignated areas. It will also engage stakeholders with a view to resolve all illegally erected bumps on the roads. The Ministry plans to completely eradicate illegal bumps and only install standard bumps on approved locations to enhance road safety.

For safety issues, pedestrians’ crossing locations are required for all users. In the new construction and rehabilitation, the designs have incorporated suitable nonmotorized traffic; that is, NMT facilities.

The Status of Makutano-Ngurubani-Kimbimbi Road is part of Makutano-Embu road classified originally as B6. The KeNHA has been maintaining this road under a single contract. The Government is aware of the high number of accidents involving motorbikes not only in that particular road but all over the country. As such, the Ministry has gazetted regulations on operation of motorcycles particularly targeting those involved in the passenger transport. The Ministry held sensitization forums for the County Commissioners and traffic police officers and discussed these regulations in June 2016.

The National Transport and Safety Authority (NTSA) is developing a programme that will involve all county Commissioners, traffic police officers and NTSA staff to sensitize motorcycle riders on these regulations and road safety in general. The sensitization programme for boda boda riders begins in the 2016/2017 Financial Year.

Areas with higher fatality case involving motorcycle riders and their passengers will be given priority. Thank you, Mr. Deputy Speaker, sir.’

Date: 20th July 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Status of Makutano-Ngurubani-Kimbimbi-Samson Corner Road

‘Mr. Deputy Speaker, Sir, how I wish my colleagues would have attended the meeting on the issue of these roads. It is not easy for the Cabinet Secretary (CS) to come here all the
time. I had announced and told my colleagues to avail themselves. Some of these reactions would have been explained into finer detail by the CS.

Be that as it may, on the issue of regulation raised by Sen. Mositet, the Committee on Delegated Legislation had looked at these regulations. There has been public participation. Perhaps what we could do is to avail the report to hon. Senators. On the issue of the NTSA securing our road, this is something new---

Mr. Deputy Speaker, Sir, we met with him in Committee Room No.5. I do not know what caused the communication breakdown. However, if they would have sought information from the relevant office, they would have known where the meeting was taking place. The CS will be here on Wednesday, next week. Therefore, they can still seek clarifications then.

The issue of 10,000 kilometres raised by Sen. Wetangula would be better addressed by CS because it is a policy issue.

With regard to the issue raised by Sen. Karaba, the preparation for the construction is ongoing. In fact, about 1,700 tenders have been awarded. There is a plan to ensure that a road is constructed in every county and priority given accordingly. I will give a detailed report later.

The Government is aware of the high number of accidents involving motorbikes, not only along Nakuru - Eldoret Road, but many other roads all over the country. As such, the Ministry has gazetted regulations on the operations of the motorcycle industry, particularly targeting those involved in the passenger transport. The Ministry also held sensitization forums for county commissioners and traffic police officers on these regulations during the month of June. The NTSA is also developing a programme that will involve county commissioners, traffic police officers and NTSA staff to sensitize motor cycle riders on these regulations and road safety in general.'

Date: 20th July 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Payment of school fees in schools/colleges

'Mr. Deputy Speaker, Sir, the CS should also tell us, in terms of the fixed fees ceiling for day schools, how many are adhering to the set fees which is Kshs9,000 for day schools. Some schools, for example, in my County, Nakuru, are charging up to Kshs21,000 per year in day schools. He should explain to us how that implementation is being done and the steps being taken to correct the errant head teachers and principals.'

Date: 21st July 2016

Member of Parliament: Sen. Fatuma Dullo
Contribution She Made On: Inclusion of relevant offices in police recruitment exercise

'Mr. Speaker, Sir, this is in response to a statement by Sen. Njoroge. I believe that he went through the statement a while ago. In response, I would like to say that Article 246(3)(a) of the Constitution states that:-

"(3) The Commission shall—

(a) recruit and appoint persons to hold or act in offices in the service, confirm appointments and determine promotions and transfers within the National Police Service” Recruitment is, therefore, a function of the National Police Service Commission (NPSC). Due to the enormity and logistics that are associated with the recruitment exercise, the NPSC pursuant to Section 13(i) of the National Police Service Commission Act established the national police service recruitment committee which was chaired by a commissioner with members drawn from the Inspector-General’s Office, the Administration Police Service, the Kenya Police Service and the Directorate of Criminal Investigation.

The Committee presented its proposal to the Commission’s Board that sat on 22nd March, 2016. Pursuant to Section 10(2) of the National Police Service Commission Act, the Board directed that the actual recruitment exercise should be delegated to the Inspector General who by use of the staff under him, would carry out recruitment in the 331 centres. The delegation instrument was communicated to the Inspector General (IG) of Police through our letter Ref. No. NPSC/1/3/12 Vol.4 Folio 39 of 29th March, 2016.

The Commission subsequently issued Circular No.NPSC/1/2/016, giving guidelines on how the exercise should be carried out.

It is also important to note that the National Police Service Commission (NPSC) Recruitment and Appointment Regulations, 2015 are in place and were expected to be followed. Besides these arrangements, the National Recruitment Committee was extensively involved in monitoring the recruitment exercise by sending commissioners and members of their secretariat to the field to oversee the preparations and the actual recruitment.

Secondly, is the analysis of the recruitment results. The names of shortlisted candidates were submitted to the Office of the IG by the recruitment panels from the 331 centres for verification, determination of successful candidates based on availability of vacancies and subsequent announcement. The analysis and verification was carried out by a secretariat appointed by the IG.

Thirdly, is whether some candidates were dropped. The Commission has received a number of complaints from some applicants who claim that they were successful but did not receive notification to join college. The Commission has launched investigations and if the allegations are found to be true, corrective measures will be taken to ensure that such
applicants are not disadvantaged. We shall also endeavour to submit a comprehensive report once the IG has forwarded his final report to the Commission.

Finally, is publishing of the names of successful candidates. At the time of recruitment, the Commission was still awaiting Parliament to approve the revised budget estimate and as such, there were no resources either at the Commission or at the Ministry of Information and Communication to meet the high cost of publishing 10,000 names. However, once the Commission receives the final report from the IG, we shall publish the names on the Commission’s website in order to comply with the constitutional provision.

I have attached copies of the Commission Regulations, the Delegation Instrument and the Recruitment Guidelines for your ease of reference.

I trust that the explanations will assist the Committee Chairperson to address Sen. Njoroge’s concerns. I have guidelines attached to the response which is ready for his perusal.’

Date: 26th July 2016

Member of Parliament: Sen. Fatuma Dullo

Contribution She Made On: Volatile situation in South Sudan

‘Mr. Speaker, Sir, I wish to respond to a request for a Statement which was sought by Sen. Wetangula. The Republic of South Sudan attained their Independence from the Sudan on 9th July 2011 following a referendum as provided for by the Comprehensive Peace Agreement (CPA) signed between the Sudan People’s Liberation Movement Army (SPLA) and the Government of Sudan on 9th January 2005.

However, the country plunged into a political crisis in December 2013 when violent conflict broke out between SPLA forces loyal to the President Salva Kiir Mayardit and those loyal to the Vice President Dr. Riek Machar. Immediately, IGAD Heads of States and Government initiated a process to resolve the crisis in South Sudan.

The IGAD-led South Sudan Peace talks resulted in the signing of agreements for the resolution of the conflict in the Republic of South Sudan on 26th August, 2015. With the support of the Intergovernmental Authority on Development (IGAD) and the international community, the implementation of the peace agreement has been progressing at a sluggish pace largely due to lack of trust and goodwill, naming the parties to the conflict.

Mr. Speaker, Sir, on Friday, 7th July, 2016, fierce fighting erupted in Juba near the State House where His Excellency the President Salva Kiir was meeting with first Vice President and His Excellency, (Dr.) Machar. Immediately, the crisis broke up. His Excellency President Uhuru engaged with the leadership of South Sudan urging them to do everything within their powers to end the senseless fighting and restore calm.
The Cabinet Secretary for Foreign Affairs initiated engagement with her South Sudan counterpart to see his commitment on the safety of Kenyans as well as our staff in the mission in Juba.

Mr. Speaker, Sir, further consultations with IGAD Foreign Ministers were intensified with the view to persuading the leadership of South Sudan to immediately stop hostilities and resolve their differences through peaceful means. This culminated into the convening of the Extra-Ordinary Session of IGAD Council of Ministers on 11th July, 2016. Meanwhile, our Embassy in Juba continues to provide situational reports and evacuation plan which remain vital in decision making.

The fighting between the South Sudanese Army and the opposition forces of the SPLA, however, continued into Sunday 10th July, 2016 leading to over 270 fatalities. Both sides traded accusation of instigating the new spate of violence. At the same time, the two principals each unilaterally announced a ceasefire leading to an uneasy calm which continues to date.

Mr. Speaker, Sir, having provided this background information, allow me to respond to the specific questions raised and directed to the Chairperson of the Standing Committee on National Security and Foreign Relations. First is on the steps being taken by the Government of Kenya to evacuate Kenyans living in South Sudan. With the brief calm in Juba, many Kenyans sought refuge in our Mission. The number continued to rise due to the fragility of the situation in the country.

Mr. Speaker, Sir, on 12th July, 2016, the Ministry of Foreign Affairs wrote a note verbalé to the Government of South Sudan as well as their Mission in Nairobi seeking assurance for safety of Kenyans in the country as well as safe passage for those intent on leaving the country. On 13th July, 2016, our Ambassador in Juba met with the Foreign Minister, Hon. Deng’, who assured him of the safety of Kenyans.

On 14th July, 2016, an executive decision for evacuation of Kenyans was made. On 15th July, 2016, the Ministry of Foreign Affairs dispatched an official to Juba to liaise with and assist the Embassy in ascertaining the number of vulnerable Kenyans willing to leave the possible means of transport out of Juba and exit route. Simultaneously, on 16th July, the Chiefs of Defence Forces of Kenya, Ethiopia, Rwanda, Uganda and the Sudan visited Juba to discuss regional stabilization effort.

On Saturday, 16th July, 2016, a team of 16 officials including six medical personnel were dispatched to Juba to commence emergency evacuation. Between 16th and 19th July, 2016, a total of 845 nationals were evacuated by air which includes 712 adults and 133 children who were infants. Among the evacuees, priority was given to the vulnerable, mainly women
with infants, children, the sick, elderly, wounded and persons with disabilities. As of 18th July, 2016, the number of Kenyans who had registered at the Embassy stood at 4,031. The Government is negotiating for safe road passage through Juba-Nimule Road to Uganda for Kenyans who could not be evacuated by air. Currently, there are about 1,000 Kenyans camping at the Embassy in Juba to whom the Government is providing safety and emergency relief. So far, an estimated 1,500 Kenyans have benefited from the security escort provided by the Ugandan Defence Forces escorting trucks ferrying their nationals to Uganda.

Mr. Speaker, Sir, I wish to report that our Embassy at Juba will continue to issue free emergency travel certificates for those without valid travel documents up to Monday 25th July, 2016. As at present, the situation is calm and quiet and it is expected to continue to improve. The Government is still monitoring the situation closely with a view to quickly determining an appropriate course of action should the situation deteriorate.

With regard to the number of Kenyans who have lost their lives in the ongoing skirmishes, there is one unconfirmed report of the death of a Kenyan truck driver allegedly killed in crossfire; a Mr. Mohammed Ali Ibrahim. The Embassy is in constant communication with the relevant authorities to ascertain the accuracy of this report as well as the nationality of the deceased.

Third is on how the bodies of Kenyans who have lost their lives will be brought back to Kenya. The alleged deceased Kenyan is alleged to have been buried in the South Sudan according to Muslim rites.

Fourth is on whether the Government is considering seeking compensation from the Government of South Sudan for Kenyans who may have lost their properties in the conflict. The Government is concerned about the loss suffered by the investors from Kenya. However, at this particular moment in time, efforts are geared to ensuring the safety and evacuation of nationals as well as encouraging the parties to the conflict to resolve their differences through peaceful means. Once the situation improves and peace is restored, the Government will engage with the Government of South Sudan to explore avenues of compensation.

The fifth question is on what the Government is doing as a leader in the region to engage intergovernmental authorities; the East African Community, the African Union, the United Nations (UN) and other international agencies to assist in solving the conflict. The Government has been fully engaged in mobilizing both regional and international organizations to redouble their efforts in search for a solution to the conflict in South Sudan. His Excellency the President has used various fora including the recently concluded United Nations Conference on Trade and Development 14 (UNCTAD) and the initially held 27th
Ordinary Summit of the African Union Heads of States and Government. He has also interacted with global diplomats such as the UN Secretary General, Ban Ki Moon, on the matter.

Immediately the new spate of violence broke out, the Government took the lead in calling for the urgent convening of the Extra-Ordinary Session of IGAD Council of Ministers to map out a regional response. Thus, Kenya hosted the 56th Extra-Ordinary Session of IGAD Council of Ministers on 11th July, 2016 which condemned the resurgent violent conflict and made several demands for immediate action including an immediate ceasefire, reopening of the Juba International Airport and reopening up of humanitarian routes.

On 16th July, 2016, His Excellency the President participated in the Summit of the Heads of States of IGAD plus the UN Secretary-General, Chairperson of AU Commission, Chad, Rwanda, South Africa, Nigeria and Algeria in Kigali, Rwanda. The Summit issued a communiqué by among others, acknowledging the ceasefire declared by the leader of SPLA-AIG and SPLA-AIO as a step in the right direction and urged for its full and unconditional implementation.

They also called for immediate investigation of the recent violence in Juba and elsewhere in South Sudan with a view to ensuring accountability of those responsible for the breakdown of law and order. Thirdly, they appealed to the international community and the humanitarian agencies to ensure accountability of those responsible for the breakdown of law and order.

They also appealed to the international community and the humanitarian agencies to come to the rescue of the affected population in South Sudan by strengthening their presence and mobilizing requisite resources and in that connection demand the parties to guarantee safe humanitarian corridors for passage of displaced communities and delivery of humanitarian supplies.

Finally, within the IGAD, AU and the UN framework, Kenya has continued to play a proactive diplomatic engagement to implore on the leadership of South Sudan to honour the peace agreement with a view to restore peace and tranquility. Furthermore, IOGAD, AU and the UN Security Council are seized with the matter and have held several meeting to map out the stabilization effort. Sixth is on what the international community is doing to demilitarize Juba and disarm the combatants with a view to merging the two warring armies into one national army. The UN Secretary-General has recommended the reinforcement of the UN mission in South Sudan. In this respect, the UN Security Council is considering the possibility of additional troops to reinforce United Nations Missions in Sudan (UNMIS) and is counting on the region.
On 10th July, 2016, members of the Security Council encouraged states in the region to prepare to provide additional troops in the event the Council so decides. IGAD called on the United Nations (UN) Security Council to extend the mission of United Nations Missions in Sudan (UNMIS) with a revised mandate including the deployment of a regional protection force to separate the warring parties, protect major installations, the civilian population and participation of Juba. IGAD also calls for immediate containment of the armed forces throughout the country to separate the forces in accordance with the permanent ceasefire and transitional security arrangement.

On supplementary information that was requested; first, is whether the Government is considering lobbying the international community to send peacekeeping forces into South Sudan.

Mr. Speaker, Sir, through the IGAD framework, the Government calls on---

Mr. Speaker, Sir, in conclusion, question No.6 is how prepared the Government is in dealing with the influx of refugees from South Sudan. Most of the questions are exhaustively responded to unless the Senator would like to seek clarification in one or two issues. The issue of refugees is primarily one of international concern. The Government will work closely with the relevant international agency should there be an influx of refugees.’

Date: 26th July 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Implementation of government policy on free maternity services

'Mr. Speaker, Sir, this is truly very unfortunate because I sought for this Statement on 16th June, 2016. To date, there is no indication. In fact, the Vice Chair then told me that the statement will be ready within a week. These are very serious issues. We have five women who have delivered sharing a bed and the pathetic situation has not changed. I believe this is countrywide. If the Committee is having a problem with the response, then they should summon the Cabinet Secretary (CS) to give a comprehensive statement on the situation because this is a matter of life and death.’

Date: 26th July 2016

Member of Parliament: Sen. Fatuma Dullo

Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills

'Mr. Speaker, Sir, I do not have a response but I have a letter from the Ministry. I have tried pushing for this Statement to be given to me today but I have an official communication from the Ministry which I can read to the House. Unfortunately, I have gone personally to
the Ministry to meet the Cabinet Secretary on this matter but according to this letter, it is addressed to the Clerk of the Senate.

"Request for response to statement regarding the increased disappearances and murder of children aged eight and 16 years in Chesuwe Village, Nandi Hills, Nandi County.

Reference is made to your letter Ref. No. Sen/NSF/OR/04320/16 dated 14th July 2016 on the above subject matter. This office is kindly requesting that we be provided with two more weeks to allow preparation of a comprehensive response to the various issues that were raised by the Hon. Senators.”

Mr. Speaker, Sir, this is a communication from the Ministry. I seek your direction on this matter.’

Date: 26th July 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills

‘Mr. Speaker, Sir, listening to the delays that we have from the Ministry, especially on such matters, we need to come up with a time limit on the answers, reasonably even within four days. If a Ministry is well organized, it can have specific officials who are thoroughly following up and ready to act on the questions coming from Parliament. The data is already there; it is a question of just systematically putting them through. From the response, I fear that there is no definiteness about the two weeks. It looks like even after two weeks we might still not have an answer. Somebody somewhere is not taking seriously some of the Statements that we are seeking from the Ministries. We request that we have timelines and specific procedures of, probably, having officials on standby, so that we can get answers quickly and expeditiously.’

Date: 26th July 2016
Member of Parliament: Sen. Elizabeth Ongoro
Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills

‘Mr. Speaker, Sir, I wish to add my voice, fully aware that I am a Member of that Committee. In all honesty, we are talking about the lives of our children.

A line Ministry that has a full mandate, with a budgetary allocation, personnel and all the organs and institutions, should give Kenyans the answer. Two weeks down the line, five lives have been lost. We are talking about a matter that infringes on Article 26 of the Constitution, under the Bill of Rights. Everybody has a right to life. It is a pity that we are
now being told that an entire Ministry cannot give this House, on behalf of Kenyans, an answer as to what is happening to our own children.

In all honesty, we cannot wait one day, two days or one week. The Cabinet Secretary in charge should be summoned to this House, to tell Kenyans what is happening to our children, in not any other lesser words. To be honest, I am lost for words to even sit here and listen that an entire Cabinet Secretary, his Principal Secretary (PS) and all the officers in that Ministry cannot tell us that they have even a preliminary report on what they have gathered from the ground about what is happening to these children. It is completely unacceptable.’

Date: 26th July 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills

‘Mr. Speaker, Sir, I also condemn the disappearance of the five children and the two who were found dead. The Cabinet Secretary and the Principal Secretary are sleeping on the job. They are very active when it comes to chasing people who are demonstrating about IEBC which is a serious matter affecting our people.

However, when it comes to the disappearance of a person, it comes later, long after the person is found dead. I am afraid that the three children might also have been killed. The legislators want an explanation because we are the representatives of the people. Therefore, we must see how we can protect our children.’

Date: 26th July 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Implementation of senate resolution on state of affairs in Kenya Airways Limited

‘Mr. Speaker, Sir, I requested for a statement from the Implementation Committee on 19th June on the resolutions of the Senate on the state of affairs in Kenya Airways Limited. Although that Statement is not due yet, it is a matter of national importance. In fact, it is only last week that the company posted very serious losses. I request for the Chairperson to be directed to issue the Statement on Thursday instead of Tuesday, next week.’

Date: 27th July 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Shooting of Ulanda Girls’ Secondary School student
Thank you, Mr. Speaker, Sir. On 29th June, I sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the case in Migori County where a Form Two student from Ulanda Girls’ Secondary School was hit by a bullet fired by a Prison Warder on 27th May, 2016. I am still waiting for this Statement but it is almost one month. The girl has a permanent disability. So I am seeking your guidance on the same from the Chair to respond.’

**Date: 28th July 2016**

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

**Contribution She Made On: Disappearance and brutal murder of children in Chesue Village, Nandi Hills**

‘Mr. Speaker, Sir, though I appreciate the frustrations of the Vice Chairperson of the Standing Committee on National Security and Foreign Relations, I attended the Kamukunji in this House earlier today and we were very categorical that some of these things need to be taken more seriously. We demanded that the IG appears in person or sends his deputy because he had not done that.

However, I refer the Committee to Article 125 of the Constitution:-

"(1)Either House of Parliament, and any of its committees, has power to summon any person to appear before it for the purpose of giving evidence or providing information.
(2) For the purposes of clause (1), a House of Parliament and any of its committees has the same powers as the High Court."

We must not push this buck to the Majority Leader in this House. I have seen the powers of summon work. Even now in the County Public Accounts and Investments Committee, we are now meeting the very stubborn governor of Kakamega through summons. The powers of the committees are much guaranteed in the Constitution. I encourage the Committee not to pass the buck because this issue is quite critical and it is not the only one. The issue of families sleeping, not knowing whether their children are alive or not is not an issue we can push and joke around with. I ask the Committee to exercise their powers as provided for in Article 125 of the Constitution.’

**Date: 28th July 2016**

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

**Contribution She Made On: Implementation of government policy on free maternity services**

‘No, Mr. Deputy Speaker, Sir. If both the Cabinet Secretary and the Chair are saying that the free maternity policy of Jubilee Government is effective yet it is clear and they have not denied that women as many as five who have just delivered are sharing beds and infants
are dying, it cannot be effective. Even from their statistics, they have not indicated the rate of mortality of women and children who have died and how many lives they have saved for them to show us the effectiveness.

Mr. Deputy Speaker, Sir, the Chairperson said that health has been devolved to the counties. The Senate has the oversight role and the Chair has not informed us the intervention he has sought to ensure that the question we are asking to protect the mothers and the children who give birth in the counties---. What measures have been taken because the statement has been there for over two months? The Cabinet Secretary for Health should have done research or intervened in the best way possible.

Mr. Deputy Speaker, Sir---

Yes, Mr. Deputy Speaker, Sir. They should clarify the measures being taken to protect the women and new born babies because they said the new maternity wing will be ready within four months. What are the women going to do? With all this kind of money that Kisumu has received, they should tell us the measures, even if temporary, they are taking to protect lives. He is not going to tell us that because the doors are open, you will flood in everybody and let them die. Could they tell us what precautions are being taken?

Date: 28th July 2016

Member of Parliament: Sen. Daisy Kanainza

Contribution She Made On: Status of implementation of the senate resolution on the state of affairs at the Kenya Airways Limited

‘Thank you, Mr. Deputy Speaker, Sir. There is a way forward that had been prepared by the Committee that led to the recommendations which were adopted.

(1) The board has been reconstituted with a new chairman and the departure of the finance director in order to strengthen its policy direction and oversight roles.

(2) In order to turn around Kenya Airways (KQ) the board has undertaken the following measures:-

(a) Strategic turnaround concept: it has developed a five-year plan with challenge and build from McKinsey.

(b) Operational turnaround concept: retained the recovery and transformation services to assist in detailed concept that was ready by end of March. The document is being fine-tuned.

(c) Financial/stock balance sheet restructuring; debt advisor PJT mandated to advise on the financial restructuring concept and long-term capital plan to be developed by the end of April, which will be based on the operational turnaround plan.
(2) The company has embarked on fleet resizing to homogenous new and competitive structure. They have two 787-8s sub-leased and contract signed; three 777- 300s sub-leased and in the final stage of contracting and four 777-200s are out for sale with two sold and out of the fleet in February. I believe that we have been following it up in the news on the national media. All the above actions will reduce monthly costs by US$8 million.

(3) In order to increase revenue, raise working capital and cut down on costs, the company has:

(a) sold land to the Kenya Medical Supplies Authority (KEMSA); the key tenant to raise US$20 million, which is in the final stages of approval;
(b) made changes in commercial operations, including people and prizing restructure;
(c) restructured short-term debt to give room for recovery;
(d) sold the London slot to raise US$50 million cash and the release of 787 series.

(4) The company has a plan to undertake a staff downsizing as part of the turnaround strategy, which we are aware that Phase 1 has already been done and completed.

(5) On the implementation process the Government, which is the major shareholder, is reviewing the financial position of the company in order to support the turnaround plan. Further, an *ad hoc* Committee of the Cabinet has met representatives of the Royal Dutch Airlines (KLM), with a view to establishing their role in the turnaround strategy and whether KLM can raise short-term finances. The discussion also revolved around the need to examine the master co-operation agreement, commercial partnership between KLM and KQ. The Government will, through the board, review the joint venture with KLM, especially on the provision of the code sharing, revenue management and sales tracking to ensure equity in revenue sharing.

(6) The recommendation of arbitration alternatives continue to be applied as part of dispute resolution and continuous engagement with unions. No new outsourcing contracts have been entered into in the period so far.

Mr. Deputy Speaker, Sir, if you allow me, I will go through the suggested way forward that arose from the meeting that was conducted between the KLM and KQ.

(1) Mitigating the challenges of KQ be approached as follows:-

(a) examining the master corporation agreement between KLM and KQ;
(b) registering and acknowledging the commitment of the Government of Kenya to sustain the operations of KQ as a major shareholder; and,
(c) commitment by both parties (KLM and KQ) to review and update the agreement referred to in part (a).

(2) As part of protecting the interests of the airline and its shareholders, all legal avenues have been explored.
(3) A formal record of the discussion and resolution between the Government of Kenya and KLM, as shareholders of KQ, be kept for future reference.

(4) The KQ board and management have briefed the Committee severally on the financial restructuring plan, which has now been endorsed for execution.

(5) The Government of Kenya and KLM as major shareholders reaffirm their support to the operational and financial turnaround plan. The Government has, in addition, borrowed on behalf of KQ from Afriexim to the tune of US$ 200 million to enable the airline access funds for its short-term obligations and operational needs.’

Date: 28th July 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Status of implementation of the senate resolution on the state of affairs at the Kenya Airways Limited

‘Mr. Deputy Speaker, Sir, I thank Sen. Kanainza for that response. However, she seems not aware of what McKinsey is. May I seek the following clarifications:-

1. We continue to see hemorrhage losses of billions from Kenya Airways (KQ). I would like to know the measures being taken in short-term, apart from these 18 to 24 months, to mitigate the losses. When do we expect to see results?

2. It is the action of the people that has brought KQ on its knees. What legal measures have been taken by the organisation in taming this and serving as a lesson to others who mismanage public bodies?

3. How many people were targeted to lose their jobs?

4. What are the Cabinet resolutions regarding this issue as has been put here?’

Date: 28th July 2016

Member of Parliament: Sen. Naisula Lesuuda

Contribution She Made On: Status of implementation of the senate resolution on the state of affairs at the Kenya Airways Limited

‘On a point of order, Mr. Deputy Speaker, Sir. Before you intervened, that is what was going through my mind, having been in that Committee. The exact question should be; there were certain clear, specific recommendations that were worked on by the Committee and deliberated in this House. The answers that were given are also general; touching on everything. That is why Senators are just responding to this thing. Unless Sen. Kanainza can – looking from what has been given, they should go directly to the recommendations and they tell us at what stage they are on each one of them in terms of implementation. Then later we can see whether having implemented those recommendations, we can see any impact or turnaround on Kenya Airways.’
Date: 28th July 2016
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: Status of implementation of the senate resolution on the state of affairs at the Kenya Airways Limited

‘Mr. Deputy Speaker, Sir. Information given by the people who are in this Committee shows clearly that the Committee on Implementation did not take enough time to go through the report even from the way Sen. Kanainza was reading. She could not read the Mckinsey and Company Limited which gave the ---

Mr. Deputy Speaker, Sir, maybe in future, other Committee Chairpersons should learn from this. Before bringing the reports to this Senate or before answering questions we need to go through the report, do consultative meetings so that---’

Date: 28th July 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Status of implementation of the senate resolution on the state of affairs at the Kenya Airways Limited

‘Mr. Deputy Speaker Sir, this report was tabled in the Committee on Roads and Infrastructure where I am the Vice-chairperson. We debated it and summoned the Cabinet Secretary (CS) and the Chief Executive Officer (CEO) of Kenya Airways and they responded to this. I understand what you have ruled on it, and there probably may be new issues which may have arisen. However, with your kind permission and to avoid duplication, I seek directions and clarifications if it will be in order that the Implementation Committee sits. There could be a joint committee although I do not know what the Standing Orders are---

Mr. Deputy Speaker, Sir, a report was done. I am just talking about the interim stage since they are going back to the drawing board. Could there be a joint sitting between the Roads and Infrastructure Committee and the Committee on Implementation so that we look at all these issues?’

PAPERS LAID

Date: 5th July 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The 2009 Kenya population and housing census and analytical report
‘Mr. Speaker, Sir, I want to add that even when we do allocations to counties, we still have conflict because of the same census. Therefore, it is important for the courts to conclude these cases so that we know the way forward regarding the matter that has been pending since 2009. I think we need to close the chapter on census.’

**Date: 6th July 2016**  
**Member of Parliament: Sen. Catherine Mukite**  
**Contribution She Made On: Report of the Inter-parliamentary Union regional seminar for African Parliaments**  
‘Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Wednesday, 6th July, 2016:-  
Report of the Inter-parliamentary Union regional seminar for African Parliaments on effective implementation of resolution 1540 in Africa; opportunities for Parliaments held in Abidjan, Cote d'Ivoire, in February, 2016.’

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**POINT OF ORDER**

**Date: 13th July 2016**  
**Member of Parliament: Sen. Janet Ongera**  
**Contribution She Made On: Security within parliament precincts**  
‘Mr. Speaker, Sir, may I also commend the Senator for Murang’a for bringing this important matter to the House. Security is as strong as its weakest link.  
Our security is very paramount in this Parliament. I am particularly horrified that the weakest link to our security here is the Senator’s entrance. It is the only one that does not have metal detectors. We urge you, through your good and able leadership, to speak to the Parliamentary Service Commission (PSC) to look for all the weakest links in this Parliament, so that they are properly enhanced and we can be assured of our security.  
Mr. Speaker, Sir, again, I am not sure whether the distinguished women Members of Parliament are criminals.  
Mr. Speaker, Sir, I did not seek for any protection. I was making my statement and was not given an opportunity to finish. What I was saying is that there are rules as to what the size of a lady’s handbag should be.
Mr. Speaker, Sir, I want to support the important point of order that was raised by Sen. Kembi-Gitura. It really behooves all of us to take care of our security.’

Date: 26th July 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: The Water Bill

‘On a point of order, Mr. Temporary Speaker, Sir. I do not know whether I will be pre-empting debate but I know that we have other Bills which we mediated on. There is the Water Bill and also the Land Laws Bill. I do not know whether we will follow the same path although by now, those Bills should have been in the House. By the time we were discussing this one, if these Bills were in the House, the Water Bill would have been disposed of.’