Date: 8th June 2016  
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)  
Contribution She Made On: Chaired a Session

Date: 14th June 2016  
Member of Parliament: Sen. Naisula Lesuuda (Temporary Chairperson)  
Contribution She Made On: Chaired a Session

Date: 29th June 2016  
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)  
Contribution She Made On: Chaired a Session

Date: 2nd June 2016  
Member of Parliament: Sen. Liza Chelule  
Contribution She Made On: The County Allocation of Revenue Bill (Senate Bill No.3 of 2016)

‘On a point of order, Mr. Temporary Chairman, Sir. Mr. Temporary Chairman, Sir, I have been requesting to seek a clarification from you for long time. I thought we are in the Committee of the Whole because of the amendments. I have been listening keenly to contributions made by Sen. (Prof.) Kindiki and Sen. Mutula Kilonzo Jnr. with regard to amendments. However, why should we waste time in this Committee of the Whole when we know that we cannot do much without amendments? I would like clarification from the Chair.’

Date: 30th June 2016  
Member of Parliament: Sen. Judith Sijeny  
Contribution She Made On: The Reproductive Health Care Bill (Senate Bill No. 17 Of 2014)

‘Mr. Temporary Chairperson, Sir, I beg to move:-  
THAT, Clause 3 be amended-
(a) in paragraph (a) by deleting the words “the women” appearing immediately after the words “rights for” and substituting therefor the words “every person”;  
(b) by deleting paragraph (b); (c) by deleting paragraph (c) and substituting therefor the following new paragraph—  
(c) create an enabling environment for the reduction in maternal morbidity, child morbidity and child mortality rate;  
(d) in paragraph (d) by deleting the words “women and children” appearing immediately after the words “services to” and substituting therefor the words “every person”.  
The reason why this provision has been amended is to ensure that the objects and purposes of the Reproductive Health Care Bill are to promote reproductive health care services to every person and not only to women and children.  

(Question of the amendment proposed)  
Mr. Temporary Chairperson, Sir, I beg to move:-  
THAT, Clause 4 be deleted and substituted with the following Clause—  
4. The National and County Governments shall ensure accessibility of family planning services including contraceptive methods, counseling, and free information and education The purpose for amending the words “available” was to replace it with “accessibility” to avoid ambiguity and also as defined under the definitions.  
Accessibility was defined under definitions as ability of an individual to obtain or receive appropriate safe, accountable, effective, quality health information and services. So, it is for clarity purposes.  

(Question of the amendment proposed)  
Mr. Temporary Chairperson, Sir, I beg to move:-  
THAT, Clause 5 be deleted and substituted with the following Clause—  
(1) The County Governments shall ensure availability of information and education on natural family planning methods.  
(2) Every health care provider prescribing a contraceptive method shall provide relevant information to the person to whom the prescription is being given as to its advantages and disadvantages and ensure informed consent.  
(3) A health care provider who provides family planning services shall collate relevant data and forward it to the board under the cover of confidentiality  
The purpose is to include natural family planning as a family planning option.  
It seeks to cater for people whose beliefs or religion and health do not allow the use of contraceptives as a family planning option.  

(Question of the amendment proposed)  
Mr. Temporary Chairperson, Sir, I beg to move:-
THAT, clause 6 be amended by-
(a) deleting the heading appearing immediately before Clause 6 and substituting therefor the following new heading – ASSISTED REPRODUCTION
(b) deleting the word "stable" appearing immediately after the words "means a".
The purpose for this amendment is to ensure that the same has an umbrella heading for all other types of assisted reproduction. It is all other methods and not only one as had been indicated before.

(Question of the amendment proposed)

Mr. Temporary Chairperson, Sir, I beg to move:-

THAT, the Bill be amended by deleting Clause 7 and substituting therefor the following clause-
7. (1) Every person has a right to assisted reproduction.
(2) The national and county governments shall provide affordable, accessible, acceptable and quality assisted reproduction services.
(3) Assisted reproduction services shall be offered by a person qualified and licensed by the respective regulatory bodies.
(4) For purposes of assisted reproduction services-
(a) the health care provider shall before commencement of treatment, give the parties seeking treatment specific information about medical condition, the available medical treatment options, the risks, the success rate, cost of treatment and the facilities where that treatment options are available;
(b) the assisted reproduction health care provider shall provide professional counselling to patients about the implications and chances of success of assisted reproduction and shall also inform the patients of the advantages, disadvantages and cost of the procedures;
(c) the health care provider and the health facility shall ensure there is preservation and promotion of the health, safety, and dignity of the parties; and
(d) the health care provider shall give all concerned parties relevant information to enable them make an informed choice and give informed consent before undertaking any assisted reproduction service.

The purpose is to safeguard the young persons being exploited into being used as surrogate mothers for unintended purposes. It is to protect young mothers.

(Question of the amendment proposed)

Mr. Temporary Chairperson, Sir, I beg to move:-

THAT, Clause 8 be amended by deleting paragraph (c) and substituting therefor the following paragraph-
(c) in the prescribed form.’
Sen. Sijeny proposed amendments to all clauses up to clause 51. She introduced a New Clauses 18A, 18B, 6C, 6D, 6E, 6F and 12A.

'Mr. Temporary Chairperson Sir, pursuant to Standing Order No. 139, I beg to move that the Committee do report progress on its consideration of The Reproductive Health Care Bill (Senate Bill No.17 of 2014) and seeks leave to sit again tomorrow.'

(Bills)

Date: 2nd June 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: the Protection of Traditional Knowledge and Cultural Expressions Bill (National Assembly Bill No. 48 of 2015)

'Mr. Temporary Speaker, Sir, I thank the National Assembly and the Executive for bringing this Bill to this House. As I have always said, the constitutional Bills are Executive Bills, which must be passed by both Houses of Parliament. We all know that protecting intellectual property started during the industrialisation age. This was when communities and indigenous groups realised that technology was setting in and their property was being copied by others. For example, we, as country, lost our kikoi to the Japanese. Our country has a lot of traditional property that we must protect. We have many shrines and treasure our rituals, artifacts like gourds used by communities to ferment milk in the former Rift Valley region. We have beautiful cooking pots from Turkana County. In the western part of Kenya, we have traditional baskets weaved using reeds. It used to keep food warm for a long time. However, people have stopped using these traditional methods to preserve food in favour of the new technological ways. Among the Samburus, there were certain manyattas, which were dear to women during birth of a child. In other words, these were traditional maternity facilities that were well maintained and maternal deaths were minimal. However, as we talk about the protection of traditional knowledge, it is important to remember that the young people of this country are also coming up with digital innovations. Two weeks ago, I watched a young man from Nandi County who had assembled a tractor.
He just picked a few scrap metals here and there and put them together, did some wiring and fixed a battery. That is how he came up with his own version of a tractor. Those who had been laughing at him for the last one year now appreciate his work. His tractor ploughs better than the usual tractors. In fact, he cannot cope with the demand from farmers. Many of them want him to use his tractor to plough their land for them. He was featured on the Smart Farm programme which is aired by Citizen Television.

Mr. Temporary Speaker, Sir, those are some of the innovations that I am talking about and they go beyond traditions. We should respect the traditional methods of doing things in this country. Currently, the modern technology is popular, but we can still use the traditional jembe to plough our land. The Ogiek Community has lived with their traditions for ages and they would want to protect them. This Bill will ensure that, that happens. The Bill proposes that we preserve our traditional foods. I remember that on 26th December of every year in this country we used to celebrate culture day. Some counties have carried on with this practice. For example, in western Kenya, this day is celebrated by eating different types of traditional foods. Young people are taught how to prepare traditional delicacies like mrenda, among others.

Here in Nairobi we celebrate our cultural activities in Carnivore. We have Luhya, Kamba, Kikuyu, Girima or Kisii nights. Every tribe is proud of their culture and they celebrate it in style. The Maasai rite of passage is, in fact, a tradition that we really need to protect since it has not changed for years. This way, the Maa Community will appreciate their culture and ensure that their young people learn and protect it, as much as they embrace technology.

Mr. Temporary Speaker, Sir, this Bill is among many others that have come to the Senate. I would plead with the hon. Senators not to introduce so many amendments that will water down this Bill.

Part 5 of the Bill is about Moral Rights. Clause 21(1) of the Bill says: “The owners of traditional knowledge or cultural expressions shall be holders of the moral rights in the traditional knowledge or cultural expressions.” This brings in the issue of Article 10 of the Constitution on national values. If we remind ourselves of the traditions and morals that our parents taught us, then we shall operationalize Article 10 of the Constitution. We face many challenges today because of abandoning our traditions. The elders are no longer guiding the young people. We do not treat our elders with the respect they deserve. Some of us fight them and wonder why they exist. This Bill will help us to treat our elders with decorum. We must tap the wisdom from them so that we move forward as a country.

Clause 21(2) (b) and (c) of the Bill says:- "The right not to have ownership of traditional knowledge or cultural expression falsely attributed to them; and (c) the right not to have their traditional knowledge and cultural
expressions subject to derogatory treatment— “This is the one thing that we, as a country, need to express. I am sorry to say this, but today I look at the lawyers and the way they fight left, right and centre and then tell us that there is a crisis. My question is: Did we just replace the British Constitution with an American Constitution, which is confusing us? That is why we must go back to our own values and traditions. As much as we want to bury our heads in the sand and say that we do not need amendments to this Constitution, I think we need critical amendments.

That way, all these moral rights that we are then talking about can align themselves in that Constitution. We will then be able to express ourselves as an African country that believes in Pan-Africanism.

Clause 32(1) and (2) of the Bill says:- “The owners shall consider a user agreement application and determine whether to—
(a) reject the application; or
(b) accept the application and enter into negotiations for a written authorized user agreement, in relation to the application within a specified period of sixty days.

(2) The holders shall inform the national Government and the county government, in writing, of their decision and the Authority shall inform the applicant of the holders’ decision, in writing.” That is where I would wish that we clarify, so that you do not find yourself in conflict with indigenous people, the law, the county and the national Government. It means that someone is applying for rights to property and traditional customs. This has to come out clearly, so that the owners of traditional knowledge and cultural expressions understand before entering into any agreement. I believe that there should be an agreement on compensation, fees, royalties and other payments.

Clause 34 stipulates clearly what is needed. The Somali Community, for example, believes in verbal agreements, which are taken very seriously. Therefore, it is important to appreciate the noble way of doing things and agree on some of these things. As we amend this Bill, we must consider clear verbal agreements amongst the indigenous people. People should also respect the agreements made by clans which carry penalties against those who breach them.

Mr. Temporary Speaker, Sir, finally, as a country, we are losing our moral values, characters and changing our attitudes. We look at our country in a different way. Every morning we find ourselves tweeting about serious issues on our phones. Our neighbouring countries are running away because they are questioning our moral values.

Countries like Uganda, Rwanda and Tanzania have protected their cultural values and morals. They fear our country because we have become so ‘westernized’ that they wonder whether they will get the same respect from us that they receive within their own country.
Therefore, we should safeguard our morals and traditions. We should be less ‘westernized’ and appreciate that we are Africans. Whenever Mr. Trump, one of the presidential candidates in the United States of America (USA), speaks you can clearly tell that he is a real American. Therefore, this Bill brings back the pride and belief in being African. Africa will achieve much if we appreciate what God has given us. Mr. Temporary Speaker, Sir, I beg to support.’

Date: 2nd June 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: the Protection of Traditional Knowledge and Cultural Expressions Bill (National Assembly Bill No. 48 of 2015)

‘Mr. Temporary Speaker, Sir, as Sen. Mutula Kilonzo Jnr. Said; mwacha mila ni mtumwa. I stand to support this Bill because it is important and critical.

It refocuses on something that we tend to forget quickly. We forget about our cultures and take them for granted. We have a young generation of Kenyans that is very ignorant about their culture. Some of them are even ignorant about their languages, yet you will hear them on television saying that they are from the Luhya, Giriama or Kalenjin tribes.

They have a sense of identity, but due to the conflict that ethnicity has brought in this country, they rarely talk about the beauty of ethnicity; where somebody comes from and what it should mean.

Therefore, this Bill is critical because it provides a framework for Article 11 of the Constitution that talks about culture, and that it is the foundation of any nation. Indeed, sociologists and philosophers now argue that the problems that we have with the youth may be as a result of the de-generation of culture over time. Many people want to go back and re-invent that culture; to look at how things were done.

For example, they want to look at how men became brave by going into the forests and learning how to fight. They were taught how to kill animals like the lions. They were taught about culture and there was so much beauty. There was a transition from being a young person to puberty and all that went with it. The riddles, proverbs and anything cultural helped to bring about a cohesive, knowledgeable, stable and clear society that would protect its own. There was always an agreed format of reaction, starting with a key language that members of a community shared. Therefore, from the beginning it was easy for them to communicate.

Article 11 of the Constitution is given substance through this particular Bill, which is critical and important. As other Senators have said, it touches on the national and the county levels. This Bill would not have come at a better time when we are looking at county
governments. Therefore, their role in emphasizing and strengthening that cultural issue becomes easy, unlike if we did not have the 47 counties. This gives us an opportunity to do that. It also gives a framework for Articles 40 and 69 (1), which talk about cultural rights and the rights that Kenyans have and need to have for them to protect their society.

One of the good things that we have, which applies to Kenya and Africa in general, is the richness of cultures. Many of these cultures have not been documented. That is where the problems lies. We take everything for granted and as natural. The transmission of knowledge and culture comes through oral stories. Only a few people have bothered to look at the oral stories, to find out their meanings and teach the younger generation. For example, in my family, I have two uncles who really understand the culture and can trace their history from up to four generations. I told them to document their knowledge because no one will be able to trace and understand the value of having names when they are no more.

On Saturday, we had a function and we had different people with the name Nzale. One of the visitors and a friend who was in the function wondered how we had all the ‘Nzales.’ It happens in other families because that is the naming system. This culture expresses itself through naming and the action that people make, the reaction towards things like birth and funerals. Therefore, people do not get mixed up.

The irony for many Africans countries, including Kenya, is that we have been caught between our traditional cultures and modernity. Our understanding with the introduction of Christianity is that when you follow modernity, you should not follow culture. This Bill entrenches the realization that for us to know where we are going, we must understand our cultures, what is acceptable and what is not acceptable. When the Anglican Church stands strongly in saying that it is against the African culture to have homosexuals within our African cultures, it is taken as given. This is something we understand and can defend from a particular type of context. We must not be caught up in our transition to follow cultures of others that we do not understand, because that is where many people get lost.

This Bill advocates for the documentation of all cultural practices. Documenting all these cultural practices will be a lot of work so that it can be understood and for people to narrate about them. Definitely, a team will have to come to the fore to put all these together, have a library and an archive. I heard Sen. Mutula Kilonzo Jnr. Talking about a museum. In some countries, you will find everything put together. But sometimes you get disappointed when you get fragmented information in a museum. The other day I went to watch the play *Mekatiliili wa Menza* and was amazed. I have watched the story of Mekatilili, the Giriama heroine who many times is forgotten. She stood up against colonial masters and fought; she is recognized historically. The way they brought this play out made me feel so proud that I
am a descendant of Mekatilili. When we stand up and have the bravery, forthrightness and foresight that she had, we begin to feel the strength to move on.

At the Coast, we have the *kishutu*, which is distinctively for the Mijikenda, just the same way we have the *shuka* from the Maasai. Many people are now buying them and making outfits from them. Recently, we had the *Kishutu* Night at the Carnivore Restaurant to raise money for development in the Coast. It was a theme that brought us together. We have to be careful every time we talk about communities coming together.

We should not look at it as something divisive *vis-à-vis* another community. We need to get to a point in Kenya where I, from one community, can appreciate something else from another community.

Mr. Temporary Speaker, Sir, I am talking about the *mahandu*, the skirt that is worn by Giriama women, which is fantastic and beautiful. However, as the Senator who spoke before me said, most of these dresses have not been patented. We had to struggle for the *vigango* from the Coast that had been taken to museums abroad to be brought back to Kenya. We need to fight for the *Kayas* in the Coast, which are sacred places within the forest, where people go to commune with their gods. It is very important to ensure that no encroachment takes place within such sacred places.

As the Bill proposes, all those places have to be documented to protect the knowledge, riddles, folklore and stories. However, even as we do that because of the younger generation, it is important to re-enact what happened. Sometime back it was very popular to have the different ethnic community nights of celebration, which have now slowed down. We should revamp that so that we have a Coast Night, Kamba Night, Kalenjin Night, Kikuyu Night and many more community nights, so that we enjoy the music and food from the specific communities that we come from. Mr. Temporary Speaker, Sir, we should tell the stories as they happened. A story that needs to be told over and over again is that of the *Mau Mau*. Recently, a young man grew dreadlocks on his head and the parents were against it. The young man in reply said that he was emulating the *Mau Mau*, as they were in the forest. That is a re-enactment of an understanding of what it means to belong to a particular generation.

For a long time, we have struggled with identity as a country of shared cultural heritage. Sometimes back, a group was tasked to look for a Kenyan outfit, costume and norm. We did not end up with a costume that became popular. We eventually came up with a costume after various trials, but I do not think that it became popular. We can have multilevel identities; at a national level and various community levels. Mr. Temporary Speaker, Sir, all these should catapult into something key that can also earn revenues in the county governments. When you travel to various countries, you will discover that they develop their
various sites or statues. When you go on tour and pay for the bus to take you round, you will be told about the statues and what they are all about. You will also be informed about the heroes of those communities as well as their artifacts. That is lacking in our country. Imagine if someone went to all the places that have been mentioned; the *crying stone*, the *kayas* and *vigango* in the Coast and the Rift Valley, where we have the wildebeest migration. All those are capable of attracting a lot of revenue and income.

In Clause 24 of this Bill, there is a provision that has been put in place on the benefit sharing from specific cultural activities, where money is collected and should be distributed. The mandate to decide on that distribution has been given to the Cabinet Secretary, but when we will be looking at the amendments, it is important to give proportions and be clear. If it is a benefit that is coming from the communities, we should have a clear proportion of how it can be shared. That way, whenever people go for tours, they will enjoy themselves.

The *Bomas* of Kenya has been mentioned as a one-stop place where schools go to see how different ethnic communities coordinated and danced. However, overtime that has diminished.

Mr. Temporary Speaker, Sir, this is a well thought and conceptualized Bill. It provides for civil action and remedies. The main conflict that is predetermined and premeditated by this Bill is with regard to areas where we have a shared culture by two communities. It is clearly indicated that each community will record and document that particular culture. Therefore, they will take their sphere of that culture, while the other community will take another sphere of that very culture. Other rights and remedies are also identified. There are very clear ideas about public consultation that will take place. That should give a very vibrant situation where people can talk more about their traditional systems and cultures and how to document them. Issues such as moral rights that are key and critical in each of these communities should be given a voice. If this Bill is enacted into law we will not only transform ourselves at our cultural level. The basis and foundation of any society is the cultures that they have. This should be entrenched even to a point of moving some of these things to the syllabus, so that some of the documented issues on cultural knowledge can become part and parcel of our curriculum. This will ensure that the young people grow up understanding how names are given and why ululations are made differently for the boy and the girl. They will also understand why people go through puberty and the specific rights.

Mr. Temporary Speaker, Sir, you will notice that some of these rights address health matters and disintegration of families because most of them encourage discourse and dialogue. We have had problems in this country because we do not dialogue enough. Whenever we talk about dialogue, we always think that we will lose power. We forget that it is through dialogue that even the biggest problems are solved. When people come together and have
consensus, they decide which direction things should take. Therefore, apart from transforming the cultures, there is a definite direction at transforming the societal values; what is key and important is lacking in this generation. Going by the statistics and the studies that have been done among the youth, many of them say that they want to be rich by the time they are 34 years old, without caring about what they will do. When it comes to issues of conflicts and how to acquire property, most of the cultures will address them. Let us entrench them in the syllabus by moving away from documenting and enactment to a level of training. That way, we will save the society and have a prosperous Kenya. I beg to support.’

Date: 7th June 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: The Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016)

‘Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity to contribute to this Bill. I beg to support it because it brings some clarity. It assists in the implementation of the Constitution in the two-thirds gender rule. That is why I am excited about it. It cannot be institutionalized as an institution as Parliament, but it should be nationalized. This is the song that everybody must sing everywhere; the two-thirds gender rule. In addition, it favours women. This is still a patriarchal society. Women are yet to fully participate in politics as men. Any time the gender rule is mentioned, many people think that women are being smuggled in through the back door. We are just saying; give everybody a chance. You never know. We are going to the elections; it may go the other way round. God willing, it is the men who will be fighting for the gender rule to be observed.

We cannot ask God to adhere to that gender rule in families because He does as he pleases. However, it is a mile stone. In the United Kingdom, the Labour Party has this rule. It is observed in the elections. That is why there are more women of the Labour Party in Parliament. Uganda and Tanzania adhere to it. Our friends in Rwanda are lucky. If they continue with the same trend, it is men who will be fighting for their space so that the gender rule is observed.

Mr. Temporary Speaker, Sir, the other amendment which pleases me is the amendment to Section 5 which seeks to harmonize the time frames on the provision relating to provisional registration of a political party. This will enable Kenyans to know which political parties exist, their ideologies, values and principles so that by the time they subscribe to them, they fully understand what they are doing. This will help so that you do not just pick a political party as a rebound when you have lost the nomination in your political party. At the end of the
day, you realise that you cannot associate yourself with that same political party because you do not believe in that ideology.

The other good amendment which I fully support is on Section 11 on the principle of setting out different procedures by which political parties can merge. These mergers are important. It brings clarity and honesty so that the politicians can honour the MOUs, come out with clear-cut contracts that if you breach, you know what your next step is instead of some people being shortchanged.

We have seen a lot of party indiscipline, especially in this Parliament. There are people who tend to resign, go publicly declaring that they are no longer in a political party that took them to Parliament yet they still enjoy the fruits of the members of that political party. When clarity is brought to the amendment in Section 14, then we shall know the way forward. There will be less indiscipline. In fact, there will be proper clear-cut ways of disciplining politicians who are not decided where they are; one leg is on this side while the other one is on the other side. This will be done not only by the individual political party, but the Registrar of Political Parties should discipline them directly and save individual political parties the agony of being devoured or harassed by others.

Mr. Temporary Speaker, Sir, I shall move an amendment at the right time. It will empower particularly women. Now they are struggling to reach the threshold. Political parties should set aside a certain fund to support women aspirants. The playground is not even for everybody. The political parties will have the leeway of preparing the criteria upon which these women aspirants can be funded so as to enable many of them to be elected in the national elections and not necessarily wait for party nominations. If all this is done, then politics in Kenya will be more interesting. It will not just be an issue of men. Women can bring sanity in the political arena. They are good leaders. They should be given a chance.

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

Date: 8th June 2016

Member of Parliament: Sen. Dullo Fatuma

Contribution She Made On: The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No.54 of 2015)

‘Mr. Temporary Speaker, Sir, it is the one that you have just pronounced. You did very well and I thank you for that.

I will also thank the brains that were behind this particular legislation. This is a very important document to our country. In some areas, the current policy and legislation has been used to benefit foreigners instead of locals. This Bill will ensure that that will be history.
Mr. Temporary Speaker, Sir, one of things that I wanted to discuss in this particular Bill is the issue of consultation which is very important. This is because we need to be very clear on what ‘consultation’ means. We have seen instances where consultation has been regarded as meeting with few people in a hotel and taking photos in an attempt to convince people that consultation took place.

A threshold for consultation has to be very clear for a country or a group. Secondly, the procedures that are going to be put in place in terms of how the process should be started or initiated should be clear. This will go a long way in ensuring that there are no loopholes and gaps. This will ensure the rights of the citizens are considered.

Mr. Temporary Speaker, Sir, there should be limitation within the law. For instance, if someone has been granted a license for a specific natural resource, it should be indicated in that particular license or agreement. This is because when people were initially given a license, they used to forget what they were licensed for and went ahead to use the same license in exploring other minerals which were not part of the licensing conditions. For example, if someone has been given a license to explore gas in Isiolo County, it should be limited to only gas and not any other resource.

The aspect of mediation is very important in that, if one House disagrees with the other in terms of how approval is done, consensus needs to be reached so that the approval is granted. The relationship between the community and the licensee is very critical in legislation.

Mr. Temporary Speaker, Sir, second is with regard to the relationship between the community and the person who is given a licence. It is very critical to come up with the legislation and the procedures that will be used. This is because over the years, explorers are given licences and they go to counties to harass communities. If an explorer is coming to a county, there must be mutual relationship between him as an investor and the community. If that is not taken care of, it will affect our communities. We have seen instances where communities are not informed or involved in what investors are coming to do. When they are asked, they harass the community. This has to be considered in the agreement and the licence.

The other aspect is the benefit. Over the years, policies and legislations did not consider what benefits communities were to get from this particular licence. I think this particular time this legislation will go a long way in ensuring that local communities are involved at the initial stage in what they will benefit from this particular process. This is very critical because Kenyans will be able to protect their interests once this process is initiated.

The other aspect is capacity building of the communities. This is because communities must be involved from the word go, that this particular investor is coming to do a, b, c and d, and
this is what you will benefit. If this is not done, it will be a violation of the rights of the citizens. This has to come out very clearly in this particular Bill.

My final point is the period of exploitation which should be limited in the sense that if I am given a licence, it should be for five or ten years and not forever. There are some explorers who go to some counties to explore, harass communities and keep on exploring and end up exploiting everything. We need to factor those aspects into the agreement as well as the procedures that will be put in place.

This is a very important document. Currently in my county, there is a big problem where the Governor is leasing the park to foreign investors. The local communities are not involved and it has brought a lot of debate in terms of how this is done without consulting the communities. I think this will go a long way in curbing such issues. It is very important that this is fast-tracked so that governors are stopped from doing things the way they feel, as though it is their own property. This will help communities to benefit from their natural resources.

Date: 8th June 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No.54 of 2015)

Madam Temporary Speaker, I rise to support this Bill. It is important. It gives prominence to Article 71 of the Constitution. It enumerates transactions requiring Parliament’s ratification across the board.

The Schedule is also clear. It lists various resources that are covered. It is a broad range of resources; crude oil, natural gas, minerals, water resources, underground water, wildlife, forests and genetic material. I will comment about genetic material later on.

However, definitely when a mineral agreement is at a threshold of US$500 million, then definitely Parliament has to be concerned with it. The Bill is clear; Parliament means both the National Assembly and the Senate. At specific clauses, it is clear that even if necessary then the provisions of Article 113 be triggered to ensure that sufficient role is played by both the Senate and the National Assembly either at the initial level of deciding whether this is a process that will involve only the Senate or the National Assembly. More so, where there will be a difference in amendments that will be made, then that will immediately go to mediation.

Therefore, this is important. It first deals with natural resources which are dear to Kenyans’ hearts. As Sen. (Prof.) Lonyangapuo said, there is no county that does not have natural resources. As the Senate, we have been crucial. We have also played a role in discussing
natural resources. You may remember the Natural Resources Benefit Sharing Bill, 2014. For example, concerning benefits that need to go to the community, we already have that Bill. We just need to fast-track it through the National Assembly so that communities benefit.

The importance of this Bill is that it rationalizes the use of natural resources and gives provisions specifically for that to happen. It also gives the Cabinet Secretary the leading role in ascertaining specific ratification processes. What is the underlying reason therefore, for this transaction and their ratifications when it limits exploitation especially by foreign entities so that you do not have foreigners engaging without supervision in large scale level of extracting? Sometimes they just come from foreign agencies and also as local individuals. So, beyond a particular sum, it is very important that citizens are protected from that level of exploitation.

Whether that exploitation comes from within or without, it must be addressed and it also helps to protect the heritage of Kenyans. At the end of the day, they can benefit from specific natural resources. Of course, through ratification which is an official way to confirm by promoting or going through a process by a vote, it needs to be very clear that such ratification is important.

First, it is an official way of doing it. Secondly, in this case, Parliament can look through and ratify just not through debate but usually through a specific vote. Therefore, Members of Parliament (MPs) will be cognizant of the facts that go on in any discussion and give appropriate ratification. That form of formal validation is important. We have a process of formal validation of a law. We already have a law in place. However, it is not carried highly because this is a very broad sector. In many cases, you might find that people run away with quite a lot. Therefore, it is important that formal validation is done even though we already have a process law.

Madam Temporary Speaker, Article 71 of the Constitution is clear. It states that Parliament shall enact legislation providing for classes of transactions subject to ratification. As one of the Senators said earlier, this law needed to have come into place much earlier. However, we are happy it is coming into place now.

Among other things, this Act applies to any transactions entered into after the effective date. So, this will be immediate. The act applies to any transaction involving all actors. All levels have been considered; the national Government, county governments, state organs and all county government entities. So, all the levels of these players have to be considered at the various points.

Madam Temporary Speaker, Clause 4 gives a list of areas that are not subject to ratification. It is important that apart from having the Schedule that gives areas for ratification, we also have those which do not require ratification, for example, at subclause 2(b), the grant of a
concession or right by a private person to exploit natural resources through an agreement or contract.

So, at a specific level, when somebody has an agreement or contract and they are at an individual level, they can continue with the extraction of the natural resources.

Where a grant of a concession or right to exploit a national resource is for scientific research, education, non-commercial purposes, it has already been provided for. When it comes to the partnership that exists in educational institutions, especially, for scientific research, it is important that there is a flow that has to move from one entity to another. That flow is done without any complications.

Madam Temporary Speaker, we have a material transfer agreement which is not a permit. It is an agreement that exists in various institutions for the transfer of materials from one institution to another. That is already governed. That is why in the Schedule, at resource No.11, on grant of a permit to conduct free trials of Genetically Modified Organisms (GMOs); these provisions have already been covered by the Materials Transfer Agreement. This is what Sen. M. Kajwang was speaking to.

We need to look through the classes of transactions as they have been put and as we continue to debate, look at the implication of other acts that are already in place; governing the processing for these specific areas, for instance genetic material and resources. We also have the Biodiversity Act, No.2 of 2009. To a large extent, it also talks about the material transfer.

Madam Temporary Speaker, as we consider whether we need to have a look at those specific categories for ratification, when we move on to the various clauses especially part 3 on Submission of Agreements to Parliament, I think this is very critical.

The timing is given there, the sort of agreement that needs to be put into place is also discussed and that the transaction will have the Cabinet Secretary (CS) responsible for natural resources who is also subject of the transaction as being the person to whom the submission of the agreement should be made.

At clause 6, more responsibility is given to the CS responsible for the natural resources who shall submit an agreement memorandum to Parliament for ratification, in terms of Article 71 of the Constitution.

Therefore, during the process, a lot of homework will need to be done, in terms of background, especially by the Ministry, so that as they progress to give the transactions to Parliament for consideration for ratification, those submissions and agreements have been thoroughly assessed.

Clause 9 states that:-
“The following shall be relevant considerations in deciding whether or not to ratify an agreement.”
These are very key because they give the relevant considerations on the transactions subject to ratification. Recommendations of the relevant regulatory authority will have to be sought, comments received from the county government are also an important process as those decisions are made.
I had already alluded to Clause 10, which is very clear about the procedure in case of different resolutions, because this can be a potential source of conflict between the two Houses, and that has been well addressed. Where one House of Parliament resolves to ratify the transaction but the other resolves not to, then automatically, even before that, we should have already gone through the provision of ensuring that the process is in the right House but the mechanism for Article 102 and 113 will be relevant and these are supported by the Standing Orders. In situations where the National Assembly says this is due for ratification but the Senate says the opposite, then, obviously, we need to go into mediation to ensure that we have a form of the Bill that is acceptable to both Houses and that provision has been put into place.
For all the administrative arrangements I have talked about, information and the possibility of going through the specific process, the register shall be maintained, for example, in electronic format. The good thing about that is that we have gone digital and it should be possible for people and Members of Parliament to quickly inspect it. I think I fear sometimes when I see, in view of the things we have said, that certain information, because we are talking about open data systems that have now become very critical.
I remember being at a forum where a presenter very confidently said that if you called a certain number, you would be told whether you have been registered as a voter or not. Immediately when we called that number, there was no response. It has become a habit where people just say this is open data and it is available yet it is not. People do not even have recourse to where to go in order to get the data. Which public office will you walk into to ask for public data, and be given? You will be asked what business you have with that data.
Sometimes when you ask for this information even at the level of a legislator, some people want to hide when they think there is something hidden in it. I think it is a culture and it must be changed in this country. We should move towards open data systems if we are serious. It is through open data systems that we will move to open governance which is the key password in the world now. People are talking about open governance partnerships that are meant to expose and allow people to participate.
Madam Temporary Speaker, one of the Senators - I think it was Senator Fatuma Dullo - earlier talked about public participation which is something we are still grappling with. Even though it has been adhered to and provided for in Article 10 of the Constitution, very little public participation is going on. If we do not have public participation, then we are not empowering people to have a voice, and sometimes that voice makes governance easier.

There is a very high correlation when you look at studies correlating areas where there is proper public participation and governance and performance. People are also not in doubt and they understand what is going on. You are also giving them capacity and that should be also enhanced through civic education.

Lastly, Clause 13, especially on the regulations, states as follows:

"The CS, in consultation with Sector CSs, will make regulations giving effect to the provisions of this act. Without prejudice to the generality of the subsection; the regulations made under this section will prescribe the particular classes of transactions entered into between the effective date and the commencement date."

That is something important. I think that will be guided by the Schedule. It is key that various audits will be done from time to time and that will continue to give a sense of the specific transactions that need to be ratified.

As I conclude, let me go back to the Schedule where I started. We need to realise especially when we are talking about genetic material that we are removing the responsibility from the National Biosafety Authority which has been created by the Biosafety Act No. 2 of 2009---

Therefore, we need to ensure that we have clarity in terms of ensuring that we do not replicate. When we go to the Committee of the Whole, we will be suggesting amendments to remove clauses 10 and 11 in that list, because they have already been dealt with appropriately in the existing Acts. I support.

Date: 8th June 2016

Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Order of Precedence and Titles Bill (National Assembly Bill No.11 of 2014)

‘Madam Temporary Speaker, sadly, as has been said, this is a Bill that originated from the Senate and it is now coming from the National Assembly in more or less the same form. However, these issues need to be sorted out. It is an important Bill because it removes our ego and helps us to remember where we fit in.

The Bible says that when you go somewhere, you should sit behind so that you can be told to go sit in front. Other times you could be sitting in front and you are told to go and sit at the back because you are not ‘honorable.’ That can be very embarrassing. As it has been
said, I think we all like titles. People like to give themselves all manner of titles, for example, doctor or professor. Some prefer to be referred to as a minister, reverend, doctor; all the titles together.

One really wonders whether it is that important. Some people ask about titles and what they prefer. At the end of day, it is important to have the right reference. We are in a new dispensation and Constitution. This is something that needed to be made clear because different office holders give themselves different titles. I am not sure whether after this Bill is passed and assented to, it will be easy to remove those titles that have stuck from right at the beginning. Maybe this Bill should have come earlier so that we identify specific positions and titles.

A title, especially politically, gives the order of seniority and hierarchy. That is what politics is all about. That is why people prefer to speak last, so that they feel authoritative and answer everybody who cannot answer them back; they are the ones with the last word. The Bill is very clear in the objects and purposes, to maintain public order and decorum. We have seen ugly scenes of lack of decorum. We have seen people snatching microphones from one another, saying that they be the ones who deserve to address the audience. This needs to be sorted out. Titles also create a culture of respect, order, discipline and form of doing things. When it is stipulated like this, nobody will ask specific questions. As has been said, it is also important in guiding the Salaries and Remuneration Commission (SRC) in determining the specific scales which will be critical.

As Sen. M. Kajwang said, Clause 4 gives the order. We have not been bold enough in (i). We have compressed this category too much. I know that Senators are Members of Parliament, but of a different category. For example, parliaments across the world, like in Rwanda or United States of America (USA), Senators are addressed as ‘Senators.’ For us in this new dispensation where we are the guardian angels of counties, it needs to be clear. We are not Members of Parliament (MPs) in the sense that Members of the National Assembly are MPs; there is a distinction. That is why we have a bicameral system rather than a unicameral system.

The problem arises because we have not yet embraced the level of bicameralism that we need to embrace in this country. We are finding a problem with this Bill because it is silent. There is no single sentence or word about Senators in the Bill. It looks like it is being avoided quite consciously. We need to deal with the evident lack of the mention of ‘Senators’.

In Clause 6 (f), the proposals for titles are given for everybody else apart from the Senators. That needs to be noted. When it comes to making amendments, we should put that in order. As has been said by Sen. M. Kajwang, Members of County Assemblies (MCAs) have
also been left out. We should accept that we have the devolved system, which has county assemblies and county governments. We have a different parallel form of authority across the specific counties, which is clear and important. If we do not do what is stated in Clause 4 (3), which is interestingly helpful in this Bill, we can have a recipe for conflicts in succession. That Clause comes out clearly to say that presiding order does not mean a natural succession. There is a process for succession that is separate from the order that has been given. If left like that, it can create a problem when it comes to succession; people might forget the specific process.

We all love to move quickly through traffic jam and so, the enforcement of this law has to be straight to ensure that those who use sirens are the ones who are meant to use them. There is a particular group of about seven people who are allowed to use sirens. I am also happy because the former Presidents and the former Prime Minister will be allowed to use sirens. That gives us a plus, especially for the CORD Coalition.

Clause 6 states that the governor of a county shall be referred to as “the governor”. Where a provision has already been made for Members of Parliament (MPs) that they be addressed as ‘honourable’, we can suggest the use of ‘honorable Senator’ for specific Members of this House.

Penalties of up to about Kshs1 million have been given for wrong use of titles. Titles are really about culture and how it is entrenched within a particular society. It is important to have a culture that is entrenched in a way that is meaningful. Every time we talk about culture, we remember that it is a way of life. Most of the time, culture is about an agreement among various people. There is nothing cast in stone when we talk about dialogue about the Constitution. The definition of a law is that it is a social contract among various people. This is why we have amendments for people to give their views about a particular law. It is only in Kenya where it becomes a battle ground. In most of the other legislatures and countries, it is something simple, straightforward and in sync.

At the end of the day, we want to make changes that are key and important. Even as the change is taking place, the main issue is to embrace the values. The values in Article 10 of the Constitution are clear. If we can have the values come up as a system for acculturating ourselves in our legislation, it would become easy.

Madam Temporary Speaker, as I finish, the Bill seeks to ensure that we have a good image of the country, discipline, order and decorum, which is important but it will be a process to enforce it. When it comes to the actual enforcement, the aspect of culture and values that I have been talking, will be more critical than anything else. I support.’

Date: 14th June 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No.44 of 2015)

'Mr. Temporary Speaker, Sir, I also rise to support this constitutional Bill of Parliament. In 2012, oil was discovered in Turkana County by Tullow Oil which is a British company. At that time, as the former Minister said, many of us we were doubting Thomases. However, our doubts were laid to rest because, indeed, we have oil deposits in Turkana County and exploration is going on in different parts of the country.

Clause 77 of this Bill is about Local Content and Training. The biggest challenge we are facing is that many residents of Turkana are given menial jobs. These jobs do not require skills. I urge the Government to pressurize the companies involved in oil exploration in this country to engage local communities in the same way the company constructing the Standard Gauge Railway (SGR) has done. We need them to organise training programmes for young people in Turkana County and other counties so that they pass on the knowledge of oil exploration to our people.

In 2015, a Japanese company decided to train its top officials in Tokyo. I hope those senior officers are making use of their knowledge for the benefit our country. They should train others in the same field. That is why Clause 77 is very critical. Clause 77(c)says:-

"Ensure that priority is given for the employment or engagement of qualified and skilled Kenyans at all levels of the value chain: Provided that the cost of local content shall not be higher than at any other place."

Mr. Temporary Speaker, Sir, sometimes local employees are taken advantage of because they lack expertise. We also have Kenyans who can do so. So, we hope that when this Bill is assented to, it will help us deal with this issue.

Mr. Temporary Speaker, Sir, Clause 103(1) says:-

"Any person who objects to a proposal to develop upstream petroleum infrastructure on his land shall raise his objection in accordance with the provisions of the relevant written laws."

Mr. Temporary Speaker, Sir, there are coal deposits in Kitui County. We thought mining would start earnestly, but it has taken long to start. This Bill will not only take care of petroleum mining, but also many other natural resources like coal and geothermal.

Even in Turkana County, there are people who own land and would like to develop it. I hope the issue of lease, say of 50 or 60 years will not be an impediment to exploration of oil and other minerals in this country.

This Bill creates many boards and I hope they will be devolved to counties. Sen. (Dr.) Zani prepared the natural resources Bill. We all agreed that there will be a percentage to benefit county residents, owners and the Government. I am bit worried here because most of the
constitutional Bills create authorities and yet the President formed a taskforce to review them. I do not know whether we are contradicting ourselves on the same or not. In this Bill, we need an authority to deal with petroleum production in this country. I hope this House does justice to this Bill.

Mr. Temporary Speaker, Sir, I know the Bill is detailed, but it is important to read it. A lot is said about the contractor and sub-contractor, but little is said about the local community. You then wonder whether we have really taken care of the local community in this Bill.

Clause 111 (2) states that:-

“For reporting purposes, the transparency and accountability framework of the upstream petroleum sector shall be disaggregated into each petroleum agreement, non-exclusive permit, drilling permit, production permit, and plug and abandonment permit in the following categories-

(a) payment type of each contractor (i.e., taxes, fees and loyalties and other charges);
(b) production volumes by each contractor measured at the delivery point of sale;
(c) transfers of all upstream petroleum sector revenues from the national Government to county governments and communities, including the loyalties; and
(d) all contractor contributions in cash or in kind to county governments and local communities.”

I do not know how we will do that. Hopefully, we will understand better within the rules that will be passed.

Clause 119 on regulations states that:- “Without limiting the generality of Section 118, the Cabinet Secretary may make regulations with respect to the following-

(a) the rates or the method of setting the rate at which petroleum and water may be recovered from any well or petroleum reservoir;” We have to be clear when involving the national Government and the county government to avoid conflict.

“(b) the fees including but not limited to surface fees, training fees and signature bonuses, royalties or any other payments to be made by the contractor under a petroleum agreement;
(c) the opening up of areas of upstream petroleum operations;
(d) terms and conditions of petroleum agreements; and
(e) requirements and procedures for unitization”

All these will be done under the regulation of the Cabinet Secretary; the list goes up to “(hh).” It is important for us to understand this because that is where the county governments will have conflict with the contractor and the national Government.
As I finalize, it is important for us to understand most of the leases, which are 25 years from the date of the development of the plan. If our local investors are to benefit, we must ensure that the leases are friendly. With those few remarks, I beg to support.’

Date: 14th June 2016

Member of Parliament: Sen. Naisula Lesuuda

Contribution She Made On: The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No.44 of 2015)

‘Mr. Temporary Speaker, Sir, thank you for your protection. I also wish to add my voice to this important Bill. It is timely and important for us, as a country. I echo the sentiments of many of my colleagues. One of the things that we are so sure is that from the time oil was discovered in the country, there was a lot of excitement and expectations. It is those expectations and challenges we are trying to address through this Bill. I hope we will pass it as quickly as possible so that it can be operationalised by the Cabinet Secretary (CS) and the Board members.

Mr. Temporary Speaker, Sir, I want to address myself to two issues. One of them is who will benefit from this resource in the counties? We do remember that when Tullow Oil started exploring oil in Turkana, there were various issues which came about and they required to be addressed within the legal framework. One of them was the local communities being involved in the whole process of oil exploration. There were a lot of expectations from the local communities and they wanted to know what was in store for them.

Mr. Temporary Speaker, Sir, most of the land where oil has been discovered is occupied by pastoralists. For many years, we have continued to have conflict in those areas because of limited resources such as land for pasture and water. However, we need to ask these communities to let us explore oil for their own benefit and the country as whole. So, it is very important for us to have guidelines and a law in place on how these communities will benefit from the resources that sit in their counties. It is also important to know what their share is. This Bill expressly states how the revenue will be shared between the National Government and also the county government. I believe we will have regulations in place on how to spend money that will be given to counties.

We want to see accountability on how this money will be spent. It will be useful if it will be used in provision of education, water and health services. We can also invest in human resource that we have as a country. If we invest this money to education sector, then it will be able to tackle a lot of these issues. It is important like many of my colleagues have said, that the local communities have to benefit, especially on issues to do with the transfer of
skills, the work, not just the manual work, but even the human resource aspect, so that those communities who live around where the oil is being explored can benefit from it.

Mr. Temporary Speaker Sir, the environmental aspects and issues have to be looked into and no compromise should be made in these areas, because the people in those communities will be greatly affected. Their livelihoods will be affected if environmental issues are not keenly looked at. It is good that we have this law in place; it should be implemented to deal with our environment.

Lastly, money has to go back to the locals. Even issues to do with tenders, supply of goods and services have to go directly to the people and the communities that live around this area, and the law expressly states this. The only thing is that we have very good laws that look into communities and everything and we hope that the law will be implemented to ensure that the local content is one of the key issues. We saw issues in Nigeria where people went and burst the pipes. We have been witnessing conflict in oil producing countries. I do hope that we, as a country, are setting a very good foundation through the laws and the regulations to ensure that we will not have these conflicts in these areas between the communities and those companies that have been given licenses to explore oil and other natural resources.

I want to echo the sentiments expressed by one of my colleagues that the young people have to be take care of and be given tenders to supply goods and services in those firms. I believe 30 per cent of tenders should be given to youth and their interests be taken into consideration. What we are seeing in our country, as my colleague has said, is very unfortunate. We continue to incite our young people and manipulate them so that they continue to spread the hatred instead of finding out how best we can create employment opportunities and ensure they have money in their pockets by enacting good laws that will empower them.

We should ensure that our polytechnics and the technical institutions churn out people who can be engaged in exploring petroleum and gas. We should not use our young people for our own political gains. We should desist from inciting them; instead, we should take care of their interests by passing laws which will benefit them. I support this Bill and hope that it will serve the intended purpose.’

**Date: 14th June 2016**

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

**Contribution She Made On: The Community Land Bill (National Assembly Bill No.45 of 2015)**
Mr. Temporary Speaker, Sir, I rise to support the Bill. I have read it and compared it with the current Act dealing with community land. There was a mediation process before this Bill was drafted. We, as pastoralists, are affected by this Bill. We had various concerns which we sat and looked at. One of them is to do with various definitions. One of the key issues is unregistered community land and how it will be handled. The issue of trustee and the role of the county government in unregistered community land is given prominence in this Bill.

Clause 6(7) says:-

“A county government shall not sell, dispose, transfer, convert for private purposes or in any other way dispose of any unregistered community land that it is holding in trust on behalf of the communities for which it is held.”

Mr. Temporary Speaker, Sir, this Bill needs to go further to explain the role, meaning and extent of the trustee role of the county government in relation to the unregistered community land.

There are various other issues that communities would be keen to see addressed by this Bill. One issue is to do with communal and reserve land and issuance of title deeds. We continue to see these issues even in our own counties where we have community land that was adjudicated by the previous county councils. Now, county governments have come into place. There are issues between the communities and if they would want to dispose of this community land and it is important to look at them.

We also need to look at the kind of use that these communities have put this land. This is found in Clause 6 where we have issues of grazing rights. We also have individual rights on community land, transactions in community land and leases over community land.

I know that other Members will have issues to raise on this Bill. As we go to other stages of this Bill, we hope that we will raise our concerns. This is a very important Bill in that communities that benefit from communal land will then definitely benefit from their land and from this Bill. I support.’

Date: 14th June 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: The Community Land Bill (National Assembly Bill No.45 of 2015)

‘Mr. Temporary Speaker, Sir, I rise to support this important Bill that every Kenyan has been awaiting for, for the last 50 years. I want to thank Parliament for unlocking the issue of community land. This Bill provides for a legislative framework to give effect to Article 63 of the Constitution. It also provides the recognition, protection, management and
administration of community land. The Bill proposes an institutional framework through which community land shall be owned, registered, managed and administered.

The definition of “community” in this Bill is interesting. I hope that as we move on as a country, we will never try to interpret it the way we interpret issues, depending on how we see them. It states that:-

“Community’ means a consciously distinct and organized group of users of community land who are citizens of Kenya and share any of the following attributes-

(a) common ancestry;
(b) similar culture or unique mode of livelihood;
(c) socio-economic or other similar common interests;
(d) geographical space;
(e) ecological space; or
(f) ethnicity”

Madam Temporary Speaker, I hope that as we move on none of us will stick to one definition under “(f).” The issue of land has always raised tension and caused conflict.

Clause 7 of the Bill states that:-

“(1) A community claiming an interest in or right over community land shall be registered in accordance with the provisions of this section.”

(2) A community shall, by notice in at least one newspaper of nationwide circulation invite all members of the community with some communal interest to a public meeting for the purposes of electing the members of the community land management committee, which notice shall also be given to the deputy county commissioner in charge of the area or the relevant sub-county administrator."

I appreciate that we have looked at it at a national level. If we are not careful, county governments will think that they are the ones to manage this. This could lead to many conflicts. We must read this Bill and make sure that it takes into consideration the fact that Kenya has a principle that anyone can live anywhere in the country. I hope that none of our brothers and sisters will be evicted from anywhere in this country. Let them do farming, conservation and take care of the cultural and heritage sites. Let us do urban development as it is.

Clause 15 (1) is on administration and management of community land. It states:-

“Functions and powers of land management committee are that a registered community shall have a community assembly, which shall consist of all members of the community.”

The word ‘community’ means both men and women. For a long time women have been victimized and discriminated against on issues of community land. This Bill will ensure that
both men and women are beneficiaries of community land. If a woman is a widow, her land should be protected because she is part of that community.

Madam Temporary Speaker, I was about to finish, but I will now continue for a few minutes, because I have another ‘speaker’ just next to me, who says that we have another Bill. Clause 22 states that:-

“Community land may be converted to public land by-
(a) compulsory acquisition;
(b) transfer; or
(c) surrender.

We have always had problems whenever the President wishes to do a project that will benefit the whole country and community. The Government has to pay hefty fees and compensation, yet the project is for the community. I hope that when public land is converted into private land by compulsory acquisition, transfer or surrender, it means that the surrender is for any project that the Government will want. With those few remarks, I beg to support.’

Date: 14th June 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: The Land Laws (Amendment) Bill (National Assembly Bill No.55 of 2015)

‘Madam Temporary Speaker, this is an Act of Parliament to amend the laws relating to land, to align them with the Constitution and give effect to Article 68(c)(1) and 67(2)(e) of the Constitution and also to provide for procedures on evictions from land and for connected purposes.

We have had many challenges after the promulgation of the new Constitution.

This Bill ensures that we harmonize the conflicts between the NLC and the Ministry. It will also ensure that devolved units work together. As the Deputy Majority Leader has said, it will ensure that people receive their title deeds.

The Bill also brings out the issue of property clearly. We should respect private property. Considering what is happening in the country, it will safeguard those who are in fear. In times of conflict, those who have bought land somewhere else suffer. They are targeted and eventually, they lose property. As we unlock this impasse, let us bear in mind that land in our country is there for everyone. One can own land anywhere in this country.

Madam Temporary Speaker, with those few remarks, I beg to support.’
MOTIONS

Date: 16th June 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Adoption of report of the RBC on review of the standing orders

‘Mr. Speaker, Sir, I rise to support the amendment. As a Member of the RBC, this is an amendment that is fairly straightforward. It calls for the orderly management of the committee, knowing that sometimes the Chair and the delegated Deputy Chair are very busy officers of the Senate. Therefore, this is quite orderly that we provide for another alternate chairperson.

You know that we, as leaders, it behooves us that at any time whether night or day, we are given the dignity that we deserve as Senators. Therefore, that is why I feel that police should not use excessive brutality and deny the rights of hon. Members of Parliament on matters that are merely misdemeanors. They are not really criminal offences in nature.’

Date: 16th June 2016
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: Thanks for the address by the Hon. Chief Justice

‘Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to also add my voice to the speech by our outgoing Chief Justice. I applaud him for being the Chief Justice who served in the bi-cameral Parliament and in the new devolved system of Government. I would like to give him a heads up for that.

Mr. Temporary Speaker, Sir, the Chief Justice did a good job considering that devolution is not an event, it is a process. We expect that each day comes with a new thing yet he managed to handle it well. I remember the time when the Senate sought an opinion on whether we should be involved in issues of legislation. He did a good job for us on that. He clarified the relevance of the Senate in his speech yesterday.

I believe that he has supported devolution well and made us to understand that this is not an event that is meant to start at 8.00 a.m. and end at 8.00 p.m. It is a process and each and every person is supposed to play their role to make it a success and make us proud. This is the first Senate after devolution and we should make it work. I beg to support.’

Date: 16th June 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: thanks for the address by the Hon. Chief Justice
Mr. Temporary Speaker, Sir, first of all, I would like to congratulate the outgoing Chief Justice and President of the Supreme Court for his excellent address yesterday. I am so happy that I was in this House when he addressed it.

I listened to him very keenly and his speech affirmed something that I have always thought about. He spoke about something that I have always thought about. Even if we fight and argue whether the Senate is the “Lower House” or the “Upper House,” we have dealt with our issues in this House in a bipartisan manner as captured by the outgoing Chief Justice in his speech. He called upon us to continue to be statesmen and stateswomen of this country in our words and action. I hope we will continue to do so in this House.

Today we are celebrating the day of the African Child. We remember those children who participated in the Soweto Uprising in 1976. It is also a day marked by creating awareness about quality education of the African Child. It reminds us of the struggles the outgoing Chief Justice and others who put this country first have gone through to ensure that we enjoy some of the rights and freedoms.

It is important to go further to what he spoke about in ensuring that we build a Kenya that all of us will be proud of. I have said this in other fora and I will also say it here on this Floor because as we move closer to elections we are witnessing political temperatures rising in this country. Hate speech should not be condoned by this Senate and country.

We can only be seated in this Senate, have a President and even an opposition leader to lead this country if we have peace. In the absence of peace, we cannot transact business in this House. Anybody who incites members of the public to violence must face the full force of the law. No person is above the law. No person should be allowed to incite other Kenyans. No one has a right to evict a Kenyan from one place to another. We should continue to be united as one nation. We can compete in elections and any other thing, but ensure that we have one country that we can be proud of.

Mr. Temporary Speaker, Sir, the former Chief Justice said that the Constitution created the Supreme Court, devolution and the Senate. He went further to say that there is an inclusion of all Kenyans. When you see some of us seated in this House, it is evident that the one-thirds rule which gives women, minority and persons living with disabilities the opportunity to participate in nation building is respected. That is the country we want to build; a country where no person is left behind. We, as a nation want to move together to correct the injustices that were committed against some communities for a long time.

There are many things that we also attribute to him and his leadership. The other day, they advertised for a tender to construct a law court. They are now constructing a law court in Maralal. He said that when he took over even washrooms were an issue. We took it as a joke, but that was the situation. It is a fundamental issue. He achieved a lot.
This was not a mean feat. We should be proud of cases being expedited in the Judiciary. With those remarks, I beg to support.’

Date: 16th June 2016

Member of Parliament: Sen. Naisula Lesuuda

Contribution She Made On: thanks for the address by the Hon. Chief Justice

‘Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to also support this Motion. From the outset, let me join my colleagues in congratulating the leadership of this House and our Speaker for inviting Dr. Willy Mutunga to give us his farewell remarks. As we all know, Dr. Mutunga has led an exemplary career in terms of the legal practice and also as a distinguished scholar in this country. He is a renowned activist who has fought for the human rights of our people in our society and for the rule of law and constitutionalism. We need to commend him on this.

I particularly want to highlight two major reforms that he carried out in the Judiciary, which are very commendable. The first one was on gender mainstreaming. The gender ratio between men and women in the Judiciary today stands at between 45 and 50 per cent. In fact, to quote from his speech, he told us yesterday that we have achieved near perfect gender parity in the Judiciary. In 2011, the Court of Appeal had no woman judge. Now, out of 25 Judges in the Court, eight are women. This is no mean achievement and he deserves great commendation on this reform.

The second reform that really touches my heart is employment of people with disabilities which increased from a ratio of 0.1 to 1.2 per cent. This is really commendable. The other achievement which I need to highlight is that during Dr. Mutunga’s tenure as the Chief Justice and President of the Supreme Court, he tried very hard to lay a foundation which would make the Judicial Service a humane court. For the first time, we saw that the Judiciary was having workshops or retreats which attracted Kenyans from all walks of life. He demystified the secrets of the High Court. This is very impressive because he brought justice closer to the people. Therefore, these are things that we cannot just rubbish or sweep under the table. However, despite all these glowing reforms, there are two grey areas during Dr. Mutunga’s tenure, which I want to point out and Kenyans would remember with great loss. Mr. Temporary Speaker, Sir, I need protection from Sen. Wako. I am losing my train of thought.

Mr. Temporary Speaker, Sir, thank you. You will remember that the Chief Justice was the presiding Judge during the very dark ruling of the Presidential Petition. About 5.2 million Kenyans will remember this with great sadness that this very Chief Justice did not give an opportunity to the court to interrogate the affidavit that was presented. Although we are
advocates of constitutionalism, it behooves us that where there are matters to deal with public interest and policy, the court should view them and not decide on mere whims by saying that you are barred by time. This is a great grey area. In fact, I will call it a monster in his life.

The other elephant in the room which we will not hide is the way in which the next Chief Justice will be appointed. I hope that it will not be a ridiculed exercise between two communities. These two communities are known and I need not belabour and state which ones they are. I hope it will not be a political gerrymandering. I also hope that the JSC will be allowed the opportunity to do their work right. They are capable men and women who can do this work of appointing a Chief Justice for this country. I hope there will not be orders from above like what the police are telling us in the case of where Sen. Muthama has been detained without trial or being given an opportunity to ---’

Date: 16th June 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: Adjournment of the house pursuant to the approved calendar for the 2016 session

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

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 28th June, 2016.

This is part of our calendar of events. I think the schedule has been shared and Senators are aware that we should be adjourning today and come back on 28th June, 2016.

It gives us a bit of time to get more engaged with work in the committees, refresh and energise ourselves in readiness for debate when we resume. I beg to move and request Sen. Ong’era to second.’

Date: 16th June 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Adjournment of the house pursuant to the approved calendar for the 2016 session

‘Mr. Temporary Speaker, Sir, I rise to second the Motion. This is a fairly straight forward Motion as Sen. (Dr.) Zani has moved it. It is fair that the distinguished Senators get a reprieve of one week to take stock of what we have done.

We have worked very hard for the last four or five weeks. Therefore, it is good to take a break. They say that all work and no play makes Jack a dull boy. We also need an opportunity to visit our respective constituencies in the counties and interact with our
constituents, know the development progress and monitor work progress in the counties. With those few remarks, I support and second.’

Date: 16th June 2016  
Member of Parliament: Sen. Naisula Lesuuda  
Contribution She Made On: Adjournment of the house pursuant to the approved calendar for the 2016 session  
‘Mr. Temporary Speaker, Sir, as my colleagues have said, this is a straightforward Motion because it is in our calendar. In the past three weeks, we have repeatedly said that we have been noticing that the tolerance levels of each other are low. When we go out there, we will be busy with our communities in the counties, but we should continue with our work. I hope that we will preach messages of hope that will unite this country. If possible, we should call each other and serve the people together. The truth of the matter is as we sit in this House, we do not fight each other. This should be the same as we perform our responsibilities in the counties. We should strive to unite this nation.

I hope that the teargas and the demonstrations will go slow. I know that politicians will have more time, but I hope that we will get to an amicable solution that can unite us, as a nation.’

Date: 28th June 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made On: Ethnic clashes along the Kisumu-Nandi border  
‘Mr. Temporary Speaker, Sir, I rise to support this Motion for Adjournment to talk about the clashes in the border of Nandi and Kisumu counties. As leaders, we need to ensure that citizens live together in peace regardless of their ethnicity and political affiliations. We should not be seen to support evil things.

We need to get to the root cause of the clashes between the communities in Muhoroni. I do not think that, that area is prone to cattle rustling like Pokot and Turkana. The clashes have caused a lot of suffering. Families have been forced to flee their homes and seek refuge elsewhere. Even if we send security personnel to the area, the matter may not be resolved fully. The best approach would, therefore, be the setting up of committees comprising of members of both communities. Leaders from both sides should be involved so that they can talk to their people.

As we head towards elections, some politicians take advantage of such situations to create more tension so that they can advance their political agenda. It is wrong to have communities in the 21st Century fighting each other. I hope that the perpetrators will be
taken to court and convicted. The penalty for committing such offences should be punitive. When it comes to cattle rustling, all those involved including those who allowed the animals to pass through their homes should be penalized.

One wonders why people are killing one another in Muhoroni, which is a sugar belt. If the security personnel there are fueling the problem, they should be transferred and new ones brought to ensure that peace prevails. This is not the first time that we have problems between the communities living in the area. We need to get to the root cause of the problems. If the Nandi community wants the sugar belt, they need to be told that, that land does to belong to them. They need to be told that what they are doing is wrong.’

Date: 28th June 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Ethnic clashes along the Kisumu-Nandi border

‘Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this Motion. I wish to thank Sen. (Prof.) Anyang’-Nyong’o for bringing this Motion, which gives us an opportunity, as leaders, to brainstorm and see how best we can protect the lives and property of our fellow Kenyans who live in this area.

I was once called when there was a serious attack on people who have lived in peace for so many years. They know one another and speak one another’s languages. You cannot tell, for example, who is a Nandi and who is a Luo because they speak both languages. One, therefore, wonders why clashes occur, when children from both communities go to the same schools and people help one another to cultivate land.

The Government needs to invest in intelligence gathering. We need to be told why these clashes erupt mostly when the elections are around the corner. We need to be told if there are third parties or leaders – political or otherwise – who fund these clashes. If such people exist they need to be dealt with. I met Hon. Kaparo after he had paid a visit to the troubled area. He said that he had tried to calm things. His Commission should give us their strategic plan so that we know what activities they have been undertaking and where they intend to go. They should involve all stakeholders.

We need permanent security personnel in some places, like places of worship. In Nandi Hills there is a place called Mberere that is frequently visited by the Legio Maria faithfuls and other Christians. It is just a place of worship with quiet sanctuaries. People go to the riversides or mountains to reflect and they are now being made to believe that some areas belong to the Nandi and others to the Luos. We should therefore, have permanent security personnel in those areas, especially the shopping centres. Since we have been recruiting security personnel every year, some of them should be sent to such areas to stop clashes
that lead to loss of property. Women lose dignity when they are stripped naked, like it happened last time. Some of us had to rush there and give them clothing. What is happening is not fair and something ought to be done. One, as we debate this issue, we should find the implementation committee that should come and follow up with the resolutions. Perhaps the Senator who has brought this Motion should follow up with Mr. Ole Kaparo and the Cabinet Secretary (CS) for Internal Security. We can then come up with concrete issues that will not only solve the Nandi-Luo border but all these borders that have small issues that can be sorted out. This is because there is no real dispute that is clear and they are not fighting over minerals. It is not like fighting for Migingo Island that you think the water is yours and the ---'

**Date: 28th June 2016**

**Member of Parliament: Sen. Joy Gwendo**

**Contribution She Made On: Ethnic clashes along the Kisumu-Nandi border**

'Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion. It affects my people; my mothers, sisters, brothers and people who actually call me to go and see them and what they are going through. I would like to pick it up from where the Senator for Kisumu stopped, citing the possible reasons why we are having these clashes.

One of them is scrambling for pasture and land amongst people who have lived together for a very long time. So, you ask yourself, why are they fighting? These are issues where people could have sat, talked and we, as leaders helped them to resolve the issues. I look at it as a case where maybe, as leaders, we have not helped these people in the right way that we should. This is because sometimes when these issues occur and we go to see them, what do we tell them? Do we encourage them to go on or sit down and solve the issues? Apart from having peace committees as a must factor, leaders from these two counties should also be in the peace committees. As leaders, we should also make it a tendency to keep on talking to these people to find better measures of resolving their issues and living together. That way, we will avoid clashes where people lose their lives and property. They then come to you and you wonder how you will solve their problems. You can only try your best but you cannot bring back the lives that have been lost and the property that has been destroyed. This is property that somebody has taken a lot of time to accumulate.

Mr. Temporary Speaker, Sir, I also agree with the fact that we need to indulge the Government, ask them to compensate these people and find a better way of supporting them. We should compensate them on the property they have lost and find a way of
promoting peace in these areas, not just at the time of the occurrences but as a constant practice. The other time it was Kericho and Nyakach and now it is Nandi and Muhoroni.

When are we going to have these again? We know very well that these are areas that are prone to these issues. So, we need to make it a practice to preach peace to them and find different methods of conflict resolution. That way, we will not sit and cry over lost lives, destroyed property and words spoken during the clashes.

As I sit, I also send my deepest condolences to people who have lost their loved ones and property. We hope that after moving this Motion, there will be speedy action in trying to compensate the people who have lost their property.’

Date: 28th June 2016

Member of Parliament: Sen. Catherine Mukite

Contribution She Made On: Ethnic clashes along the Kisumu-Nandi border

‘Mr. Speaker, Sir, I would also like to add my voice to the Motion brought forward by the Senator for Kisumu, Sen. (Prof) Anyang’-Nyong’o because of what is happening at the border between Nandi and Kisumu counties. These two counties have existed for some time, and one would wonder why, suddenly, there is such flare up of people fighting each other and cattle rustling. The security agencies should get to the bottom of the matter and find out why these communities are fighting now.

When I watched news of the clashes on television, on the day of the flared up, I saw a grass thatched house which had been torched and a lot of women and children walking with their luggage, trying to find a safe haven. It is very sad because when there is a conflict, it is the children and the women that suffer.

I want to appeal to the Government to ensure that they send security reinforcement to that area and more importantly, the home guards. One time I remember we suggested that these home guards be paid, so that we are able to get information before cattle rustling takes place and people get hurt in areas like what happened in Turkana, Pokot and many other areas. This is because cattle rustling is not new. It is one of the major conflicts affecting our people in this country.

The Jubilee Government should take this matter very seriously and move in with speed to save our people because when children go to stay in, for instance, a church, there is no food and facilities even to bath your child, diseases are bound to spread, it is very cold, and children are bound to get pneumonia. So, we, as parents, are not happy. We would like to see action taken. We urge those responsible for maintaining security to make sure that this thing is brought to an end so that our people can live in peace without having to go for each other’s neck.
We do not know whether the reason is because of poverty or politics. We just had the budget read recently. The price of kerosene has been increased. The other day the price of maize meal has increased. Where are our people going to get money to afford food without having to steal? May be, these people are going after the cattle because they are hungry and they also need to take their children to school. Can the Government act and please look after the poor people?

Date: 28th June 2016
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Ethnic clashes along the Kisumu-Nandi border

‘Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this Motion of adjournment on a matter of national importance. I first want to thank the indefatigable former Secretary General of Orange Democratic Movement (ODM), Sen. (Prof) Anyang’-Nyong’o, who I am told wants to be governor, for bringing this Motion of adjournment.

I condemn what has happened on the Kisumu-Nandi border in very strong terms because women and children have lost their lives, property has been destroyed and stolen.

This is unacceptable in this day and age; that we should find a few disgruntled elements who do not deserve to be called Kenyans, and are taking us back to the old days of primitive ethnic warfare. I condemn the war mongers who are rising up and bringing two communities that have lived together in harmony, in balance and peace for many years into ethnic conflict.

Mr. Speaker, Sir, If we look at the history of the Nandis and the Luos, these are people who have lived together peacefully for many years, co-existing and, although they do different cultural practices. I do not see why we should be having the two communities fighting in this age. I am reading a script and I hope that these ethnic conflicts are not arising because of the general elections that are coming next year. If this is so, I also condemn in equal measure the security apparatus of this country for not rising up and bringing these conflicts to an immediate end. I know it is possible. We saw in other places where helicopters flew. We saw in Lamu and Garissa that the security apparatus rushed there, but I have not seen the same happening at the Kisumu-Nandi border with equal measure.

I therefore condemn this. It is unacceptable that women and children are being killed, and we know that women are the mothers of this nation. I support.’

Date: 29th June 2016
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: Commonwealth Women Parliamentarians regional capacity building workshop

Thank you, Mr. Speaker, Sir. I beg to move the Motion that the Senate note the report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar es Salaam, Tanzania, on the 20th -23rd of January, 2016.

First of all, I would like to thank you for having given me the opportunity to attend this conference which was attended by women parliamentarians from all over Africa. We learnt a lot from this conference. I would like to bring to your attention the many women who attended this conference, the different things that we learnt from each other and the recommendations that we came to---

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

THAT, the Senate notes the report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar es Salaam, Tanzania on the 20th to 23rd of January, 2016 laid on the Table of the House on Thursday, 17th March, 2016. I beg for your indulgence, Mr. Speaker, Sir.

Thank you, Mr. Speaker, Sir. I would like to thank you for giving me the opportunity to attend this conference and representing the women in this Senate and the women in the National Assembly. We were only two women who attended the Conference from Kenya together with 200 other women from other parliaments in Africa and all over the world.

Some of the issues that were discussed in this Conference were the issues of political parties and how women should relate with political parties, women and the media, and how we should conduct our political engagements.

There was a lot to learn from the Conference, but I would like to start with the issue of women and how we should conduct ourselves with political parties. We had different speakers in this Conference. One of them was a woman speaker from Ugandan Parliament. This topic was very impressive and she had a lot to teach us on how women should engage with their political parties. We all had different experiences that we brought to the table.

Some of the women who attended the conference had suffered through the nominations from their political parties, seclusion and not being able to voice their concerns or their objectives on why they are in politics. We came to the conclusion that women should be supported by political parties. Mr. Speaker, Sir, for our South African counterparts, their political parties raise for them funds and they are supported on the ground. They are even given priority during nominations. That does not happen in our country but I hope that one day, Jesus will come back and there will be fair nominations in this country. Women will not only be given positions to be called “flower girls” by their political parties. Some women
Parliamentarians have brought quality Motions and Bills to the House. I am aware that some of these positions would not have been attained were it not for the political parties. However, where does the engagement end? Are the political parties aware that we brought Bills to Parliament? I do not think so. However, political parties should support us and our engagements and know how far the Bills that we bring to Parliament go in as far as implementation goes.

With regard to funding of the political parties, we realized that most of the women Members of Parliament who attended this conference had no financial support from their political parties yet political parties and their constitutions stipulate that women should be supported not because they are a lesser gender but because we need to stand and defend our political parties. We need to be funded for that. I know that does not happen in this country but as I said, I hope that it will happen one day.

Mr. Speaker, Sir, we also discussed the issue of women and the media. Most of the people who attended the conference gave their experiences on how media exposes their inadequacies. For instance, if Sen. Kanainza lost her purse, the media will make it a big story. A small thatched house can be made to look like a mansionette when it comes to discussing women issues. In other words, stories about women are exaggerated and tend to move towards the negative. However, no one defends us. We remain to defend ourselves from such stories. We are left alone to defend ourselves against the public and everyone else.

We learnt that the women Members of Parliament need to prepare their families for such things. Most of us have had very bad experiences with bad press and attacks. Our families did not know how to react in such instances. The first people that you need prepare for such instances are your family and friends because they are the only people who are left to stand with you. A media personality was there to train us on how to handle bad and good press. We were also taught how to create relationships with media personalities so that whenever there is bad news about a woman on a Thursday, good news can be highlighted on a Friday. As women parliamentarians, we need to work towards capitalizing on the good news that has been highlighted about you. We are aware that darkness cannot drive away darkness. However, light can drive away darkness. Bad press can only be taken away by good press. Therefore, as women parliamentarians, we need to create a good relationship with the media personalities so that the pill is not too bitter to taste.

Mr. Speaker, Sir, we need to create a good relationship with the male Members of Parliament if they allow us. We need their support. I remember during the debate on the Gender Bill in the National Assembly, we did not consult well with the men even though we need their support. When a woman Member of Parliament leaves her house, she leaves a
husband who has allowed her and is supporting her to be in Parliament. Therefore, we need support from the male Members of Parliament and to consult them to be better Legislators. Some male Members of Parliament have been in Parliament longer than us and have gone through experiences that we can learn from. We agreed that if they allow us, we need to have a better relationship with them so as to make our legislation a better journey.

We discussed the issue of funding for women and agreed that as Commonwealth Women Parliamentarians, we need to look for funding outside our comfort zones.

Mostly, women parliamentarians go to look for funding from the local Non Governmental Organisations (NGOs). For instance, here in Kenya, we do it under the Kenya Women Parliamentarians Association (KEWOPA). However, we leave out the big companies that operate in this country. We were advised that there are companies that operate in this country which we have allowed as legislators to do business. A good example of such companies is the Unilever and the Coca Cola Companies. Women need to come up with proposals or ideas that could help us to be supported by such companies. We also need to find a way of encouraging and empowering the women back at home because I am so sure that someone like my grandmother in the village does not know what a Gender Bill is or how I represent her in Parliament. She will only get to know how I represent her here if I let her know.

Mr. Speaker, Sir, we need to find methods of creating, disseminating and packaging information in a way that my grandmother in the village can understand. That is where companies such as the Unilever and the Coca Cola will come in. Women will be able to go to them with proposal and inform them that we want to create awareness on how we can change the voting patterns among women say a county like Homa Bay County or how we can empower women to make their own money. Companies such as the Unilever and the Coca Cola Companies will only support ideas that are good enough.

What came out of that workshop is that women need to work together. We have been told time and again that women are their own worst enemies. However, I beg to differ because if I fell down right now, it is the women who would come over to help me. The men will be left laughing and waiting for my legs to go up for them to see something. However, the women would come to my rescue. Mr. Speaker, Sir, I believe that I have very beautiful legs.

Therefore, if I fell down right here, the ladies will be concerned about my health while the men would be concerned about other things. I did not mean it in a derogatory manner. My point is that women deal with things emotionally. Another woman would understand my concerns and problems more. I know that the men are there to support us and we are grateful for the support that we receive from them in our houses, Parliament and society.
However, we need to get away from the belief that women are their own worst enemies. It is the women who vote in the male Members of Parliament. Back at home they go to the women groups, the same ones we go to, and they bring the belief that we are our own enemies. Men who are in this Parliament even today are here because of women. So, why can a woman not be brought to the decision-making table with the same gusto and energy that she makes a house be a home? Why are we trying to make the world believe that a woman’s place--- She makes the society and the family complete but she cannot be a leader? We aired our concerns on that day and realised that the only way we can bring out the leadership qualities of women is if all women came together and agreed that they are not their own enemies. We are friends although we support men, we should find a way of softening them to support us.

Mr. Speaker, Sir, another point that was brought out in the conference is that women’s problems can only be understood by fellow women. Therefore, we need to enlighten the men on the problems we have and the kinds of issues we experience in our leadership. Through that, they will be in a position to support us differently. Also through such mechanism, we will have more Members of Parliament who are women and in the society we shall have leaders other than teachers and nurses. Most of our parents are teachers and nurses. My mum is a teacher and I am proud of her. This goes way back in believing that the only jobs that women can do is teaching and nursing. Women can make good leaders and be on the decision-making table but that cannot be so if we cannot accept the fact that women make the society a better and happier place. This will not be understood if we do not come out and speak this to the people. We should also endeavour to enlighten our women back at home.

This conference took place at the time that elections were going on in Uganda. The Speaker of Uganda was giving us an experience about the way women who were campaigning to be Members of Parliament were stripped naked just because they came out and expressed their need to vie for elective position. She asked us how she could advice such women to go back to politics. Then again who said that there is something easy in life? If we go for the easy, I am not sure where we will end up.

It is more tough for women, both in Parliament and outside as leaders. For women who have had bad experiences--- I have had bad experiences myself but I do not believe that a bad experience would make me a bad person. It makes me a better person who is able to share my experience, the same way I shared in Tanzania. I have now brought that experience in this House.

Mr. Speaker, Sir, I would like to thank the Chair because that was a learning experience for me to hear that not only Kenyan women go through difficulties in leadership. People out
there go through more difficult experiences. If we bring our heads together with a common objective that we want to make our country a better place and our women better leaders, then we can do it. With those few remarks, I beg to move and ask Sen. Wangari to second.’

Date: 29th June 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Commonwealth Women Parliamentarians regional capacity building workshop

‘Mr. Speaker, Sir, allow me to congratulate Sen. Gwendo for laying this Report to the Table of this House. I also thank the office of the Speaker for always facilitating women in this House to attend these meetings. I have not attended a Commonwealth Women Parliamentarians meeting but we have hosted them at Safaripark Hotel. The experience shared in such a meeting is not anything you can exchange for anything else. I want to thank you and your office for facilitating this.

The issue of women in leadership is a wide and contentious issue. When President Obama said that if we do not have women in leadership, it is like having half of your team in football and not having them play the game in the field. Despite being over 50 per cent of the population, we are still marginalized. In fact, as a country we are still struggling to reach the 30 per cent that we have put as a minimum threshold in the Constitution in terms of political leadership.

It is not just limited to Parliament and political leadership; if you look at this report, you will actually see that the main thing was actually increasing women participation in decision-making structures. Sometimes, we over rate political leadership.

In fact, we need to incorporate every other decision-making organ, be it in the church or in academic institutions. We must have women playing their rightful role in various institutions including county assemblies. This conference happened after Tanzania had held their elections and it was very significant to have it in Tanzania. It is the first time in history that we have a deputy president who is a woman in Tanzania. It was a timely conference to confirm that it is possible.

We are also hoping at one point, we will get to the presidency as the women of this country whether as the president or the deputy president. We are headed there and we will get there. The Chairperson of the Commonwealth Women Parliamentarians is the Rt. Hon. Rebecca Kedaga, the Speaker of Ugandan Parliament. I have heard the opportunity to listen to her when she recently came to join us in the national prayers at Safaripark hotel a while ago, she is full of wealth and inspiration to young women. So, we actually have a mentor and a role model in her. These conferences are not just limited to Members but they actually
come with parliamentary staff. In terms of gaining experience, we are actually favoured to have the staff to contribute and be a part of that set up.

In the tenth Parliament, the Kenya Women Parliamentarians did a study that was focusing on how possible it is for a woman to be elected in this country. It was quite interesting that every time a woman vies, she has a 50 per cent chance of being elected but the problem is how many are able to vie. That is when it becomes difficult; how do we get women out there.

In 2013, we have very strong women who vied for gubernatorial and senatorial positions, but we did not get even one governor elected as a woman neither did we get a Senator. We only got three county assembly speakers who are women. That tells us how far we are and need to go. In the Tenth Parliament we actually had 18 single-Member constituencies out of 210. We now have 16 out of 290 constituencies. What does that tell us? We are celebrating that we have a higher percentage of women, but how many are actually able to go out there, get a fair nomination, run for office and be elected? We are dipping and not growing, if you look at it that way. Most of us are serving on affirmative seats. How many are able to campaign and actually undergo a fair nomination to be elected to Parliament? We are going down in terms of percentage and that is something we need to worry about.

Yesterday, the Kenya Women Parliamentarians hosted some congress for lunch, comprising of five men and three women from the United States (US). They were actually awed that we are so many and thought that we are doing very well. Even in the US – and they are a democracy that is over 200 years old – they are only at 17 per cent, but they also do not have the quotas that we have. They look at us and think that we are doing very well. We told them of the struggles that we have even to try to get laws passed in Parliament. They look at our Constitution as a very progressive one, and yes it is. It clearly states that not more than two-thirds will be of the same gender, but how will we implement that? We tried to get the numbers in the National Assembly to pass that law and it was impossible, yet when we try to pass some laws, like the security laws, it is very easy to martial the numbers. We were deliberating on what exactly we do wrong. Why are women judged so harshly when it comes to political representation? There is a narrative that women are not contributing or adding value, yet it could be just ten out of the 86 that we have that are not doing well. Again, maybe 30 of the balance of a 418- Member Parliament are men and nothing is said about them. That portrays the picture of what we have to deal with everyday.

We are headed for elections and I can assure you that it is not easy to run for office. If some of us who are running for offices next year are having it tough, how can an ordinary
woman out there with no platform or resources run for office and be assured of a fair and level-playing ground? How can an ordinary woman run for office and win? I have a very good track record of women where I come from. In my home constituency, Gilgil, out of five elected Members of the County Assemblies (MCAs) three are women. I do not think there is any other in this country that can beat that record. We have proved that they can perform even better. Exactly where do we go wrong? That is what this conference was trying to find out.

When you look at political parties even today, you can never find many women in the normal vertical structures. They are very few, thanks to the one-third threshold. You will find them mostly in the women league. You could be in the youth league of ODM, like Sen. Kanainza; you are never in the mainstream. How many women actually append their signatures in the nomination certificates, as secretary-generals of political parties in this country? Maybe there is only Sen. Elachi, who is the Secretary General of the Alliance Party of Kenya (APK). I do not know of any other. That is where we start to be disadvantaged. You work very hard in your constituency, but just as Roosevelt said: “As a woman, you have to work twice as hard to be recognized half as much.” That is how terrible it is.

What we ask for, as women of this country, is not to be favoured or given something soft. We want to fight, but give us a level-playing ground. When you attack me, as my opponent, you should not look at the length of skirt or who is the father of my children. You look at what is between my ears and we can compete properly. There is the issue of neck-down politics and other appointive positions. I want to quote the Waiguru saga. The attacks on her children that we saw in the media demonstrated what women are subjected to in this country. I cannot say that she was clean, but neither were her colleagues. We never heard anything about their children. Nobody can tell you about the children of a male Cabinet Secretary who was dismissed from service; it is very difficult. But for women, their whole life is brought out. It is quite difficult and emotionally heavy to deal with.

As we go for elections next year, I know that women will struggle. Some political parties are making an effort to actually give affirmative action to women. We will not leave the young people and people living with disabilities, because they are also part of it.

In fact, Sen. Kanainza here is a young woman representing youth. If you at the records, less than ten percent of land is owned by women. Very few of us have title deeds and that is the reality. We hope to entrench ourselves in the political parties. I urge the women who have served on affirmative seats, to identify a constituency to run for. We will be doing this for our girls who look up to us. In fact, I think that affirmative seats and even the women representative positions should be held for one term. One should serve for one term and then look for votes in a constituency. That is the only way we can increase the number of
women in Parliament. I do not want to be nominated for three consecutive terms; I will be doing an injustice to the women and girls who look up to us to actually show them that it can be done. We must encourage women to get out and vie for positions. The men who are here should encourage the women in their lives to get out there. When we need your support in terms of money, we will fundraise and hope to get favorable responses. Political parties must give us a good rate even in terms of nomination fees. Let the women pay 50 per cent of the nomination fees, so that many of them can be encourage to seek political seats and make policies.

I want to recommend a book for all the leaders here, including the women. There is a book written by Sandberg, the Chief Operations Officer of Facebook, called Lean in. Everytime you go to a meeting, do not sit at the periphery. It is our time to get close to the table; otherwise you will be on the menu. I want to encourage all of us to get out there and for the men to support us, because we mean well for the country and our future. Mr. Speaker, Sir, I beg to second the Motion.’

**NOTICE OF MOTIONS**

**Date: 8th June 2016**

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

**Contribution She Made On:** Noting of reports of the 133th /134th assemblies of IPU and related meetings

‘Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, the Senate notes the reports of the 133th and 134th Assemblies of the Inter-parliamentary Union and related meetings held between 15th and 21st October, 2015 in Geneva, Switzerland and 17th and 23rd March, 2016 in Lusaka, Zambia respectively, laid on the Table of the Senate on Wednesday, 8th June, 2016.’

**PETITIONS**

**Date: 9th June 2016**

**Member of Parliament: Sen. Agnes Zani**
Contribution She Made On: Breach of the PFM laws and regulations by Bungoma County Government

‘Mr. Speaker, Sir, the promise of devolution and especially the way it is being implemented has become a big disappointment for many people, especially the misappropriation of funds. In the Committee on Finance, Commerce and Budget, more and more petitions are coming about the same. I think it raises a fundamental question where even when we begin the debate about the Constitution and the sort of dialogue and changes that we want to engage in, to begin to think about the nature of how governors should get into office. I know of countries like Sweden who have resorted to appointing of governors rather than electing them; such appointees are regarded as Chief Executive Officers (CEO) and directly answerable.

I think the problem that we have had with governors is that at the end of the day, they are elected and they feel that they owe their allegiance to the electorate. So, to remove them – this is the argument that they present – it would take the people who elected them, depending on whether they were voted in or not. In most counties, you would expect finally that the buck stops with the governor. He should be the one who should be answerable. I think it has already been expressed that we have been unable to make the governors accountable. I know especially in this society, as long as something is not punitive, people will try to get away with it as much as possible.

However, I think it also gives us a chance, because this is the first time that we are implementing devolution, as we go into the elections, the citizens are watching, becoming more alert about the sort of people they want to elect and are even looking at their qualifications. Even as they continue to engage in the voting, they do so for people who are patriotic and who are really interested in entrenching and making devolution work.’

COMMUNICATION FROM THE CHAIR

Date: 15th June 2016
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: Visiting delegation of MCAs and staff from various counties
‘Mr. Speaker, Sir, I join you in welcoming the Members of the County Assemblies (MCAs). However, my name is Sen. Kittony. I am not temporary. It is only that I lost my card that is why I am not able to log in as Sen. Kittony.

Mr. Speaker, Sir, I am not an imposter. I just do not have my usual card. You know me very well. They must have given me a wrong card. I join you in welcoming the three counties who have realized that the Senate is the custodian of the county governments. Therefore, they are in the right place. We welcome them to see how we deliberate. I wish them a good stay in Nairobi and hope that they take our greetings when they go back.’

**Date: 28th June 2016**

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

**Contribution She Made On: Visiting delegation of staff from Nandi and Kakamega County Assemblies**

‘Mr. Speaker, Sir, thank you for giving me this opportunity to join you in welcoming the team that is visiting the Senate from Kakamega and Nandi counties. I am happy that they will get knowledge that will improve on their efficiency as they serve the people in the counties they come from.’

**Date: 29th June 2016**

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

**Contribution She Made On: Visiting delegation of teachers and students from Precious Blood Secondary, Riruta, Nairobi**

‘Mr. Speaker, Sir, for those who do not know KEWOSA, it is the Kenya Women Senators Association.

I had the privilege of attending a funds raising in the school recently. I listened to a poem which was narrated by one of the students. What they were crying and urging for is good leadership and mentorship so that they may become role models. They also wanted to be given an opportunity to learn to be the best leaders and future parents. I congratulate the teachers, the school and the Catholic Church for their hard work. I wish them a good time, to learn the best they can. The sky is the limit. I would like to see them here.’

**Date: 29th June 2016**

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

**Contribution She Made On: Visiting delegation of teachers and students from Precious Blood Secondary, Riruta, Nairobi**

‘Thank you, Madam Temporary Speaker. I would like to congratulate and welcome the students and the teachers of Precious Blood Riruta, to this honourable House. As the Vice
Chairperson of the Kenya Women Parliamentarians Association (KEWOPA), I would like to tell them that they can aspire to be anything that they want to be. We look forward to some of them being elected Senators in the near future and even to be Presidents or anything they desire to be.

I would also like to reiterate what Sen. Hassan has said, it is like he read my mind. They should continue being their sisters’ keepers after school even when they go back to their communities just the same way they are one when they are in school. Congratulations for your continued hard work and for putting your school on the Kenyan and the world map.’

Date: 30th June 2016

Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Visiting delegation of teachers and students from Kawaida Primary School, Kiambu County
‘Mr. Speaker, Sir, I also join you in welcoming these young boys – no - girls from Kiambu County. I hope they will get--- Mr. Speaker, Sir, I was just confirming whether it is a girls school. I am seeing many girls, but there are also boys. As a mother of such young children that are close to the age of the ones seated at the gallery, it is quite a good site. I hope they will pick things from this Senate and know that they can become anything they want to become.

As the Vice Chairperson of the Kenya Women Senators, I welcome them to the Senate. The young girls should know that they can reach any limit and their dreams are valid. I urge them to pick what is good from this Senate. We hope to see them here in the years to come.’

Date: 30th June 2016

Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: Visiting delegation of teachers and students from Kawaida Primary School, Kiambu County
‘Mr. Speaker, Sir, I am not “Kananaiza”. I am Kanainza. Thank you for giving me this opportunity to welcome the pupils from Kawaida Primary School. Being a Member of the Committee on Education, I wish them well as they engage with Parliament. I wish to tell them that their dreams are valid. The Senate also has young people. Looking at their ages, I believe that by the year 2022, they will be participating in elections and the voting exercise. I wish those with the aspirations well to be leaders of this country well.’

Date: 30th June 2016

Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: Visiting delegation of teachers and students from Kawaida Primary School, Kiambu County

'Mr. Speaker Sir, I join you in welcoming these students. It reminds me of the days when I would hope someone would pay for such a trip. Then I could not afford. This is a great opportunity for these students.

I have not seen learners with special needs coming here. I think it is because of the issue of accessibility. Whoever is listening to the proceedings of this House, maybe teachers from special schools are also encouraged to bring learners with disability to learn the practices. We want them to be in leadership. They cannot be in leadership if they cannot learn the practices.

On the issue of accessibility, I think it is not your making, Mr. Speaker, Sir, but I would like to ask the leadership of Parliament to ensure that the Speaker’s and public galleries are accessible to everybody because there is discrimination if they cannot access the Senate or the National Assembly.’

Date: 30th June 2016

Member of Parliament: Sen. Joy Gwendo

Contribution She Made On: Visiting delegation of teachers and students from Kawaida Primary School, Kiambu County

'Mr. Speaker, Sir, I also join my colleagues in welcoming the pupils seated at the gallery. I wish to add that they are very lucky to have come to see what their Members of Parliament are doing. Some of us grew up seeing Members of Parliament at barazas and funerals until the Constitution made it possible for us to be here. For you who are here, this is an opportunity created by God to learn.

In my capacity as the Organising Secretary of the Kenya Young Parliamentary Association (KYPA), I would like to tell you that it is possible to be whoever you would like to be if you put your mind to it. Welcome to the Senate.’

Date: 30th June 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Appearance by governors before the senate and its committees

'Mr. Temporary Speaker, Sir, I wish to join my colleagues in congratulating the Speaker for that ruling. It is a ruling that we have been eagerly waiting for. In fact, we were hoping that it would come yesterday.

I have sat in the CPAIC since its inception and seen what we have gone through. In fact, we have a backlog because the governors used to go to the courts to actually curtail our work.
Being the law-abiding citizens that we are, we respected that. We were not able to invite them for about eight or nine months and that is exactly why this Committee has a lot of work. We meet from 8.00 a.m. and sit throughout the day because there is a lot of work. It is our responsibility to actually generate reports to this Committee.

My personal view, of course, is that the scuffle that happened between the Senator for Nairobi and Governor of Nairobi City County was unfortunate. However, I also want to thank the leadership of this House and the Committee for showing the way forward. In fact, our Chairman gave a personal statement immediately and sought the way forward and direction. I hope that we will maintain that spirit. It was unfortunate to actually see the CoGs jump into this issue immediately. It appears like they had planned for it because they issued a statement immediately. My worry is that they doing the same thing that they did with the courts to actually circumvent appearances and justice.

A lot of monies go to the counties and it is our responsibility, under Article 96 of the Constitution, to oversee them. We are not requesting the governors to appear before the Committee; it is their responsibility. Article 10 of the Constitution talks about the national values and principles of governance, and transparency and accountability are quite clear. The governors must, therefore, appear before the Committees. Allow me to congratulate the Governor of Nairobi City County because despite the letter written by the CoGs, he actually appeared before the Committee. I do not know why we should have any other governor quote that letter. Today we were meant to meet the Governor of Murang’a and the Governor of Samburu, but they did not show up on frivolous grounds.

We have had governors use all manner of excuses against this Committee. In fact, one governor is on record saying that he is not a tourist attraction to be looked at by the Senators. Those are the challenges we are dealing with, but we have upheld the integrity of our Committee and the House. This is because we realize that this country is bigger than all of us.

The monies that go to the counties are not personal change. In fact, it is people’s taxes that they pay very painfully. We should, therefore, see actual development. Having scrutinized reports of 47 county governments and 47 county assemblies, I can assure you that there is a lot of mess. In fact, in one county the governor’s wife is on a salary of Kshs500,000 to actually make tea and coffee. We deal with such things everyday. The governors will use every avenue to make sure that such issues are not brought to the fore, but we will not allow it.

The Auditor-General has done his work. Already the 2014/2015 reports are out and we are working round the clock, as a Committee, to actually finish our work.
Therefore, we hope that they will honour the summons for those who have not appeared. If they do not appear, we will petition the Director of Public Prosecutions (DPP) to actually take action against governors violating the Constitution. The law will take its course. We are behind schedule, but I can assure this House that we are working round the clock. If someone does not clarify an audit query, it goes without saying it will be confirmed. We, as a Committee, must do that and produce a report, because it is our responsibility to actually report to this House. If we do not do so, people will wonder what we have been doing.

I congratulate the Speaker for that ruling and hope that the CoGs is watching. They know that we expect them to honour the invitations; it is not a request. Thank you, Mr. Temporary Speaker, Sir.’

Date: 30th June 2016  
Member of Parliament: Sen. Daisy Kanainza  
Contribution She Made On: Appearance by governors before the senate and its committees

‘Mr. Temporary Speaker, Sir, I would like to congratulate the Speaker for this communication. It is sad that four years down the line since we started implementing this Constitution, there are governors who have just decided to clearly dismiss the work of the Senate. They do this both outside and even under our mandate as an institution. The role of every elected leader in representing their people is expressly clear. It is clear what the National Assembly, the Senate, governors and the county assemblies do.

On this role of oversight, the Senate continues to be bashed and abused severally. Why would a governor refuse to appear before our constituted Committee which looks at the taxes that Kenyans pay, and this is not anyone’s money, but taxes which go to counties? They are supposed to work for the people. The express role of the Senate is to oversight and protect these counties. The Senate also ensures that resources that go to counties actually work for the citizens of this country.

Mr. Temporary Speaker, Sir, it continues to sound out of question why someone would not appear before the Senate. Unless it is a sign of guilt because why can you not come and address a matter that is just a query? Unless you are guilty, that could be the only reason you do not want to come and explain why a certain audit query has been raised. We have not said that you are guilty of misappropriation of funds. It is upon you because when you took the oath of office, you said that you will serve the people of that county. One of the tasks was to spend their money in the right way. If there is a query, then you appear before the Committee of this House which does that job and clear your name and that of your officers.
Whether a Senator sits in that Committee and wants to run for governor, National Assembly seat or any other seat like the presidency in the next elections, it is not this Committee that will vote for you and neither will any Senator. You will go back to the electorate and ask for votes. I do not know what you are afraid of over a Senator who sits in this House and will also have to go and ask for votes out there. So, you cannot say that you cannot appear before that Committee because so and so sits in that Committee and wants to be governor. Both of you will go back to the electorate and they will give you a red card whether you come to this Committee to clear your name or not. It is the electorate who will put everyone on a weighing scale and decide whether you have worked for them or not.

As I conclude, it is unfortunate, but I hope that my Samburu County Governor had valid reasons as to why he did not appear before this Committee today. Those of us who come from counties where for a long time we have cried that we are marginalised, we want to know whether the resources that go to those counties are being used to do the work that they are supposed to do. I hope that he will appear before the Committee, clear the queries that are there and then move forward in serving the people of this country.

Finally, the court has now ruled that they should appear before the Committee. They should stop looking for flimsy reasons about Sen. Mbuvi and Gov. Kidero who already came today. Please, look for another reason as we have dealt with that one. Gov. Kidero came and answered his queries. I urge all governors who are supposed to appear before this Committee to do so and spare us a lot of time to discuss matters which are straightforward.

**STATEMENTS**

**Date: 2nd June 2016**

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

**Contribution She Made On:** Poor state of roads and bridges in West Pokot County

'Mr. Speaker, Sir, the statement is not ready. I beg for some little time, probably two weeks. I talked to the CS but he was on his way out of the country, and it did not work the last time we had agreed on inviting him. I cannot remember what happened, but he begged for another day and we agreed to fix a date as soon as he arrives. It should be within the two weeks.

**Date: 7th June 2016**
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Management of Masinde Muliro University of Science and Technology

‘On a point of order, Mr. Temporary Speaker, Sir. I request the Chairperson of the Standing Committee on Education to issue a statement I “soughted” way back... This is with regard to a statement I sought, Mr. Temporary Speaker, Sir. I just want to tell the Professor that I am an African and I am proud. I come from Western Kenya. I am not a mzungu, and I appreciate that you know you are a Professor.

Mr. Temporary Speaker, Sir, I agree but there is a sense of being an African. That is why my brothers in Tanzania believe their Kiswahili should be Kiswahili. This statement was for Masinde Muliro University, and I remember Members raised many issues regarding this matter. From that time to date, the Chairman has not answered me.

Secondly, I want to thank the Senate because due to whatever we had requested, the Vice-Chancellor has started repaying the money. However, it will be important for us to get the real answer, not just to be told that now somebody has agreed he was stealing money from the university and he is repaying. Am I in order to ask the Chairman to ensure that the Statement is delivered so that we close that chapter?’

Date: 8th June 2016

Member of Parliament: Sen. Dullo Fatuma

Contribution She Made On: Status of the National Security Communication System

‘Mr. Temporary Speaker, Sir, at a Sitting of the Senate held on 23rd March 2016, Sen. M. Kajwang requested for a Statement on the status of the National Security Communication System Project. He particularly sought to be informed on:-

(a) The objective and total cost of the project.
(b) The geographic coverage of the project and what Kenyans should expect from it.
(c) The lead implementers of the said project and the procedure used under the Public Procurement and Disposals Act to select and award the implementers.
(d) The current status of this project and its expected date of completion.
(e) The security agencies that will utilize the national security communication system.
(f) The procedure under the Public Procurement and Disposals Act used to allocate the 4G frequencies spectrum licence to the implementers of this project.
(g) The value of the 4G licence and how much has been paid for each by the implementers.
(h) Whether the amount paid for the 4G licence has been deposited in the Consolidated Fund.'
(i) How the Government intends to take over control and management of the project upon successful completion.

I wish to respond as follows; the National Security Communication Network and Surveillance System of the National Police Service is a high security issue which can only be released ---’

**Date: 8**th June 2016

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

**Contribution She Made On: Statements**

‘Mr. Temporary Speaker, Sir, I would like to step in. Yesterday, the Chairperson of the Committee on Education, Sen. Karaba was here. He had most of these statements. He was ready to issue them but Members were not present. Today, he would have been ready because he was yesterday but he had to be away.

Mr. Temporary Speaker, Sir, I am not in possession of the statements. I would like to make another proposal. It has been the tradition of this House to read out statements only when Members are present. In view of the fact that so many statements are pending, might we not want to reconsider and move to the point where we consider statements to be the property of the House? If a Member wants to interrogate anything, he can bring other statements later. There are so many statements pending because the Chairperson might be present but Members are not or Members might be present while the Chairperson is not’

**Date: 9**th June 2016

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

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

‘Mr. Speaker, Sir, I rise to seek a Statement from the Chairperson of the Standing Committee on Health. In the Statement, the Chairperson should address the following:-

(1) state whether the Jubilee Government policy on free maternity is being implemented and how effective it is;

(2) state how much money each county received towards free maternity in the Financial Year 2015/2016;

(3) explain why up to five mothers and babies admitted at Kisumu County Hospital are sharing a bed, and;

(4) explain the measures that the Government intends to put in place to alleviate the suffering of mothers and new born babies admitted in hospitals.’

**Date: 9**th June 2016

**Member of Parliament: Sen. Zipporah Kittony**
Contribution She Made On: Implementation of government policy on free maternity services

‘Mr. Speaker, Sir, we will respond in a week’s time.’

Date: 9th June 2016
Member of Parliament: Sen. Zipporah Kittony

Contribution She Made On: Increased cases of pneumonia in children and elderly persons

‘Mr. Speaker, Sir, I do not have the answer with me. It came by email and it has not been officially signed. I will give an answer next week.’

Date: 9th June 2016
Member of Parliament: Sen. Dullo Fatuma

Contribution She Made On: Frequent power outages and surges in Kinna Sub-County

‘Mr. Speaker, Sir, first, I thank the Chairperson for this elaborate statement highlighting the plan the Ministry has for the people of Kinna in Isiolo County. However, it is disappointing when the Chairperson says that they are unable to maintain the power lines due to insecurity. Really, is that position satisfying? Do animals live in that area? That is not an excuse. It is important for the Ministry to have a better excuse, not security. We are not animals. Human beings live there.

Mr. Speaker, Sir, finally, the other concern is the issue of compensation. Most of our people do not know how compensation is done. I wish the Ministry could build the capacity of the locals to ensure that when there are such dangers, they can follow up compensation stages.’

Date: 9th June 2016
Member of Parliament: Sen. Agnes Zani

Contribution She Made On: The Energy Bill (National Assembly Bill No. 50 of 2015)

‘Mr. Temporary Speaker, Sir, let me start by observing that this is a very important Bill. In a very innovative and systematic way, it brings across the various sectors and tries to create order by mainly creating various regulatory bodies. For example, starting with a commission that has quite a bit of power to ensure that there is order in the sector. It looks at issues like licences and, indeed, also co-opts the role of county governments to ensure that it is done in a proper way. This Energy Bill is critical because I think it will bring order. Therefore, I stand to support it. Let me highlight some of the critical issues which might be important as we think and debate this Bill. The first is that the Cabinet Secretary will develop and publish
a National Energy Policy, which is critical. I think many times we move on very quickly to make legislative proposals without looking at the general policy framework. I was really happy when I looked at this Bill and saw that there has to be a published energy policy. Better still, this policy in terms of the implementation and its upkeep, will be through a report that will be shared annually to Parliament, three months before the end of the year. So, this annual published report will also give direction as to how far the implementation of a policy has gone. I think that is a good idea as well because it helps us to link theory and the actual thing. So, policy being theory and the actual implementation to see how far it will go.

The Cabinet Secretary will also develop, publish and review an energy plan in respect to the midstream and downstream petroleum, coal, renewable energy and electricity to ensure reliable energy services. Apart from having a general national plan that will be critical, as Sen. Mutula Kilonzo Jnr. said, this plan will be cascaded. Again, if you look at the areas which it touches on like the key energy resources like coal and electricity, we have a lot of reserve for renewable energy that can be utilized. With the right policy and drive from the Cabinet Secretary, we should be able to get that.

Mr. Temporary Speaker, Sir, it is also expected that County Energy Plans should be made and subjected to the Cabinet Secretary. I think these plans need to be cascaded. To avoid disorder in this sector, it will be important that maybe we start with the bigger policy which is the national plan and then move to the county plans but also give guidelines so that those county plans are directly cascaded from the main national plan. That way, people will move and read from the same page and there will be no contradictions.

It makes it easy and possible for cascading, implementation and for those plans to take place. Indeed, we should look at the County Integrated Development Plans (CIDPs). It is also important that we empower the county assemblies especially the Committees that deal with natural resources so that they are able to do proper mapping of the resources that they have within their counties. After they have done the mapping, they should try to find a status quo report of how far they have gone in terms of exploitation of those resources. It will be unfortunate if we leave out the MCAs and members of the communities in this process. They should be part and parcel of those specific plans. Under various Government obligations, one obligation that is critical is that, at the end of the day, we should provide affordable energy services. Long gone are the days when people were in darkness in some of the regions while others were enjoying the light. We have the bright light theory where people come to town to enjoy the light. Later on, in the Bill, there is emphasis on rural electrification and processes to ensure that it becomes real.
There has been progress of up to 20 per cent of work in the rural areas but we still have other rural areas that have a problem in installing electricity. It does not take rocket scientist to decipher the co-relation between certain energy sources being affordable and available and development. We will have problems if we are not able to quickly use the energy, the light, factories and manufacturing to catapult ourselves into development.

This will mean ensuring that the manufacturing sector is taken care of. It will also ensure that we go into a more mechanized agricultural system in the areas.

Once we are able to put these all together, we will see the changes that have taken place just like in the introduction of technology in agriculture which has an implication on food security. It has an implication for general development and the way forward.

Having affordable energy services spread as evenly and as equally as possible is something encouraging so that we do not have certain areas and regions moving faster than others.

This Bill also establishes a regulatory commission which will regulate the generation, importation and the distribution of various resources including crude oil and other energy resources. That particular commission will protect the interests of consumers, investors and other stakeholders. They have to be taken care of so that the interests of the people who are investing or consuming are known and are well articulated.

It also aims to develop guidelines and applicable treaties, conventions and protocols affecting the energy sector in consultation with statutory authorities, except those relating to nuclear energy. The part of ensuring that all these provisions and guidelines are given within a framework of the treaties and conventions that exists is critical. There is the issue of ensuring that a level of coordination exists so that as we implement national energy, there is a sense of efficiency, conservation and the action plan. I have also talked about bringing in the various stakeholders for the various considerations and deliberations.

Lastly, but important, is ensuring, in collaboration with the Kenya Bureau of Standards (KEBS), that only energy and cost effective appliances and equipment are imported into the country. This will protect the citizens so that they are not exploited. The person who will take charge of this sector should not bring in equipment that is expensive which Kenyans will use and end up spending more money at the end of the day, than they ought to. A lot of work needs to be done at the KEBS to ensure that it happens in such a way that can guide us to a position where we can utilize the energies well.

There is also the creation of an Energy and Petroleum Tribunal. From its composition, it will look at matters arising and put in place a dispute resolution mechanism. The other issue of rural electrification and renewable energy will need to be looked at to oversee and ensure that implementation of rural electrification is done in a progressive way. They should look for additional funds that are needed to ensure that all the renewable energy costs are
catered for. This will develop and promote the use of renewable energy and its technology specifically bio gas, bio diesel, bio ethanol, charcoal, fuel, wind, and many others. The Bill covers a broad span of energy sources. Part 4 deals with renewable energy and targets all exploited and unexploited renewable energy. Apart from the resources that we have, we should look at others that have not been exploited appropriately. That is where we have a weak link. We have the ones that are exploited and we also have many more that have not been exploited appropriately. This needs to happen. We should be able to prepare a renewable energy resource area so that we know from a specific area that the resource will be available.

We should also formulate a national strategy for coordinating research in renewable energy. This is critical because we cannot have an output without the necessary research which equals to funds and expertise. We can team up with the county governments to ensure that the young people in certain areas where there are specific energy resources are equipped right from the beginning. They should take an interest to pursue and go for the right levels of education and be able to conduct that research and feel part and parcel of the community and participate effectively. This Bill also speaks to the aspect of coordinating research in renewable energy which needs to be emphasised on.

Mr. Temporary Speaker, Sir, lastly is the issue of creating a framework for efficient and sustainable production of solar, wind, geothermal and charcoal. There should be a sustainable production of whatever someone is using that can be utilized over and over again because this is a source of livelihood for many people. As I alluded to earlier, the Bill, at various sections, deals with issuance of licences and compliance for the specific licences. One of the critical issues that I have picked from the Bill is that in areas of issuance of licences, reference is always made to other Acts that are already in existence to ensure that there is no contradiction or criss-crossing of various Acts. Licences are to comply across various Acts. For example, it should not contradict the Health and Safety Act.

The issue of payment of fees for the various licences has been picked, explained and expounded on. Clear policy guidelines have also been put in place in terms of how to go about getting the licences. Also, putting into consideration and remembering the county government’s laws that are already in place to ensure that they are not contradicting. The Bill is extensive and has addressed most of the issues which are relevant in the various sectors.

Mr. Temporary Speaker, Sir, I want to end by emphasizing what Sen. Mutula Kilonzo Jnr. emphasized as he was seconding this Bill. The involvement of county governments will be critical. Therefore, it is important to think about the strategy for engagement of those counties. If it is a strategy across capacity building, let it begin in advance. This is what the
Ministry should think about. If it is capacity in terms of coming up with the right legislation and laws, it becomes critical. In the long run, it will support the success of the Energy Bill.

Mr. Temporary Speaker, Sir, I support.’

Date: 9th June 2016
Member of Parliament: Sen. Agnes Zani
Contribution She Made On: The Access to Information Bill (National Assembly Bill No. 36 of 2015)

‘Thank you Mr. Temporary Speaker, Sir. I like it when you are chairing since you call out all my names.

The freedoms that this Constitution has given us cannot be taken away even as the Government in office wishes to do so. When people have a right to picket, this is their right. Preliminary to the right to picket, various engagements were made. Our Coalition, the Coalition for Reforms and Democracy (CORD) was very clear about seeking dialogue. This is part of information sharing that we are talking about.

It is the Coalition that the Senate Leader of Majority represents that refused dialogue for a very long time. When you try to engage in a process---

Mr. Temporary Speaker, Sir, if the wise Sen. Sang, who has just walked in, took a bit of time to listen to my argument and understand what I was talking about, he would have not raised that point of order. I was actually going through historical trajectory before the demonstrations. If you remember well, our part of the Coalition called for dialogue at that time and even much earlier on. Even before we come to the question you are raising now about the form of dialogue, which is still under contention, we have to seek consensus while trying to get to the point of how that dialogue will happen. The preliminary point was the earlier dialogue that we sought for.

Picketing is allowed in the Constitution whether we like it or not. We have made provisions, as a Coalition that we picket in the most peaceful manner. We, as a Coalition, have made a point, to be sure to communicate what we are picketing about. We are talking about an important institution, the Independent Electoral and Boundaries Commission (IEBC). We do not want to find ourselves in 2017 with an institution that is lacking in capacity. Having an IEBC that has not been institutionalized in terms of capacity to handle an election will create other problems. This should be something clear and nothing to be protective about—

Mr. Temporary Speaker, Sir, I like when Sen. Sang is annoyed because he also promotes my credentials by giving me tiles such as Professor that I do not have although I am hopeful that he is praying for that, as he acknowledges the potential that I have.
It is interesting when we are talking about the Constitution. Every time we have a debate in this country we need to take it to the next progressive level. We cannot stay at one particular point given the fact, Sen. Sang, that there are other decisions that have been made against the same provisions, starting with the latest on the appointment of two people of the same gender to a public institution which you are aware of. Additionally, the provisions that were in the Ethics and Anti-Corruption Commission (EACC), that were not as per the Constitution. Let us call a spade a spade. Let us not run to the Constitution when it is valid to do so.

What we are saying is that we need dialogue and we need it today and now. We need to get some level of sober-headedness and say that we do not need to have a situation where we are going to have this country go up in flames because we do not want to use the same information we are talking about, the same freedoms that are in the Constitution for the sake of this country as well as for the sake of building it. It is in that context that I find the contents of this Bill very important.

It will require a very proactive and progressive Government in place to actually implement this. This is because we are calling for a mind change from the way we do things. One of the ways to ensure that we do not do what is expected is to keep as much information as secret as possible.

Sometimes it just happens when, for example, you have control of airwaves by controlling what goes out from them. I remember for example in the 1960s and 1970s it was only Kenya Broadcasting Corporation (KBC) that was operational and if it did not cover a story, that story would remain uncovered. The same can happen now even with various channels by withholding information and playing *Nyimbo za wazalendo* when something else is going on.

This Bill is calling for a transformation and I hope this will not only be on paper, but it will also have to move from paper to reality. This will enable us to give information. I am very passionate about this Bill because we have talked about open governance systems and open data which the Bill addresses. Unfortunately, as was said by Sen. Mutula Kilonzo Jnr. this was a Senate Bill. When will we solve this problem? When will have Senate Bills processed and finalized by this House? Mr. Temporary Speaker, Sir, the objectives of the Bill are clear for instance the right of access to information. One of the ways that such access will not be given is by delaying. We should not anticipate a bureaucratic process where somebody applies for information and they are told to wait endlessly or they apply and the information is not given in the manner asked for without recourse to going back to say the format someone needed it in.
We also need a very proactive and friendly staff to facilitate and probe that information. Can you imagine a scenario where you have a bully standing and looking at you and telling you: “This is the information, do you need anything more? Obviously, you will need to be strong hearted for you to continue requesting for more. This Bill is not only asking for an information age, but a whole change of mindset in terms of our culture. This includes promoting routine and systematic information disclosure. The information can be disclosed willingly, happily and in advance. By the way, if more information is given, there will be less information sought. It will actually give the Commission that is created in this Bill later on less work. This is because that data will be out there.

Additionally, it provides for protection of persons who release the information. This is key so that they do not end up being culpable. It also provides a framework to provide public education on the right for this information. That is part of the genesis to get people interested so that they can ask for information. Mr. Temporary Speaker, Sir, basically, the Bill gives the right to information whether it is held by the state or a person who has the responsibility. Clause 4(2), states:-

“Subject to this Act, every citizen’s right to access information is not affected by –

(a) any reason the person gives for seeking access; or

(b) the public entity’s belief as to what are the person’s reason for seeking access”

This implies that there will be no environment for making excuses for not releasing information. There will not be information not given because of a particular reason that can be conjured up. You will not have to be blocked from getting specific access. So, you will not have to say: “I want this information for reason one, two, three or four.” Seeking that information is not reason enough to for you not to get information. At least the issue of questions such as: How do you want this information? Is it secretive? How do you want to use it? This is catered for appropriately in Clause 6 which deals with information that cannot be given so that we do not just leave it open for anyone to ask for any information.

Mr. Temporary Speaker, Sir, Clause 6 deals with specific areas where information cannot be given especially if it has to do with sensitive issues like military strategies and foreign Government information. However, we must also be careful that we do not tilt information that does not fit in these categories, to fit in these categories so that we are stopped from giving it.

Clause 6(1)(a), (b) and (c) states:-

“Pursuant to Article 24 of the Constitution, the right of access to information under Article 35 of the Constitution shall be limited in respect of information whose disclosure is likely to –

(a) Undermine the national security of Kenya;
(b) Impede the due process of law;
(c) Endanger the safety, health or life of any person;”

Those are the limitations of that particular Clause in terms of the information that is sought. This is very critical.

At any one time, the information that is needed should be facilitated; whether it is information on particular aspects such as information about organisations, functions and duties and powers and duties of officers and employers. I will not go through all of them.

All this is clearly indicated in Clause 5 which is very detailed. It gives the sort of information that can be given. This is followed by Clause 6, moving to the information that might not be given. An expansion of the same has been done with that Clause.

How then does the process of access to information get conducted? In the Commission, which I think is also a wise thing that this Bill has done, one of the Commissioners is delegated as a person who will be specifically in charge of information and giving it. This person is almost like a committee head of sorts who will deal with specific matters on information. However, there is appointment of a Chief Executive Officer (CEO) of a public entity, who will be the point of information. He or she will have a chance and the obligation to give that information. He or she shall be the Information Access Officer.

So, the hierarchy is the CEO, another CEO and an Information Access Officer who can actually give that information. However, the CEO also has responsibility where necessary, to delegate to somebody else. So, it does not have to be one particular person who is the Information Access Officer. Others can also be utilized for this particular access.

Mr. Temporary Speaker, Sir, Clause 8 deals with how the application should be made. The Senate Majority Leader, in moving the Motion, clearly indicated this. This is because the Bill says it should be written in Kiswahili or English but I think some communication can be made so that we do not cut off a group of people who cannot communicate in the way that the Bill specifies. We need to look at that. Probably an amendment is needed during the Committee Stage to ensure that anybody seeking this information can get it.

Clause 10 gives the timelines. For example, how that transfer of information will be sought and the date of receipt of the applicant. If they are, for example, seeking information from another public entity, that information will be sought from that public entity. That process will be engaged in from the point of view of the CEO. This is very critical. There is also a premise that within 15 working days from the time one makes an application, he or she should have the application granted. The Bill also provides the way the information should be contained, details of fees and the method of payment. All these are proposed in Clause 11 and they are straight forward.
Clause 12 has also been alluded to. No fee may be levied in relation to the submission of an application. Again, sometimes there may be a silent fee in delay where you keep going and coming but formally, no fee is expected. Let me talk a little about the quality of information and the data. Since there is no fee, it is not that there is a favour that is being done and that someone should just be happy and go with the information that they have been given. It is important that that information is up to standard.

In Clause 13, the Bill gives the possibility for correcting information. Information is never static. Just in case there are changes and situations have shifted, then that information can be corrected and updated. More information can be annotated to the initial information that was given to ensure that the information is up to date. This is a Bill with a lot of optimism if we can use the technology, mechanisms and the good will of the Bill to give information.

Part 4 is all about review of decisions by the Commission. This suggest that where somebody is unhappy with the information that they have got or they want additional information or review, then this will go to the Commission. The Commission will then review and see how to give that information in another way. The Commission also has the overall oversight role of enforcement of functions and powers. The name I was looking for earlier is this Access to Information Commissioner. He or she will be the link from the Commission point of view but then the particular person who is directly in charge of giving information at a lower level. He or she has the responsibility to ensure that information is passed on.

Mr. Temporary Speaker, Sir, we also have provisions for delegated powers at the end of the Bill that give the regulations. Some key regulations which will be important are the manner in which applications under this search have been made, so that there is a routine, measures to be taken by public entities to ensure adequate records are created and maintained over time and the procedures requiring a public entity to ensure that personal information is also accurate. There is nothing as bad as inaccurate information. It is better to have no information than to have inaccurate information I support, Mr. Temporary Speaker, Sir.’

**Date: 9th June 2016**

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

**Contribution She Made On: The Access to Information Bill (National Assembly Bill No. 36 of 2015)**

'Mr. Temporary Speaker, Sir, looking at this Bill, access to information is a right as stipulated in Article 35 of the Constitution which states:-

"Every citizen has the right of access to –

(a) information held by the State.”
Therefore, the State is supposed to give information to every citizen. Article 35(b) further states:

“(b) Information held by another person and required for the exercise or protection of any right or fundamental freedom.”

This information must also be made available. Therefore, access to information becomes a guiding principle that will enable us achieve this part of the Constitution.

Clause 3(b) of the Bill requires public entities and private bodies to proactively disclose information that they hold and to provide information on request in line with the constitutional principles. It is, therefore, important that the public is given civic education so that people know that there is a channel that they can follow to enable them get particular information. This also applies to the format or the mode in which they can apply to get this information. I believe this is stipulated in this Bill that will soon become an Act of Parliament.

Mr. Temporary Speaker, Sir, Clause 3(d) says:

“Promote routine and systematic information disclosure by public service and private service on constitutional principles relating to accountability, transparency and public participation and access to information.”

This is why we sometimes see Kenyans becoming jittery because they get small bits and not full information. For instance, we just read in the newspapers about what is happening to the money that got lost at the National Youth Service (NYS), the Youth Fund and the Euro Bond. It is the responsibility of the State to come out clearly and tell us what is really happening. That way, they will have complied with what is stipulated in this Bill on accountability and transparency.

The Bill also fosters public participation in all levels of governance. For us to conclusively discuss and pass this Bill, we must have public participation. We should invite the citizens and other stakeholders to give us their input on how it has been done.

Bills are drafted in English and the information is not accessible to all people, especially those who are illiterate. We must put it in a language that is best understood by the people. This Bill provides that the officers who will be employed should be able to help these people in writing properly what their request is and give them feedback at the right time.

The Article on correction of information is good because on many occasions a person can be misquoted or “mis-written” in something that was not properly done. It is important for this Bill to provide that personal information that has been written or given out wrongly be amended accordingly.

Lastly, we are forming many commissions through Bills that are coming to this House. The Office of the Senate Majority Leader needs to look into where the boards, authorities and
commissions will be housed. We should not have many bodies doing the same jobs that are being done at the Ministries.

Mr. Temporary Speaker, Sir, with those few remarks, I support the Bill, noting that the Senate Committee on Information and Technology had gone through this Bill for the last three years. I do not know how it came to be a Bill from the National Assembly. The Senate leadership should help us so that we do not spend a lot of our time and brains working on documents which are later on changed to belong to the National Assembly yet the wording is the same.’

Date: 14th June 2016
Member of Parliament: Sen. Dullo Fatuma
Contribution She Made On: Status of the National Security Communication System
‘Mr. Speaker, Sir, the Statement is ready but the Chairman has not signed it. I had it in the morning but I have not received it back. Sen. M. Kajwang is also not in but we can issue it tomorrow afternoon.’

Date: 14th June 2016
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: The declining state of health services in Nandi County
‘Mr. Speaker, Sir, the Statement is ready but the Member, Sen. Sang, who requested it is not in the House. Could we issue it tomorrow?’

Date: 15th June 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Harassment of boda boda operators in Nairobi County
‘Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.45 (2)(b) to seek a Statement from the Chairperson of the Standing Committee on Roads and Transport regarding the harassment of boda boda operators in Nairobi County.

In the statement the Chairperson should state the following:-
(a) Whether the Nairobi County Government has created a designated area for boda boda operations.
(b) Why boda boda motor bikes are detained in Nairobi County stores for 14 days with no charges preferred against the operators with a daily fee of Kshs1,000 per motor bike.
(c) Why more than 500 boda boda motor bikes have been detained in Nairobi County stores while demanding that each owner pays Kshs200,000 to retrieve their bikes
(d) What the Nairobi County Government is doing to create a conducive environment for boda boda operations to flourish so as to create employment.’

Date: 15th June 2016

Member of Parliament: Sen. Janet Ongera

Contribution She Made On: Violent arrest of Members of Parliament

‘Thank you Mr. Temporary Speaker, Sir. I also rise to condemn very strongly what has happened in the last two days here in Kenya. We have witnessed excessive force and police brutality being meted on Hon. Members of Parliament. Sen. Muthama has been subjected to excessive erosion of his fundamental rights.

What we witnessed yesterday at the Criminal Investigation Department (CID) headquarters and in court where I was representing the six accused who are my colleagues in the CORD coalition was disgraceful. I want to condemn, in very strong terms the treatment of Hon. Members of Parliament whether in Jubilee or in CORD in such a manner. What we have now is that Hon. Members are being treated with indignity that does not behoove a Member of Parliament. The title “Honourable” or “Senator” is not just a title that we buy from the street. We do a lot of work as representatives of the people but what I witnessed yesterday and today does not behoove that police should treat Honorable Members in such indignity.

The fact that hate speech is one of the charges that has been raised, which is a misdemeanor, does not mean that they are criminals. The way Hon. Members were treated, including taking their finger prints, was like they were criminals. We know that in this country, the law is very clear that somebody is innocent until proven guilty. I condemn the stories that we are hearing in the grapevine that they have instructions from above. We want to know who the people ‘above’ are, who are making Hon. Members to be treated in such a manner.

Finally, I want to say that this country belongs to all of us. Kenya belongs to 42 tribes. Let us not trivialize these issues because they can escalate to something that we cannot be able to control. Thank you.’

Date: 15th June 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Violent arrest of Members of Parliament

‘Mr. Temporary Speaker, Sir, as I stand, I yesterday witnessed when Hon. Junet was being arrested because he had been at the Nation Television Network (NTV) news room. I wondered whether it was appropriate for 60 to70 police officers to arrest one Hon. Member. That is a very big number. You sensationalize issues that would have been dealt with in a
proper way. I want to plead with the police that the more they engage in drama, the more they create a lot of tension in this country.

At the same time, even we as Members of Parliament and leaders of this country, if police summon you to a police station, why should you not go? I wish they went. This is because all these issues would not have come to what it is today. We are blaming the police but we have also provoked them.

Whether it is Hon. Moses Kuria or whoever, they must ask themselves where they leave the country after uttering those reckless words. I think that question is important and every leader must be very cautious. We should not allow ourselves to go back to what happened in 2007. It is the political class that took the country to postelection violence and it is the political class that is taking the country to a pre-election violence. Let us not allow that.’

Date: 15th June 2016

Member of Parliament: Sen. Catherine Mukite

Contribution She Made On: Violent arrest of Members of Parliament

‘Mr. Temporary Speaker, Sir, I also condemn the manner in which MPs were arrested and detained. The reason that the judge gave yesterday to deny the Hon. Members bail was that they would interfere with investigations. How could they do so when their speeches were captured on video? So, I think there was some sinister motive in detaining these MPs. The way they are being treated is inhumane because ---

Mr. Temporary Speaker, Sir, the manner in which these MPs are being treated is inhuman. This is because when you are arrested, you are entitled to see your spouse, family members and have access to medicine. It is not fair to deny Hon. Junet medicine. I, therefore, condemn this action. I ask the Jubilee Government to consider this issue seriously because the way things are moving, we might degenerate into more troubles as we move closer to the elections.’

Date: 16th June 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Vacancies in the supreme court

‘On a point of order, Mr. Speaker Sir. Is the distinguished Senator for Kakamega, who happens to be the “bullfighter”, in order to ask about a question which has already been overtaken by events? If you read the Daily Nation newspaper of today, you will see that these jobs have been advertised.’

Date: 28th June 2016

Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Delayed promotion of administration police officers
'Mr. Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding delayed promotions of Administration Police officers to senior positions.
In the statement, the Chairperson should:-
(1) State whether he is aware of pending cases of promotion of Administration Police officers to senior positions and why those due for promotion to the rank of Senior Superintendent of Police and other high ranks have not been promoted.
(2) Explain why only 23 officers out of the 193 recommended by the Police Service Commission for promotion to the rank of Superintendent of Police in 2013 were not promoted.
(3) Explain why there is a disproportionate promotion of officers among the various services within the National Police Service, and;
(4) Explain measures being taken to ensure all Administration Police officers who are due for promotion are promoted without further delay.’

Date: 28th June 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Delayed promotion of administration police officers
'Mr. Speaker, Sir, I also wish to seek further information on the statement. Out of these promotions, how many are women.’

Date: 28th June 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Status of Makutano-Ngurubani-Kimbimbi-Samson Corner Road
'Mr. Speaker, Sir, on Wednesday, 8th June, 2016, Sen. Karaba requested for a statement from the Chairperson of the Standing Committee on Roads and Transpiration on the Makutano-Ngurubani-Kimbimbi-Samson Corner Road as follows:-
(a) State whether he is aware that the road is too narrow yet it has a very high population of users.
(b) Explain whether the Government has considered expanding the road to cater for increased traffic.
(c) State whether the Government has plans to provide for pedestrian walk ways along the road so as to deter pedestrians from walking on the main road which has been a cause of accidents.
(d) State whether the Government intends to increase the number of bumps on the roads as a way of reducing accidents.

(e) Explain why the section from Ngurubani to Ndindiriku is already damaged even before the construction works are completed.

The answers are as follows:-

(a) I am aware that the road is not too narrow but has a carriageway width of 6.25m and 1.5m wide, with paved shoulders on each side.

(b) There are no plans of expanding the road. However, routine maintenance of the road has been happening annually. The KeNHA has utilized about Kshs8.5 million to implement the said maintenance intervention in the current Financial Year, 2015/2016.

(c) Currently, there are no plans to provide pedestrian walk ways. Nonetheless, the 1.5m wide shoulder is expected to serve the pedestrians and other non-motorized traffic. Any future rehabilitation, which is contingent upon availability of funds, will give consideration to provision of a wider carriageway and adequate non-motorized traffic facilities especially within trading centres.

(d) Sufficient bumps have been provided in most of the trading centres on a need basis along this road. It is important to note that engineering solutions alone may not significantly reduce road accidents and, therefore, other measures involving education and enforcement are very critical and call for the involvement of all stakeholders.

(e) The road is not damaged and construction works are ongoing. Due to delays in the review of the pavement design and adverse weather conditions, the progress of works has been delayed. The pavement design review was necessary due to the evolving new low volume seal technology to ensure durability and better performance of the roads without variations to the costs. The work activities are at various stages of construction, with some works completed while others are ongoing. The ongoing works will be processed before being finalized. The construction of this road was divided into three lots for faster construction.

Mr. Speaker, Sir, if you could allow me to issue a statement on a second request by Sen. Karaba. He can interrogate them both after I am done.’

Date: 28th June 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Status of Renovation of the Sagana-Kagio- Utus Road

‘Mr. Speaker, Sir, on Wednesday, 8th June, 2016, Sen. Karaba requested for a statement from the Chairperson of the Standing Committee on Roads and Transportation on the Sagana-Kagio-Kutus Road as follows:-
(a) State why the renovation of the Sagana-Kagio-Kutus Road has stalled.
(b) State when the renovation of the road will resume.
(c) Explain whether the road will be renovated to bitumen standard.
(d) State how much funds were set aside for renovation of the road; and,
(e) State the completion date of the renovation works on the roads.

The answers are as follows:-
(a) The renovation works on the Sagana-Kagio-Kutus Road have not stalled but are on course under the periodic maintenance works which commenced on 28th December, 2015. We wish to clarify that the project road starts from Murang’a and runs through Sagana terminating at Samson Corner. At some point during the renovation, the contractor concentrated on the section near Murang’a and this may have created an impression to the public that the works had stalled. The major scope of the works entailed surface dressing, which requires utmost diligence in quality control right from the point of material extraction and is also impacted on by the weather conditions. As a result, the works could not be carried out during the rainy season that was experienced in the months of March, April and part of May, 2016.
(b) The renovation of the road is on course and the contractor is in the process of doing surface dressing which is the last activity.
(c) The existing road is being renovated to bitumen standards and the ongoing project is at periodic maintenance intervention.
(d) The contracted amount for the renovation is Kshs45,838,096.
(e) The completion date is expected to be towards the end of June, 2016.’

Date: 28th June 2016
Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: Status of Renovation of the Sagana-Kagio- Utus Road
‘Mr. Speaker, Sir, my concern is about the accessibility of roads to persons with disability and signage. I want to know from the Ministry how they will address those concerns. How will they make it easier for persons living with disabilities to use our roads comfortably?’

Date: 28th June 2016
Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Status of Renovation of the Sagana-Kagio- Utus Road
‘Thank you, Mr. Speaker, Sir. I would like some clarification. This is because the road from Eldoret to Kitale which was built by the colonial government is so narrow and its shoulders are worn out. We have heard of so many accidents involving those riding motorbikes. Could the government do something?’
Date: 28th June 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Status of Renovation of the Sagana-Kagio-Utus Road

'Mr. Speaker, Sir, on the use of the roads, as the Cabinet Secretary had stated, the works are on course. Some of them are subject to availability of funds. However, I have heard the sentiments expressed by the Senator and we will seek further consultation and confirm the way forward. I will need time to get the details on how the Kshs45 million was distributed because the Senator had not sought for that information earlier. The indicated date of completion was the presumed time of completion. I will also get further clarification if there is any variation because I was told the completion date is supposed to be June. If the Senator says he was there yesterday and the road is yet to be completed, then I will need to consult with the Cabinet Secretary so as to see what can be done because I have not been there. That also goes for the policy on the erection of bumps as sought by Sen. Obure, I will provide the policy within the next two weeks. This also applies to Sen. Omondi’s request on the accessibility of the roads by persons with disability. I will give the clarification whether that has been catered for. I will actually give all the clarifications, including what has been sought by Sen. (Prof.) Lonyangapuo.'

Date: 28th June 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Status of Renovation of the Sagana-Kagio-Utus Road

'On a point of order, Mr. Speaker, Sir. Is it in order for the Senator of West Pokot County to mislead this House and, indeed, the country as whole that Sen. Sijeny is making this response as an opposition Senator when we know very clearly that we have elected chairpersons and vice-chairpersons of committees in this House? In fact, we have some chairs that come from the other side. Just to inform the Senator of West Pokot that we are all in Government. We are one arm on the Government. Is he in order to mislead the country?

'Mr. Speaker, Sir, I do not want the issue of Sen. Murkomen and Sen. (Dr.) Khalwale to overtake my point of order. Is it in order for the Senator for West Pokot to actually mislead the country that if a Senator is sitting on the other side, and he or she is a Chair or Vice-Chair of a Committee, they cannot answer questions? I do not think he is any better. Has he visited the road despite being on this side? Is he in order?'

Date: 29th June 2016
Member of Parliament: Sen. Martha Wangari
**Contribution She Made On: Shooting of Ulanda Girls High School student**

'Mr. Speaker, Sir, yes. I rise pursuant to Standing order No.45(2)b to seek 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’ High School was hit by a bullet fired by a prison warder on 27th May, 2016. In the Statement, the Chairperson should state:-

(a) The circumstances under which the innocent girl was hit by the stray bullet.

(b) The steps the Government has taken to serve justice to the innocent girl who now has a permanent disability.

(c) The disciplinary action on the officer who fired the bullet.

(d) The existing guidelines of compensation rates for different injuries occasioned by stray bullets and procedures to be followed by citizens seeking compensation.

(e) The statistics of cases of stray bullets in the country in the last four years and the action taken on each case per county.

(f) The steps the Government is taking to ensure responsible handling of firearms by our disciplined forces.'

*Date: 29th June 2016*

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

**Contribution She Made On: Primary and secondary schools connected with electricity**

'On a point of order, Mr. Speaker, Sir. Is it in order for the Senator for Kakamega to mislead this House and country? If you want to do comparatives, then it has to be in percentages or ratios. You cannot just talk about schools without giving numbers. Is it in order for the Senator to make such a serious allegation, based on some figures that do not show the comparatives?’

*Date: 29th June 2016*

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

**Contribution She Made On: Primary and secondary schools connected with electricity**

‘Mr. Speaker, Sir, so many schools, especially those that did not have electricity for the last 50 years, will be connected to solar power. However, are there plans to actually connect these areas to the national grid, because it is not only schools that require electricity? Many homes can be connected to the national grid as opposed to having solar panels in schools.

We have even been told that batteries are not working in some schools.’
Date: 29th June 2016  
Member of Parliament: Sen. Godliver Omondi  
Contribution She Made On: Primary and secondary schools connected with electricity

‘Mr. Speaker, Sir, out of the schools that have been connected, how many special schools have benefitted from this programme? It has become routine that issues of the disabled are not considered when it comes to matters of education.’

Date: 29th June 2016  
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Primary and secondary schools connected with electricity

‘Mr. Speaker, Sir, I wish to state that whereas it is recorded that in Siaya County there are only three schools left, I know this was done when the leader of our Coalition was the Prime Minister. However, I have seen that Migori County is still lagging behind. Can they do something?’

Date: 29th June 2016  
Member of Parliament: Sen. Naisula Lesuuda  
Contribution She Made On: Primary and secondary schools connected with electricity

‘On a point of order, Mr. Speaker, Sir. I know you have ruled on this matter but I wanted to add one thing. I want to find out whether the schools which are connected to solar are able to charge the laptops and tablets. I would like the Vice Chairperson to respond to this and not by Members heckling.’

**PAPERS LAID**

Date: 8th June 2016  
Member of Parliament: Sen. Catherine Mukite  
Contribution She Made On: Report of the 133th Assembly of the Inter-Parliamentary Union and related meetings

‘Mr. Speaker, Sir, I beg to lay the following Papers on the Table:-  
Report of the 133th Assembly of the Inter-parliamentary Union and related meetings held 15th and 21st October, 2015 in Geneva, Switzerland.'

**Date: 15th June 2016**  
**Member of Parliament: Sen. Halima Abdille**  
**Contribution She Made On: Annual report of the SRC for FY 2014/2015**  
‘Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 16th June, 2016:-  

**POINT OF ORDER**

**Date: 2nd June 2016**  
**Member of Parliament: Sen. Janet Ongera**  
**Contribution She Made On: Delayed processing of senate bills by the National Assembly**  
‘Thank you, Mr. Speaker, Sir. With your permission, let me also ride on that point of order at the risk of sounding like an old record. If I borrow words from Sen. Mutula Kilonzo Jnr., we have been in this House for over three-and-a-half years—  
Thank you, Mr. Speaker, Sir, for that information. I stand guided.  
We have been in this House for over three-and-a-half years and have not legislated any Bill into an Act of Parliament except five of them. This is not because we have not been working.  
We have worked very diligently but over 18 of our Bills are lying somewhere in the National Assembly. Is it in order to fast track the work of the National Assembly? Are we here as errand boys and girls to fast track the work of the National Assembly when we know that they are sitting on our Bills? Secondy, this House is going to be judged at the end of the five year tenure by the kind of work we did as legislatures. One of our core duties is to legislate. It is not right for the National Assembly to continue sitting on our Bills yet we are fast-tracking their Bills in the Senate.  
Mr. Speaker, Sir, as I said last week, under the risk of sounding like an old record, time has come to call a spade a spade, and as the Swahili saying goes; *kama ni kubaya, ni kubaya*. It
is high time that this House also takes drastic measures in looking at the Bills from the National Assembly.’

Date: 2nd June 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made On: Delayed processing of senate bills by the National Assembly

‘Thank you, Mr. Speaker, Sir. I think it is unfortunate for the Senate because all the Bills that have been handed over to us are constitutional Bills that have a deadline of 27th August 2016, and totaling 15. Right now, we are being bashed by the media just because of the Anti-Doping Bill. The biggest challenge we face as a House is that people perceive and think that the Senate does not work. It is up to us to be proactive and use the media to help us fastrack some of our Bills, like The Food Security Bill that is lying at the National Assembly. This is because when you go to the media now as a Senator, you will not be able to debate it.

The most unfortunate thing is the way the Bills come in. These Bills with constitutional deadlines should not be listed as “National Assembly” Bills, but; “Parliament of Kenya” Bills because they are constitutional Bills. The Senate Majority Leader should be going to the State House after passing the Bills and witness when these Bills are being signed into Law.

Sen. Mutula Kilonzo Jnr., politics in this country is perception. People will never know that the Senate, indeed, played a role in these Bills if Senators are not seen witnessing their signing into law. They do not know that the Senate played a critical role in scrutinizing the Bill and resending it to the National Assembly. We must also be proactive.’

Date: 8th June 2016  
Member of Parliament: Sen. Janet Ongera  
Contribution She Made On: Non-involvement of the senate in the presentation of the national budget

‘Mr. Speaker, Sir, I also support what the distinguished Senator for Mandera has said. I do not see any reason why the Budget should only be submitted to the National Assembly and not the Senate too. In any event, we have a very big budget of counties that we take care of and control. As we all know, counties are independent governments. Therefore, I support what the Chairman of the Committee on Finance, Commerce and Budget has said. In fact, if you saw earlier on today, the people who were being consulted with regard to the Budget was the distinguished Senator for Mandera and the distinguished Senator for Nyamira County. I did not see anybody from the National Assembly being consulted by the media with regard to the Budget. It just shows how this House is highly
respected. I do not see any reason why we cannot also join them. We dearly plead with you to consult your colleague so that we can have joint sittings.’