MARCH 2016 KEWOPA MEMBERS HANSARD [SENATE]

CHAIRS
Date: 9th March 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

Date: 15th March 2016
Member of Parliament: Sen. Elizabeth Ongoro (Temporary Chairperson)
Contribution She Made On: Chaired a Session

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

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

COMMITTEE OF THE WHOLE HOUSE

Date: 1st March 2016
Member of Parliament: Sen. Elizabeth Ongoro
Contribution She Made On: The County Industrial Development Bill (Senate Bill No.7 of 2014)

‘Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Industrial Development Bill (Senate Bill No.7 of 2014) and seeks leave to sit again tomorrow.’

BILLS

Date: 2nd March 2016
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: County Library Services Bill (Senate Bill No.6 of 2015)
Mr. Temporary Speaker, Sir, I beg to move:-

THAT, the County Library Services Bill (Senate Bill No. 6 of 2015) be read a Second Time.

This is a simple Bill. Therefore, I will not take a long time on it as it seeks to devolve library services to the counties. It also seeks management of libraries set up in the counties. Currently, the public library services are regulated by the Kenya National Library Services (KNLS) Act which establishes a board within its main function to promote and manage the libraries. The current board was established many years ago.

Therefore, this Bill seeks to establish a board in each and every county that will manage the libraries, including other services that provide library services that are not currently included in the definition of libraries in our Constitution.

As we all know, libraries are important institutions in our societies. I am privileged to have studied a degree course in Information and Library Sciences, which included studying the cataloging of books and information that helps to manage libraries. Currently, our libraries are not well established. The only libraries that are established are the national libraries. All the libraries in this country are run by KNLS Act. This Bill seeks to have boards established in the counties so that our people get library services at the grassroots level. This is because libraries do not only have books, but they have magazines, videotapes and other things that can impact information to our people.

Part Two of the Fourth Schedule of the Constitution of Kenya provides for even cultural activities such as public entertainment amenities as a function of the county governments which libraries fall within. Therefore, the Bill seeks to ensure that library services are brought to the reach of our people. This then brings the importance of legislators being involved in this and ensuring that our counties have libraries that are not just buildings and structures that we see, but we do not walk into. For us to establish the boards in the counties, we have to push the need to have our libraries equipped by different kinds of information sources that can help to disseminate information to our people. As we know, everyday is a learning day. We learn here in the Senate and other people learn from us. We are looked upon as sources of information in the community.

Why can they not look for such information from the libraries? Many people do not know much about the Constitution. What if the copies of the Constitution were put in these libraries and made accessible to them? This would be good work even for us. It would be a step ahead for people to understand the Constitution, the role of their leaders, how the Government works and other things that can help change the society. We should look forward to a situation whereby we have automated libraries where one can become a member and access information online, read more and make themselves better and useful persons in the society. The committee that this Bill seeks to develop in the counties will
consist of the County Executive Committee Member (CEC) responsible for library services. Currently, there is a CEC but the library is still being run by the Kenya National Library Services (KNLS). The board is run nationally. We keep saying that services are devolved but why not devolve information? Why not make it easily accessible to them by devolving library services and giving the CEC a chance to have something to run?

Other persons who will be in this Board will be one man and one woman, appointed by the governor with the approval of the county assembly. They have to be renowned academicians who understand the value of books. Most of us, if not all of us, read books stored in our houses, buy them or fetch them from the library but not for the person there at home. I like giving the example of our Constitution because that is the most important thing that will make this person understand how the country works. One may also go to the library just to get news. This library will also have newspapers and they will know the current information in the country. Many people in our communities and constituencies get information from hearsay but if you make the library accessible, you will no-longer deal with hearsay. We will be dealing with real time information; information that this person has accessed and can come to a public baraza, for example, or even challenge the leader because he or she knows what he or she is talking about.

In addition, the governor will also appoint another man or woman with five years’ experience in the provision of library services. This group of people is a minority. We have not given libraries the attention they deserve, yet most of the information we talk about even here today, is from the libraries. From here, when we are done with the business on the Order Paper, we go to a library but for your constituents somewhere back in Kakamega or Homa Bay County, if they want to get information about what goes on in the Senate, for example, what was discussed today, this person cannot afford a newspaper. If a library is established, he or she will be equipped with a lot of information that will then help them.

This committee will have different functions. Some of them are already being performed by the KNLS Board but it has been there since time immemorial. We need to put words into action. Currently, this country is run under devolution. The Senate is established so that we ensure that devolution is executed to the letter. If these boards are established, we will move the equipping, management, maintenance and use of libraries to the counties. From this, the governor will set aside a fund to ensure that the library is equipped, well managed and everything is in order so that the information in the library will be imparted and disseminated.

The committee will also plan, coordinate and advise the county government and other bodies on all matters concerning the library. Like I earlier said, the library is not just books. It is a hub of information including entertainment. One can visit a library to read biographies
of people like Martin Luther King, Jomo Kenyatta and even the history of Kenya before we were born. However, this information cannot be found if the library is not equipped. Therefore, this committee will plan and coordinate and advise the county government on matters of library. It will also facilitate the documentation of information relating to counties. Our counties are rich in things that we do not know about and often, we depend on leaders, media and rumours to learn about our counties. If an equipped library with the history of a county is established, it will help the residents learn more about their county.

Public participation will be enhanced because the residents are educated about their county. The committee will also facilitate training of librarians within the county. A librarian should know about books, cataloguing and record keeping. A library user should not experience difficulty finding the information they want in the shortest time possible. It will be the responsibility of this committee to train the librarians. It will also conduct campaigns for eradication of illiteracy and stimulate public interest in reading. Many people shriek when they hear about books. This committee will create awareness and promote the interest of books and reading. An equipped library attracts users because it is not a typical bookstore but contains entertainment materials like video tapes. Mr. Temporary Speaker, Sir, the committee will also design innovative ways to enhance library services and information by disadvantaged persons within the society. Disadvantaged persons here imply women. In a patriarchal society, women have been sidelined. A woman should also access information. This can only be realised if the committee promotes the importance of a library to the women, youth and persons with disabilities. Library should not be left to men only but must be a place for everyone because information brings change to the user, county and the country as a whole.

The committee will also be tasked with acquiring books within and outside Kenya. It is important to put counties in a position where they can exchange information but not just to restrict people in the society with information regarding counties and the country because we have a lot to learn from outside this country. For example, we have a lot to learn from the history of the United States of America (USA) and how it got to where it is today. What most of us know is from rumours or what we learn in class. But what have we read beyond what we were taught in class? Maybe it is because of the inability to access books. By devolving libraries and ensuring that committees are formed in the way I will request Members to pass, then, we will access information. The committee will be able to get and equip libraries with information both from within and outside Kenya.

Mr. Temporary Speaker, Sir, the Bill also provides for the power of the committee to recognise any library run by a voluntary agency. We have libraries that are run by, for example, Non-Governmental Organisations (NGOs) that are within the counties but they run
them as private entities. We also have individuals who have started mobile libraries to encourage a reading culture in the society. We will request the committee to also include such libraries that can be accessed and have information that is important to the society.

The Bill will also impose an obligation on the committee to prepare and submit annual reports to the county executive and assemblies and report its activities every year. We have passed Motions in this Senate that committees should be formed and functions be devolved. However, a problem arises when we do not receive reports about, for example, what a committees does, how far it has gone, how far the libraries will be equipped, what is in the libraries and how they are being managed.

Currently, there is a problem because libraries are being managed by the Kenya National Library Services Board (KNLSB) that was established before I was born. It has members that do not have much impact on the people in counties, for example, my county which is Kisumu. In this case, we will request the Senate to pass the Bill so that a board is formed to perform all the tasks that I have enumerated. The board will have to report back to the county government and county assembly on what they have done or what they will do. It will inform them about the plans they have and how they will turn the society into a reading culture. The board will also inform us about how they will attract members of the community to go to the libraries now that libraries will be near them. These are tasks that it will perform.

Mr. Temporary Speaker, Sir, this Bill is also expected to promote the establishment and use of libraries in counties. You can build a house or hotel but if you do not invite people to it, then, it will just remain a structure with a name printed on it. So, we expect the committee to make a library a place worth going to and digging into the information that is inside so that people can access information. I always believe that every day is a learning day. You can teach me and I can also teach you. Sometimes, I know what you do not know and you know what I do not know.

By this, we can help each other because you have something that you can help me with but a library has something that can help all of us. It has information that can change counties or even the country. I beg to move and call upon Sen. Wangari to second.

**Date: 2nd March 2016**

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

**Contribution She Made On: County Library Services Bill (Senate Bill No.6 of 2015)**

"Mr. Temporary Speaker, Sir, this is a simple amendment but has an impact. Access to information is a constitutional right. Article 35(3) of the Constitution states that:--

"The State shall publish and publicise any important information affecting the nation."
When I look at devolution, this is one place we will get information for counties in terms of budgetary policies that different County Executive Committee (CEC) members have and plans they have for the counties. This is one place we will publish them.

Mr. Temporary Speaker, Sir, if you may recall, last year but one, we had appeals from the counties on some of the functions they felt would be better performed by county governments. One major function that came from 29 counties that appealed to the Senate was the issue of and management of libraries. Not every county is lucky to have a national library based in it. I think they were 11 or so counties if I am not wrong. Out of that, we have others that need libraries. It is important that we use Article 189 of the Constitution that encourages cooperation between the national and county governments in this function.

It says:- “Government at either level shall liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity” This is one area where we must use this Article. I say that because the people who need these services are in the counties. In fact, during the recent teacher’s strike that went on for quite some time, the one place where children found solace was in these library services in counties. However, we have reduced these libraries to a place where you get the oldest books. In fact, when you go inside the library, you get out coughing because the books are old, undusted and not properly arranged. It is chaotic. From the pictures in the media, you could see children and members of the public seated on the floor because the sitting capacity is inadequate. That is one reason why each county should control its own library.

Some counties like Kericho do not have a library. People from there have to travel all the way to Nakuru County because it is the only place where they are sure to get material in a national library. We must also move away from this idea that we only read for exams. In fact, this Bill should encourage reading not only by children and students but even members of the community. If you do not read, you cannot lead. We need to cultivate a culture of reading that will produce readers. Let me touch on the functions. The definition of a book enlarges this definition to “not limited to a book”. We need to know that technology is dynamic. We are moving from the era where you can only read a book on a hard copy. We must start practicing ereading and have these libraries equipped and ICT enabled in order to do that.

If you remember, we passed a Bill that encouraged that we honour heroes in counties. Where do we store this information? This is one place where this can be properly documented. In paragraph (f) on the coordination of training, I would only appeal that the policy, in terms of coordination, is put in a central place. That way, we can also have
uniformity and homogeneity in terms of training and curriculum for the trainers, so that different counties do not do different things. I look at part (h) and I see the promotion of libraries. It is very important that we promote and encourage people to read. This culture of just reading for examinations must be gotten out of our system. We must encourage even villagers to access this information. Every day, we talk about public participation in counties but where do we get these documents? This is one place where I hope that county governments will give this information because it is a constitutional right.

Regarding the issue of people with disability (PWD), the libraries must be stocked with the necessary devices to make it friendly to them. Finally, on reporting, we must increase it to maybe twice or every quota. Let us not do it once because it will be ineffective to monitor and make follow-up by the county assembly in county governments.

With those few remarks, I think it is a very productive Bill. I beg to second.

Date: 8th March 2016
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: The Order of Precedence And Titles Bill (National Assembly Bill No. 11 Of 2014)

‘On a point of order, Mr. Deputy Speaker, Sir. Thank you for the direction you have given. It is important that we look at interference of intellectual property law. What is being articulated in this Bill is the same as what Sen. (Dr.) Khalwale, my Senator, brought here yet somebody has cooked it and brought it here.’

Date: 8th March 2016
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: The National Cereals And Produce Board (Amendment) Bill (Senate Bill No. 15 Of 2015)

‘Mr. Deputy Speaker, Sir, today is a special day for the women of this country because we are celebrating the International Women’s Day. Therefore, I join my fellow Senators to celebrate the women in this House. I congratulate Sen. Kittony for working on the Bill. I understand agriculture is a devolved function of the county government. It is important that this function is adequately funded. The county assemblies in turn will legislate in order to safeguard agriculture. Kenya is endowed with good soil, climate and rainfall but it is unfortunate that the law is not applied resulting in starvation and deaths. If these boards are established, it will be a milestone. Trans Nzoia County is the food basket of Kenya but it is going down. If cereals boards are devolved to the 47 counties, we shall achieve the economic development and food security of this country. I support.’
Date: 8th March 2016
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: The National Cereals And Produce Board (Amendment) Bill (Senate Bill No. 15 Of 2015)

‘Mr. Deputy Speaker, Sir, I would like to reply and sincerely thank those who have contributed to this Bill. I have taken note of all the suggestions that have been made. I want to say that the Bill was properly researched. We will deal with the amendments at the Committee of the Whole.

Mr. Deputy Speaker, Sir, I have taken note of major cereal producing counties. Listening to my colleagues’ contributions, they proposed that counties like Kirinyaga, Nyandarua and Kericho be added to the list. So, I would like to specially thank those who have contributed to this Bill in a special way. The Bill will help our county governments especially because we have seen what happens. Farmers have suffered in the hands of middlemen. Therefore, if these committees are put in place at the county level, it will alleviate a lot of problems that farmers face. We will also be assured of good storage if county governments establish better storage for grain. That way, we can be sure that this country will go for many years without facing hunger or food being wasted.

I appreciate all the comments and contributions that have been put into the Bill. I would like to thank my colleagues for the support given to this Bill. For those who have time tomorrow, we will have a public hearing at the Kenyatta International Convention Centre (KICC), 2nd floor. Therefore, it will be another level of getting more contributions and it has created a lot of interest. I can assure you that I think Kenyans have been waiting for this. Since we are in a devolved system, it would be best to devolve the National Cereals and Produce Board (NCPB) so that farmers get the necessary assistance that they require for their grain.

In conclusion, I would like to request that pursuant to Standing order No. 54(3), you defer putting of the question on this Bill until tomorrow.’

Date: 9th March 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The County Libraries Services Bill (Senate Bill No. 6 of 2015)

‘Madam Temporary Speaker, I rise to support this Bill. According to the Fourth Schedule of the Constitution, library services are a devolved function. As we discuss this Bill, we need to ensure library services are devolved to serve our people at county levels. However, it is a pity that land where libraries were to be built in counties has been grabbed. Although the
Transition Authority (TA) would up its activities, we must make sure we repossess land that was grabbed and build libraries in our counties. We must take the inventory of all existing assets of library facilities. I hope the county governments will take over those facilities and refurbish them.

We must sensitize our young people to understand the importance of library services in the counties. These facilities can benefit them abundantly. Most of the time, you find that one would wish to go to the library to do studies. Some libraries are well equipped. Therefore, our young people should go there and read books. I hope that as we devolve this service, we will find many Kenyans appreciating the services. We should have good customer care service. Staff in libraries must encourage our students to use library services for their own good.

Madam Temporary Speaker, the only gold mine that we have as a country is education. It is the only solid gold that every Kenyan can count on. Parents struggle to give their children quality education. We have a lot of challenges with shortage of teachers. If we can build good libraries, our children will be able to walk into any library to revise and prepare themselves before doing their examinations. We, as parents, must inculcate a reading culture. Most of us do not like reading. We read shallow publications.

If you compare a child who is in an international school vis-à-vis one in a public school, you will discover that the one in an international school like Rusinga School, in year one or two, is able to write and read because they have library services there. A Child who is in Rusinga School, in year one or two, for example, can write a composition because they read a book every week. For us, we wait until they join Form One, then we instill a culture of reading a book every week. These libraries should be established. The county governments should implement a policy of ensuring that when schools are closed, children go to the library to learn to be innovative and how to read. They should develop a reading culture to enhance the English language and vocabulary. In addition, we should also encourage the teachers to do research in these libraries. We should ensure that the libraries have the requisite books for teachers to enhance their skills. Nowadays, they do not have time but most of them go to the universities to build their capacity but also the libraries could also assist them. For, example, Kenyatta University has a new library with many books. We have many people who would like to donate books but they do not know where to take them.

I agree with the Senator for Homa Bay that our Bills should be tailored in a manner that will serve Kenyans for many years to come. This will ensure that we do not amend different Bills any other time. As we leave for the campaigns in 2017, to operationalize the functions in the
Fourth Schedule, we should ensure that we amend most of the Acts to assist the counties to move forward.

Sen. Gwendo’s proposal concerning the committees will facilitate training of librarians in the counties on the principles, procedures and techniques of librarianship. As we advance towards e-learning, we should have libraries where people can learn new technological advancements. We have young people who are innovative. They have come up with e-books, for instance, stored in a tablet. Therefore, one can download and read them.

As we bring in amendments, let us enhance the Bill so that it does not only addresses reading but also new technology. The national Government should provide computers and tablets. As the Government prepares to provide laptops to schools, the libraries must also be given the capacity to manage that.

Madam Temporary Speaker, young people languish in idleness because there are no recreational centres. These libraries should impart knowledge and enable them acquire skills. Internet services should also be provided in support of this. In addition, as we devolve this function, computers should be provided in the libraries so that young people can engage, for instance, in discussion groups and search for information on the internet.

The environment should also be clean. Macmillan Library has been there for many years but the environment is not conducive for learning. There are no books and it is dusty. We should also ensure that library workers get incentives to motivate them. For example, they should be paid allowances. Some of them are complaining that they are not paid. It is not only about the library services, any function that has been devolved has challenges. The employees are suffering. It is time that the Committee on Devolved Government looks at every institution that was devolved. Have the county governments embraced these institutions? Can they manage them? They should take up and rebuild them.

This case is similar with that of the Ministry of Health. By the time the county governments took over, it had many challenges. There are no innovations in the libraries.

Some books are old and outdated. In our education system, every year, we have books by different writers. We need to stock current books in the libraries. There is no need of going to a library only to find a book like the Government Inspector. Today, our children read different books. However, if you go to a library, you will find a book that was written way back when we had the 7-4-2-3 system of education. This will not assist our students. We have to advance as the system advances. We also need to build capacity for the librarians to keep up with the changing times. Education is evolving.

I hope that Sen. Gwendo will also look at the issue of newspapers, periodicals, paintings and posters. We need to have place in the library where children can learn how to draw and paint. There should also be books on this. There are also those people who are serious in
science and research. We need to support them. We have shortage of researchers and scientists in our country.

As we devolve this function, we need to encourage schools to take students once in a while to the library for two hours, for example. The library should be stocked with the relevant books. Sometimes back, college students also used to go to the library. However, this has changed. We need to bring back a reading culture because information is power. The county governments should have a kitty to support this. The Bill is not a money Bill but this needs resources. This will enable the county governments to provide a conducive environment for learning.

Concerning the executive meetings that she has proposed, that they should be held either once in a month, the chairperson has a right to call a special meeting. Before that is done, there should be consecutive meetings that will assist the committee to ensure that all the libraries in their counties are properly equipped. Libraries which have donors should be given an opportunity to bring in books. The county governments should also be given an opportunity to have exchange programmes to enhance knowledge. Madam Temporary Speaker, with those few remarks, I beg to support.

Madam Temporary Speaker, I request that we defer the Question to a day the Chair will accept pursuant to Standing Order 54 (3).’

Date: 10th March 2016

Member of Parliament: Sen. Joy Gwendo

Contribution She Made On: The County Statutory Instruments Bill (Senate Bill No. 10 of 2015)

‘Mr. Deputy Speaker, Sir, first, I congratulate my Chairman for taking the effort to bring this Bill after the experience we went through as Members of this Committee. We have visited several counties and realised that most of them had the Committee on Delegated Legislation just like us, but they did not understand the role of delegated legislation. In fact, in most of the counties we visited, that was the committee where there were Nominated Members because they did not understand its role. They figured out that that committee was for Nominated Women Members to idle. However, this Bill will give life to those committees and the county assemblies. After the passage of this Bill, the county assemblies will pass legislation.

As Sen. Mutula Kilonzo Jnr. has said, the Constitution stipulates very well that one of the roles of the county assemblies is to legislate; but how will they do it when these legislations are not scrutinized or done consultatively? This Bill stresses on the scrutiny of legislation which is one of the roles of my Committee on Delegated Legislation. It also helps with
consultation which, again, is about public participation. We went to some of these committees and Bills are just passed. A good example is Kisumu County where I come from; a law was passed that there is a way women are supposed to sit on the boda boda. How is that important to counties? How will it put food on Atieno’s table? Atieno believes that devolution was effected so that she could feel the proceeds of the national Government. That she voted for a MCA so that she could feel the development that the MCA brings; more so, legislative wise. However, if legislation about boda boda is passed, how is it changing this country? Therefore, this Bill will give quality to county assemblies. We will see more legislative processes working; that will change the country, our country and produce MCAs who give quality legislation in the county assembly.

Part II of the Bill talks about legislation making authority that shall consult with persons who are likely to be affected by the proposed instruments.

Mr. Deputy Speaker, Sir, if there was a research that was done to that law, there would have been more regulations of the boda boda industry. The security, the area of operations and the times they are supposed to be working were not provided for. In some areas, they operate all night and are accused of rape, robbery and theft. If these Bills are enacted, there shall be more helpful legislation.

The county assemblies are also inhibited and cannot carry out their oversight role satisfactorily. The delegated legislations committee at times finds laws being enacted. In most cases, they are aware about the Bills that pass through the assembly. Therefore, this Bill will help strengthen the roles of these assemblies in enacting delegated legislations.

Here in the Senate, a Bill may be enacted without necessarily passing through the Committee on Delegated Legislation. Those are the challenges that we at times experience. I support.’

Date: 15th March 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: The County Statutory Instruments Bill, 2015

‘Madam Temporary Speaker, thank you for giving me the opportunity to contribute to this Bill. As the Vice Chairperson of the Committee on Delegated Legislation, I know we have done a tremendous job conducting our oversight role on the counties. As a Committee, we have tried and invited many of our counterparts in the counties. We have only a quarter of the committees on delegated legislation from counties left.

During our first interaction, we discovered that not many of our colleagues understood, first and foremost, their mandate within the committees and statutory instruments. We also had the dilemma and, therefore, we cannot say that they are not empowered. We had to
interact with our predecessors of the 10th Parliament and our colleagues from the National Assembly. Hon. Amina who served in the previous Parliament is one of the brainchildren behind the Committee on Delegated Legislation.

Having interacted with our peers, we understand our mandate as the Committee on Delegated Legislation. We have given the information and empowered our colleagues at the county level. To our surprise, they have caught up very fast. We have some counties like Bungoma County which are very much ahead of others and everything is in order. They have also interacted with others within the regions and have been encouraged. They meet within the regions and compare notes. The most important thing is to ensure legislation especially statutory instruments are harmonized within the entire country.

Madam Temporary Speaker, it has also necessitated the need to empower the County Executive Committee (CEC) members who deal with drafting of statutory legislations because some of them were not clear on what to do. As we all know, statutory instruments should not be done while you are hiding behind the process because you do not want to do the lengthy process of enacting a law. So, our colleagues at the counties are now alert. When a Bill comes up, they know which relevant CEC member is supposed to prepare the necessary statutory instruments and, more particularly, regulations, policies and guidelines that will help to make the mother Act operational. This was not clear before. We found that some of our colleagues were given the role of the Committee on Legal Affairs and Human Rights, for example, scrutinising all the Bills instead of concentrating on the statutory instruments only. Madam Temporary Speaker, the main object of this Bill is to ensure that all the regulatory making authorities undertake appropriate consultations because consultation was lacking. Through this Bill, the culture of public awareness or public participation will be enhanced because it is not only done at the national level in the Senate or the National Assembly. This will go down to the county level and everybody will have a say when any law is brought up or is being enacted. They will scrutinize and find out if it is aligned to our Constitution, values of Kenyans or what the authors of the mother Act wanted. This will protect the nation and ensure that we have high quality standard of drafting of legislations to ensure legal effectiveness, clarity and intelligibility to the anticipated users.

That means that wherever the drafters are, whether in local or international arena, they can wake up and say that these are the legislations we have. When people compare notes, they could say they participated in drafting certain legislations in our country which is Kenya. I am very proud to state that most countries especially in Africa look up to the Constitution of Kenya which is the mother-law of all the laws in this country when coming up with their legislations.
Madam Temporary Speaker, procedure is very important because statutory instruments are very legal and get technical at times. When you omit one procedure it becomes challengeable. I have stated that if you did not do consultation then that could be challenged in court. You will find that if a regulation is not presented for scrutiny before committees on delegated legislation at the county level in charge of these Bills or statutory instruments, then that on its own could be challengeable.

It could be challenged in a court of law after having a law which has been properly enacted. A good example is regulations which were brought by the former Cabinet Secretary for Education, Prof. Kaimenyi. There was hue and cry and they had to be withdrawn. Even the regulations that concerned churches or religious groups were affected since there was no proper public participation and they had to be withdrawn.

These are some of the things that could be prevented to ensure that the Government does not waste resources because coming up with legislation is not easy. It takes a lot of time, money and many other things. It becomes an embarrassment and waste of time for people to use resources and then something is challenged and withdrawn. That was the reason why the Committee on Delegated Legislation of the Senate had to come up with this Bill, because there is the Statutory Instruments Act which governs all the regulations and the statutory instruments that we as the Senate will be looking at. So, our counterparts at county assemblies also required legislation which will enable them perform their duties and conduct the oversight of the executive properly. I beg to support.

Date: 16th March 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Order of Precedence and Titles Bill (National Assembly Bill No.11 of 2014)
(Bill was deferred)

'Mr. Temporary Speaker, Sir, first of all, I have just come in. We have a delegation from the Chinese Embassy. Since the Speaker was not there, I had to meet the Ambassador. That is why I came in late. However, a few of us have maintained constant attendance, for instance, you; Mr. Temporary Speaker, Sen. (Dr.) Khalwale, Sen. M. Kajwang and a few others. When the House began this afternoon, we were more than 22 Senators. We know that we do not do just conduct the House business; we also have Committee work that is going on.

I plead with the Senators to take the business of the House seriously. Every day, we send text messages to our Members. It is not fair because these are Members who are elected. They agreed that they will work for their people. It is unfortunate if every day our Whips,
either from the Minority or the Majority side, should remind you to perform your roles. One of your roles as outlined in the Constitution is legislation. That is why we are in this House. The next role is oversight. That is why you have to come to House, look at the Bills and see whether you are overseeing on what is happening in the counties or at the national Government.

It is unfortunate for me to stand and plead with Members who asked for this job; and knew their obligation which have timelines – they have to be in the Senate three days a week.

The Senate is a new institution. We need to lay a good foundation so that come 2017, the Senate will be strong and stable. We have to take the business of the House seriously as the Senator for Kakamega County said. He always reminds us to be serious. It is always good to be serious with our business. I plead with the Senators; it is not for the Whips to remind them of their obligation. You should get a pay which you have worked for. I wish our Senators would do so.’

Date: 22nd March 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: The Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014)

‘Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to contribute in support of this Bill. It is a comprehensive Bill which has considered a lot of issues. It is no secret that the fishing industry in Kenya is in a wanting situation. Having been born and brought up in the lakeside, I remember the days when we use to go to the villages within Kisumu City and there was plenty of fish everywhere.

Within the borders of Kenya and Uganda, there was a free market trade. However, lately, fish has become like some black gold; very rare. Most of the fish that we eat now is not tasty. People have gone into fish farming. As a result, there is low supply of from the natural waters. The problem is that it is quite clear there has been some mismanagement. We, as a country, have not really addressed issues in the fishing industry. For example, ever since Lake Victoria started suffering from hyacinth, people cannot access a lot of fish. We wonder where the fish has disappeared to. I believe most of it has gone to Migingo Island, which is no longer available to us. Our Kenyans relatives are being harassed there.

Mr. Temporary Speaker, Sir, it is sad because most Kenyans have been doing their fishing there and the fishing industry has been booming. If this Bill is passed there will be some rules and regulations. It also deals with fishing within territories and borders of the country. It will also deal with those who encroach on the land or the waters of Kenya illegally and
bring foreign vessels without permits and licensing. There will be proper control of the fishing industry.

I like this Bill because it deals with the small-scale fishermen. It does not talk about the people who will be dealing in exports. It brings in policies, guidelines, creates bodies and boards that will look into the ordinary ‘Akinyi’ who deals with fish. It spells out how she will be safeguarded, so that the ‘big sharks’ do not swallow her. In most areas where fishing takes place, for example, Sori Bay or Uyoma, fish is very expensive for the local people because they do not have rules that protect the indigenous people.

They do not have access to some of the things like factories or vessels which can help them preserve the fish and promote the trade. It is a free-for-all situation, which generally is not good, because they end up being abused.

When adults and even children engage in fish trade and get some money, they engage in adultery and illicit sex. As a result, there is high prevalence of sexually transmitted diseases. Many people die because they are not capacitated. The market is not available and so, they restrict themselves to the little available market. They do not think of exports or imports. With this Bill, everything will be regulated.

Mr. Temporary Speaker, Sir, I have gone through the Bill and feel that it gives the national Government a lot of control. It does not give ‘Akinyi’ or the county government control. Naturally, the county governments should have a say when it comes to policies because everything is within their regions. They ought to have been included. At the appropriate time, we will make proper amendments to ensure that everybody participates.

The Cabinet Secretary should not be the only person in charge. The county officers should also have a say in the fishing industry within the counties. When we talk about giving licenses, it is the people who are at the grassroots level who know who operates what. Just like tourism, Kenya used to brag about the success in the fishing industry. We cannot take things for granted and it is never too late. We, as Kenyans and legislators, must make sure that we protect our country and people. Fish is not only nutritious, but it also brings in a lot of money. With those few remarks, I beg to support.’

**Date: 22nd March 2016**

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

**Contribution She Made On: The Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014)**

‘Mr. Temporary Speaker, Sir, I rise to support this Bill. This sector contributes to the Gross Domestic Product (GDP) of our country. The National Economic Survey, 2006 indicates that the fisheries sector was contributing approximately 4.1 per cent, roughly Kshs5 billion, to
the GDP of this country. Today, we have gone beyond because the fisheries sector has transformed. We have more people who do fish farming at home through fish ponds. The Kibaki Government introduced an elaborate programme where young people were engaging in the fishing industry. To date, we have many people engaging in fish farming. Therefore, as I talk about this Bill, we should ensure that all the sectors engaged in the fishing industry are included.

This Bill seeks to establish two authorities. It talks of the fisheries and food authorities. I hope that the Senate will relook into the functions of these two authorities before we send it back to the National Assembly for deliberation. We need to amend some of proposals in this Bill. For example, is it right to collapse these two authorities into one? We are talking so much about fisheries as a subsector forgetting we are yet to discuss the Food Authority Bill. When we pass this Bill, we will have an authority that will deal with fish as a source of food and another authority to deal with fisheries. The Bill generally talks about food which could mean foods other than fish.

This Bill does not explain clearly the role of these two authorities. It talks of an authority that will promote, streamline, coordinate and regulate research in crops, livestock, marine and fisheries genetic resources and biotechnology in Kenya. Secondly, it says the authority will promote, streamline, coordinate and regulate research in crops and animal diseases. We already have another authority that deals with animal diseases.

At the Committee stage, I hope the chairperson will further explain more about this Bill so that Kenyans can understand what it is we are trying to pass here. The title of this Bill does not say much why we need food authority. This Bill talks about fisheries and management. Therefore, it confuses very many Kenyans because it is dealing with very many issues. Mr. Temporary Speaker, Sir, when you read the objects of the Bill, it is confusing. If we were discussing two Bills dealing with food, I would understand. We have the Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014) and an amendment--- Mr. Temporary Speaker, Sir, I can now understand that we are repealing the Act which was passed in 2013. This is what we want to amend. We, as Senate, must come with clear amendments that will not confuse Kenyans. As much as we amend the Act of 2013, we seek to create a new authority to deal with the management of fisheries.

This is a Bill that focuses on the counties. Therefore, we need to ensure that the amendments that have come from the national Government, we will have a clear structure to allow the counties to fully participate because fisheries is a devolved function. The national Government may come up with the policy to govern this sector, the authority must have---’ (Interrupted by adjournment of house business for the day)
'Thank you Mr. Temporary Speaker, Sir. When I started contributing to debate on this Bill, I raised key fundamental issues and I wish to continue. Indeed, I know the Homa Bay Senator clarified some issues but when you go beyond reading the Bill, we will have created two new funds. One of the funds will be for the management of the fisheries and the other one will be for the new authority of food.

It is important for the Government to also help us understand this whole process. When you say you are reducing authorities and yet within new Bills, we are creating new authorities, then it is something we need to question because it brings in the issue of cost.

The other issue we need to ask ourselves is how the Government wants to manage trade in imports and exports, and also the marketing of fish within this Bill. Mr. Temporary Speaker, Sir, when you look at most of the people who trade in imports, you find that most of the storage is not in Kisumu. The storage is in Thika. So, you find that the locals who are the fishermen will always fish and sell it. The people who benefit in this sector are mostly brokers. I know the Government has ensured that locals benefit. There should be market access for the materials that one may want to trade in, be it fish or any other product that you may want to sell. There should be a market to sell that product.

When we look at what they are proposing, for example, in Article 54 (2) of the Bill, which says: - "No person shall import any live fish into Kenya without the written approval of the Director-General in accordance with such procedures as may be prescribed and the approval shall only be given upon production of---" The moment you put the words; "the approval shall’, it means people can also import fresh fish into this country while we have fresh fish that we need to export. So, that is something we need to discourage if we want to build the fisheries sector. There are some things we must decide as a country to safeguard. One of the things is to ensure that before we import any fish---

Mr. Temporary Deputy Speaker, Sir, people are now doing different businesses, from importing eggs, ginger etcetera. This is something we need to discourage because this is a country within the equatorial region and we can produce some of these commodities. There should be a policy to consume what is local first before we import things like vegetables because our people are able to plant them.

If we are now building capacity for young people to have fish ponds and you bring in an Article and say: “approval shall”, be by the director, then I think we will be trying to quietly
bring in another law and we will soon find people importing live salmons and many small fish species that we know we do not have.

Mr. Temporary Speaker, Sir, the other thing is that no person shall import live fish and release it into our waters except with written approval. In trying to do this business, we should come up with laws that will favor the business. This is something this Senate should take up to protect counties. The Senate must protect agriculture and fisheries. We should raise eyebrows when we see such Bills.

We may not thoroughly read a Bill as huge as this. I have also not read the whole Bill but only what is of interest to me and I think it is wrong. We should take time to read and I want to plead with the Senators that we should take time and read this Bill. In fact, we need to bring in someone who can take us through so that we understand the implications. You might think you are creating a good Fisheries Bill for the country and yet we are destroying the same fisheries that we want to protect. We need to amend this section to include the counties. As we talk about the Director-General, where are the structures of the counties? There are many conflicts regarding the regional authorities that the counties want. If we create such an authority to work in the counties, why do we need a Director-General?

The importer and exporter of any fish that is destroyed under subsection 4 shall not be entitled to compensation. If we have an authority that deals with fisheries, how will we ensure that it will not be in conflict with the other authority?

In this Bill, we have also created the council. We are creating many structures but not questioning the conflicts that we will witness. We will employ people who will start fighting and not work hand in hand. For example, the Kenya Airports Authority is in conflict with the Immigration Department, yet they should be working together in terms of ensuring security. We have created many authorities whose job descriptions overlap. We have also created the Food Authority. The Bill that was passed in this House --- Mr. Temporary Speaker, Sir, the Food Authority that has been created completely contradicts the Food Security Bill and the structures we had. With those few remarks, I beg to support the Bill with the amendments that will come.’

Date: 23rd March 2016

Member of Parliament: Sen. Daisy Kanainza

Contribution She Made On: The Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014)

‘Mr. Temporary Speaker, Sir, I suggest that the Mover while replying, should stick to what he is supposed to do rather than dwell on what does not concern him. The Orange Democratic Movement (ODM) party is still the main player in the Coalition for Reforms and
Democracy (CORD) and we cannot be threatened by our brother the co-principal and the leader of FORD (Kenya) party. I request that you stick to what concerns Kenyans about the Fisheries Management and Development Bill and leave what concerns CORD to us.

Mr. Temporary Speaker, Sir, my point of order is that Sen. Murkomen should stick to issues of the Fisheries Management and Development Bill rather than discussing our Senate Minority Leader who is not in the House. Thank you.

Date: 23rd March 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Order of Precedence And Titles Bill (National Assembly Bill No.11 Of 2014)

‘Mr. Temporary Speaker, Sir, I want to thank the Deputy Majority Leader and the Senator for Kakamega who was the originator of the Bill. As we step down this Bill in a political process, the National Assembly should understand that while we bring Bills in the National Assembly or the Senate, it is always important to appreciate the originator of the Bill and the amount of work they have put in and resources they have used to do research or draft those Bills. One of the things that the Constitution did not envisage is how to deal with such a scenario. Such a process leaves us wondering what legal process to follow. We now need the goodwill of both Houses to sit down and agree. I hope the Speaker will sit down with his counterpart from the National Assembly and deal with this once and for all.’

MOTIONS

Date: 1st March 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Adoption of report on the medium term budget policy statement, 2016

‘Thank you Mr. Temporary Speaker, Sir. I rise to support the Report and thank Members of the Finance, Budget and Commerce Committee for the work they have done since last week. I want to also thank all the chairpersons of the various committees that presented their recommendations to this Committee.'
Mr. Temporary Speaker, Sir, when you look at the Budget Policy Paper we have six key pillars that the national Government is trying to address. The key pillar among all these is the pillar on sustained sectoral spending for employment creation. This is a pillar that deals with agricultural transformation which is now very low. We know that we have minimal resources that have been allocated to the sector and we hope as we give in our recommendations that the Ministries of Treasury and of Agriculture, Livestock and Fisheries will come up with a clear policy since agriculture is a devolved function. We will work hand in hand to ensure that we create more employment opportunities. We know that, of late, many Kenyans are suffering while this is a sector that used to empower many. I hope we can look at it again. We have many from the counties who have gone to the Galilee Institute for different training and we do hope the training they have gone through and the skills they have acquired will be implemented in their counties. I also hope the Agriculture, Livestock and Fisheries and the Heath Committees will visit the institution which has fantastic capacity building that can help counties to transform this agenda.

Mr. Temporary Speaker, Sir, the other agenda that is critical is the issue of sustained investment in social services for the welfare of Kenyans. This is a sector that concerns healthcare and deserves scaling up social safety nets, empowering the youth, women and persons with disability and this is where we also have so many funds that have been created at the national and the county governments. When you look at these funds - I hope that as we now interrogate this policy - we shall be able to look at how we can enhance some of these funds so that they can transform lives as we thought. You find that the Constituencies Development Fund (CDF) has a bursary scheme, the governors also have a bursary scheme and I know that the President has his own bursary scheme. I think if we bring that together, we will be able to have a better fund that can be given to needy children who will be able to pursue education from Form One to the University as opposed to giving out money based on how you supported the Member of Parliament. I think it is time we came out as Kenyans and realized that we collect all these monies from our revenue. This money belongs to Kenyan taxpayers and they would want to see services being given to all.

Mr. Temporary Speaker, Sir, we now have the Affirmative Action Fund for women that is also going to deal with the issue of bursary. Then we ask ourselves why it is that we still have children in constituencies who are unable to go to school and yet they got 300 or 400 marks in the KCPE results. This is something that we need to investigate.

When we talk of health - I want this Senate to now look critically at health as a devolved function - it is time we got back and sat down with the Cabinet Secretary of Health Dr. Cleophas Mailu and came up with clear proposals. As we speak, most of the doctors have
now left. We need to have key hospitals in counties where doctors can be retained through incentives.

This is something we can work with the national Government. For example, if there is a surgeon at the county level and the sub district hospital is in need of one, they can call on that doctor at the county to go to the sub district hospital and assist. This is something we must put in place so that the doctors and nurses who are there are able to be contained and be given better packages. This Senate should come up with that policy to ensure it works.

Mr. Temporary Speaker, Sir, we now have a CDF which is supposed to deal with national functions. We also need to ask ourselves whether really this function goes to a county. They also need to re-look at their policies. We do not need to continue building classrooms without rationalizing the number of teachers. That is why year in, year out, we are having challenges of teachers because every Member of Parliament who comes in does not want to enhance the facilities that he or she got in their constituency; instead, they was to build another new school from scratch. You find children joining those new schools but the next thing you hear is that they want the Teachers Service Commission (TCS) to post teachers there and yet it is us who are creating these challenges in the counties.

Mr. Temporary Speaker, Sir, CDF should have a clear policy. If it is education they want to tackle for our country, let them have a policy. They can even employ teachers. The teachers who are employed by the various Boards of Governors and Parents and Teachers Associations can be boosted by additional teachers employed by the CDF, as the Government tries to improve the situation. If the Government remains with these resources that have now been allocated to the Affirmative Action Fund, it can put them to better use by either employing teachers or doctors. These are basic services which the Constitution has assured as basic rights for all Kenyans.

As the Senator of West Pokot said, we are losing a lot on the regional boards and institutions that we created, which were fundamental at that time. The Transitional Authority (TA) has gone and we cannot bring it back. If we could not extend the term of the Constitutional Implementation Commission (CIC), then the TA cannot continue. The assets that we are talking about were supposed to be handled by the TA. If the TA has recommendations or proposals to ensure the regional boards and institutions are devolved in a manner that we shall not have conflict between counties, then we could be safe. But knowing Kenyans and our governors, there will be conflict and some of these institutions will be run down. We must have a guiding framework.

A good example is the Kerio Valley Development Authority (KVDA) that covers six counties. How would you tell West Pokot, Samburu, Uasin Gishu or Elgeyo Marakwet Counties that they will share? We need to determine whether they need to continue the way they are and
then share the resources. That is why we need a framework that guides us in this process. Now that the TA’s term has ended, how will we ensure that we protect sensitive assets like land which, may be, only the governors know about? We know that a good number of our governors do not want to share such information. For example, in Nairobi, you can easily lose your land, especially if you do not pay your land rates.

Even if you go to the governor, he will have to go back to the Ministry of Lands, Housing and Urban Development to help you get back your land. Many landlords have lost their property in such circumstances. As the Senate, we need to safeguard resources for Kenyans without bias or taking partisan positions. Let us give Kenyans hope that they can bring a petition to this House regarding these issues and that it can help them to get back their property.

It is my hope that when we will be considering the Division of Revenue Bill, we shall also re-look at the things that we have entrusted the governors to do. We have to be candid about it. That is why the Committee on Finance, Commerce and Budget is critical at this point. Since the TA’s term has ended, this Committee should have come up with key areas to follow up in the counties. It should work closely with the Controller of Budget and the Auditor-General to find out the pending issues that we can safeguard for the sake of Kenyans. During election time, Kenyans will want to know whether there should be a Senate. No one is even talking about the personnel that have been employed in the counties, especially those on contract. Now that the Senators will have resources for oversight, we should ask for documents of individuals who are working in the counties, even if they have five year contracts. What safeguard measures have we put in place to ensure that when a new governor takes over, for example, people will not take them to court for not paying their dues? We need to address this issue as the Senate. Many Kenyans, including doctors are worried as we go to elections. That is why we face a big challenge during political engagements with the civil servants in the counties. Most of them think that since they were employed by the governor, when he leaves, they are also supposed to leave. We need to assure them that they will be there even when the next governor comes.

It is only the political appointees and politicians who will go. We must safeguard our employees in the counties so that they can be protected from politics. With those remarks, I beg to support.’

**Date: 1st March 2016**

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

**Contribution She Made On: Adoption of report on the medium term budget policy statement, 2016**
Mr. Temporary Speaker, Sir, I rise to support this Report, which is work well done by the Committee on Finance, Commerce and Budget. The Budget Policy Statement (BPS) is the first most important budget document because it is where the cycle begins. It is the first interaction that Parliament gets in the budget making process. It is where as the representative of the people we are meant to make serious input in terms of how our taxes are spent and monies are allocated. That is exactly why this was done. I also want to thank the Committee for inviting the Cabinet Secretary to clarify issues and making sure that the BPS went to all the standing Committees. We interrogated the policy in the Committees.

I want to pick a few issues in the Statement. Matters of health are critical. In fact, the biggest customers of any health provision in this country are women and children. I know we have had many issues. The Committee has also noted that we need to improve in terms of money disbursement to the counties. As we know, this is a fully devolved function, but the challenges that we are facing in the counties are enormous. We have issues of negligence and maternal deaths that were preventable. People even die in ambulances. These are issues that we can be dealt with even at the county level. Mr. Temporary Speaker, Sir, recently, we had an issue in Nyeri that was reported in the media of a woman who gave birth while standing in a Government hospital. That baby, of course, did not survive. This is just one case that was reported. Many other cases have been reported in the past and we have requested for Statements here to do with negligence. We must look at the national Government and fault it in terms of the release of money for free maternity care. It must be timely and reliable. We must prioritize this during our engagement with the National Treasury, to prevent deaths.

The other issue is cancer prevention, which is a programme under the Ministry of Health that is carried out in the counties. This money should be released and prioritized.

The other issue on health is lease of equipment. I know that we have queried this issue in statements, but we have not got satisfactory answers. Article 189 of the Constitution envisages that these two levels of Government must have some kind of cooperation between them. It is not so difficult to share information unless we have something to hide. We must make sure that we expedite this issue of lease of equipment. We know that the Council of Governors also has a subcommittee which must be involved in the process. When this equipment is taken to the counties, it will be the responsibility of the governors whom we will point a finger at if they do not work properly.

Mr. Temporary Speaker, Sir, we must look into the issue of manpower to run the equipment. We need to get officers trained properly so as to avert the issues of misdiagnosis that we have had before. We have had injections done on patients by persons who were not qualified. These are issues that we must canvass. As Committees, we have picked up some
of these issues. The Committee on Labour and Social Welfare has picked up the issue of human resource which has been raised by Sen. Elachi. We know that with the exit of TA, there will definitely be a gap. We need to fast track this matter.

We, as the Senate, have generally had issues with the funding of our committees. The issue of per capita funding is not working for our committees. We had planned meetings to go and deal with emerging issues, but we could not because we do not have the budgetary allocation. We are suffering. We are doing a disservice to this country when we do not get proper reports.

We cannot produce such reports in Nairobi. We may need to visit the affected counties to do proper audit. In the last two weeks, we have tried to set up meetings of the Committee on Labour and Social Welfare, but it was impossible due to lack of money.

We need to petition the PSC to give us adequate budgetary allocation. This is because most of the work that we do in this House is not prosecuted in the Plenary; it is done in the committees. When committees are not facilitated to do their work, they are blamed for not fulfilling their mandate.

Mr. Temporary Speaker, Sir, we complain everyday that random hiring is being done. In fact, currently as we are dealing with the issue of pension in the county governments. You will discover that we still do not have proper records on the duties of the employees; which employees are on contract and who are permanent and pensionable. That can only be done when we do a proper human resource audit and ensure that systems are implemented.

I agree with the Committee on the issue of the IEBC; that what they are doing is not enough. If they plan to register the 8 million people they are targeting, more needs to be done. If you look at the way the exercise is being conducted now, you will find that every ward has been awarded two BVR machines. Some wards are as big as a constituency. You cannot put one station to serve the whole ward and expect to reach the target with that kind of resource. The officers are also stationed there without seats or tents. They sit in the sun yet they are expected to work and deliver results. We must look at the budgetary allocation of IEBC. We must know how the money is allocated to them and spent so that we get value.

Mr. Temporary Speaker, Sir, I am also passionate about the issue of cash transfer programme and this was canvassed at the Committee on Labour and Social Welfare. This is the money that is allocated to the vulnerable groups in the community who include women, orphans, children and people with living with disabilities. They have been allocated about Kshs17 billion. The Senator for Kitui County has raised this issue with us previously. We asked the Ministry to provide us with data of the transfer monies which is a major budget yet we have not received satisfactory answers. We have made recommendations
that we must get one single register of these beneficiaries in every county broken down to
the ward level. It is possible to do so with the kind of ICT technology that we have today.
We would like to know that if an individual benefits from the Orphaned and Vulnerable
Children (OVC) programme from the national Government, and if the county government
has a similar programme of that nature, then that individual should not benefit.
We have visited many counties such as Kiambu, Nakuru and several other counties to find
out whether the county governments have alternative programmes to the cash transfer and
we found out that they do. However, they do not care about what transpires in the national
Government with regard to the cash transfer programme. We do not have people who are
for the national government and others who are for the county governments. Therefore, as
we deal with the budgeting process this year, we should get money to consolidate and get
one single register where one can find out who is benefitting from the cash transfer
programmes run by the county governments and the national Government. As it is, the
money is not enough because we still have very many vulnerable and deserving cases.
Mr. Temporary Speaker, Sir, that confusion is what is also bringing the issue of corruption.
We have people who benefit from such programmes when they should not. However, this
cannot be determined because the register is not readily available while others are done
under the table. It is unclear who benefits and what amounts are from the county
governments. This will be important if we are to account for the billions of shillings.
Looking at Page VI, recommendation No.(iii); that the National Treasury should
consider amendments to the Public Finance Management (PFM) Act of 2012. I challenge the
Committee that it is not the National Treasury to do these amendments. If we feel that we
need to look at the PFM Act as Parliament, it is very important that we look at these laws
ourselves and give recommendations. The issue of a longer period to consider the budget
policy statement is very critical. If you look at the way it is now, it is supposed to be
submitted to Parliament by 15th February. However, they normally wait until the last day. If
they submit on 15th February, we only have 14 days to deliberate and give a report on it.
We have raised this concern because that is not sufficient time. We have really struggled
with it at the Committee level. I know that we can do with more time. I, therefore,
challenge the Committee to initiate these amendments where necessary so that we
deliberate and get enough time to canvass on these issues.
The issue of police housing is one that we have talked about, over and over again. We have
talked about the demeaning conditions that our police officers with families live in. Some of
them live in mabati houses that are not in good condition. We must consider the individuals
who are allocated those houses. You will find that an officer has been posted to Mombasa,
but has been allocated a house in Embakasi. We need to look into such issues so that genuine individuals benefit.

Mr. Temporary Speaker, Sir, the issue of teachers is very thorny. We have always talked of how we have a shortage of over 80,000 teachers. We should raise enough money and put it in the budget. It is also very important for us to consider the issue of sports because it is a devolved function. We need the Budget Policy Statement (BPS) of the coming year to reflect on what has already been achieved. If you look at this report, you will see that we have mentioned that five stadia will be build in Naivasha and other areas of the country. Come next financial year, how then do we review whether they report progress. If they said that they will build a stadium in Naivasha and we gave allocation for that, do they report progress in the next year? It is very important that we monitor what has been put in this report so that we are not just a "talk House". If we allocated a certain amount of money, and it was not used, we must find out where the money goes to. Was it carried forward or retained? Mr. Temporary Speaker, Sir, the issue of anti-doping is important. As a country we should take clear measures to avoid bans from international competitions. That also falls under the Committee on Labour and Social Welfare. We had already talked about it.

Concerning the issues of library services, we have a Bill pending in this House which will ensure devolution of management of these services. Sen. Gwendo has brought a Bill to deal with that issue but this should be noted; we must look at Article 187 of the Constitution to know how well these library services will be managed because they are in the counties. They are not in the air. We should look at other issues, for instance, social halls to know how much is released this year and for what. We can monitor come the next financial to ascertain value. Mr. Temporary Speaker, Sir, with those remarks, I beg to support.’

Date: 1st March 2016

Member of Parliament: Sen. Catherine Mukite

Contribution She Made On: Adoption of report on the medium term budget policy statement, 2016

'Mr. Temporary Speaker, Sir, I rise to support the amendment which has been proposed by Sen. (Dr.) Khalwale. The amendment is a very reasonable proposal going by the figures which are before us. The average revenue, as he stated, was 13 per cent over the past four years. The Treasury should not, therefore, use arbitrary figures or percentages to deprive counties of money.

When you look at the Budget Policy Statement (BPS) on revenue projection – that is on No.67 on Page 18 - you will realise that they have projected revenue in the 2016/2017 Financial Year to be Kshs1.5 trillion, which is 20.6 per cent of the Gross Domestic Product
That is from the current Kshs1.36 trillion which is 21.1 per cent. So, 7.9 per cent is really depriving counties money when we know that counties are having problems, the health sector faces problems, doctors are not being paid and we need to buy sufficient drugs in counties. We need to equip hospitals in the counties so that they can match hospitals at the national level.

We know that our people are dying because of starving the health sector with money. The Abuja Declaration states that not less than 15 per cent of the money should be allocated to the health sector yet at the moment, what is being allocated to health is a paltry 3 per cent.

I agree with Sen. (Dr.) Khalwale that this amendment be approved by the House, so that counties are given sufficient money by using the 13 per cent of the revenue growth. The Government is still safe because it has projected twice the figure that it is trying to allocate to the counties. I, therefore, support the amendment.’

Date: 3rd March 2016

Member of Parliament: Sen. Catherine Mukite

Contribution She Made On: Approval of Senate Calendar for 2016

‘Mr. Temporary Speaker, Sir, most of the Senators have seen the calendar. It sets out the dates when we shall be on Sessions as well as recess. It provides the Senate with a guide to plan for its activities. I beg to move. I request Sen. Kanainza to second.’

Date: 3rd March 2016

Member of Parliament: Sen. Daisy Kanainza

Contribution She Made On: Approval of Senate Calendar for 2016

‘Thank you Mr. Temporary Speaker, Sir. This is a straight forward Motion and I beg to Second.’

Date: 9th March 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Approval of nomination of Senators to the County Public Accounts and Investments Committee

‘Madam Temporary Speaker, I was really hoping we would get guidance before we came to this point. However, I want to raise an issue in terms of Select Committee. The way the Standing Orders are crafted, they are divided into parts.

All the committees fall under part XXIII on Select Committees. It begins from Standing Order No.176 all the way to Standing Order No.218. This is where all issues regarding committees are discussed.
Personally, I have no problem with the minority side being the chair of the committee because it is clearly stipulated in the Standing Orders. That is the way it should be. The problem I have with this nomination is the number. That is the equal numbers on both sides. Standing Order No.178 talks about which numbers should represent each coalition or parliamentary party. That notwithstanding, Standing Order No.181 on composition of select committees says as follows:

“Subject to any written law, these Standing Orders or a resolution of the Senate, a Select Committee shall consist of an odd number of Senators, being not less than seven and not more than nine.”

Madam Temporary Speaker, that is the reason the Standing Order envisaged a situation where even numbers will be a problem. Therefore, we need to be serious in deliberating this issue due to its importance to this Committee. We have been in limbo yet a lot of work is pending. Our hope is that we resolve it.

If we resolve to have an even number in the Committee, the Coalition for Reforms and Democracy (CORD) Members must accept a seven and five as the only option. We must have the majority as it is provided in the Standing Order No.178.’

**Date: 9th March 2016**

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

**Contribution She Made On: Renewal of mandate of ad hoc committee to inquire into the rights of persons in prisons and borstal institutions**

‘Thank you Madam Temporary Speaker. This Committee had its work cut short by the House recess. Therefore, I support that they be granted more time. I wish this Committee will look at the issue of children that are born in detention facilities.

We must domesticate the international instruments that provide for persons detained. We must look at international legislation and treaties that we have signed. Most importantly, Article 53 of our Constitution read together with the Children Act talks about the rights of children.

Madam Temporary Speaker, the rights of the children are critical. We need to get a balance; we should strike a balance on these rights as stipulated under Article 53 of the Constitution, especially the right to free and compulsory basic education, the right to basic nutrition, shelter and healthcare, the right to protection from abuse and all the rights that are stipulated in this Article. We hope that the Committee will furnish this House, in its report, on a way forward on how to balance these issues to ensure that children are not deprived of the rights that are enshrined in the Constitution and are not negotiable and; at the same time justice is served to people who have been wronged by the perpetrators of different
issues that take women to prison. I support the Motion and hope that we will get the report in 45 days.’

Date: 17th March 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Approval of nomination of Senators to the County Public Accounts and Investments Committee

'Mr. Temporary Speaker, Sir, I thank the Senate Majority and Minority Leaders because they have brought the House in order after they consulted. I am sure the Committee will now do its work. As the Senate Minority Leader said, we will be going to a very serious campaign in 2017. With these billboards, governors have already started campaigning for themselves. However, we need to sensitise Kenyans to understand what has been happening in the counties.

As we celebrate the third year of devolution, this Committee will have an opportunity to analyse reports from the counties. I hope Sen. (Dr.) Khalwale will support them. This committee is critical in the Senate, especially when the term of the Transition Authority (TA) has come to an end. We need to see them taking care of counties' assets and identify where they are. The Auditor General must ensure that every county has an inventory of their assets and liabilities.

The other time we saw governors pushing for more resources to be developed to counties. They were even calling for a referendum. When they put a lot of pressure on the national Government over this issue we got worried. They know well that it is the Office of the Controller of Budget that determines the money to be allocated to each county and not them. I beg to support.’

Date: 24th March 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Resolution to alter the Senate calendar

'Mr. Temporary Speaker, Sir, I rise to support this Motion which seeks to adjust our calendar. We have just had a meeting with the Intergovernmental Committee and what we discussed there was sad. If this Senate does not live up to Kenyans’ expectations, it will be judged harshly by the future generations. The Council of Governors (CoG) wants to weaken the Committee which replaced the Transition Authority (TA). We are in a dilemma trying to decide whether they should take over the functions of the TA or not. The Senate must make sure that county governments operate within the ambit of the Constitution. We, as a Senate, must address ourselves to the plight of officers who were serving in the TA. What will happen to them?
Some of our colleagues who are eying gubernatorial positions in the coming general election might find hell on earth because most our counties have been mismanaged. As much as we are anticipating the President’s speech to address many issues bedeviling Kenyans, some Kenyans would wish to see him fire some people involved in the graft. Some bodies tasked with fighting corruption are not doing much. The office of the Director of Public Prosecution is not very effective in its mandate. Kenyans have lost faith in some institutions that are taking us round in circles. As Kenyans, we must reject these institutions which are taking us round in circles. If the Director of Public Prosecutions (DPP) cannot realise that the Chairman of the Youth Fund should be jailed, then, who else will do it? They have not taken note of glaring offences. Apart from the Youth Fund, we do not know what will become of the Integrated Financial Management Information System (IFMIS) or Huduma Centres. All of these will come out as a surprise.

Mr. Temporary Speaker, Sir, as a country, we need to ascertain if we created institutions that are barriers to progress. This is important for us to get justice. I do not want to talk about the Independent Electoral and Boundaries Commission (IEBC) because Parliament has the mandate to disband a Commission. When both sides of the political divide go out there and lament about the IEBC yet we have the power to do what should be done, I wonder what our role is.

Why should we lament out there yet we have the power to lay down mechanisms to disband the IEBC? This is provided for in the Constitution. It is only Parliament that can initiate the process. Therefore, let us stop playing around with Kenyans; telling them how IEBC is inefficient yet we have decided to let IEBC continue existing. It is a mockery. The commissioners will not leave office unless steps are taken to remove them from office. They will not leave office willingly; not in this country. Therefore, if they cannot leave office willingly, it is upon Parliament to institute the process of disbanding the IEBC.

Regarding corruption, I plead with Kenyans – we have talked a lot about it-- - The other day, a man was jailed for stealing lotion for his bride. Does he deserve to be jailed because of the lotion meant for his bride that he was about to marry? Or is it the Youth Fund Chairman and the rest who roam this country with big cars who are supposed to be in jail? If we have to deal with this issue because it is about national character and attitude, we must be serious. When we speak here, we forget that the character is also in the devolved system. We have not dealt with that as an institution; we are looking up to the national Government to do so. We have left the governors; they have become mini presidents. How will we deal with them?

We had even asked for a fund. We must show the governors that we are serious in matters of oversight. We must also assist the county assemblies. A few weeks ago, a governor went
to a meeting and said that he will make sure that the county assembly will only receive Kshs180 million and if they do not want that, they can decide to have a referendum. I did not see any Senator rise and say, “it is alarming when you threaten the county assembly in any meeting regardless of which county.” We are creating the problem yet we go out there and claim that we are here to do that work.

Mr. Temporary Speaker, Sir, we need to look at the Bills that we want to pass and do so. As we wait for the President’s Address, I believe that he now understands the mood of the country. There is no way he can say he does not. He has liberty to fire; deal with the issues in court but fire people. Fire them and then deal with the courts. Let Kenyans know that he fired but it is the courts that issued orders stopping it. Nowadays, it is common knowledge that everyone knows how the judge determines his or her case. It is unfortunate that we have gone back to the days when you could determine your case. It is sad.

As Parliament, we are not even discussing this. For example, there is breach of contract between the Judiciary and the Judicial Service Commission (JSC). How can the Commission go to court against the same judge it has employed? The case in point concerns the Governor for Nairobi. You cannot believe when the same person who is sitting at the JSC---

Mr. Temporary Speaker, Sir, let me finalise. As we point fingers; let us remember that the four fingers are pointing at us. For example, you have a lawyer who is in court and is supposed to ensure that monies to the tune of billions of a county are taken to the county, but the same lawyer is active as a commissioner of the JSC. How will that judgement be? First of all, when he goes to court, he is the employee of the JSC.

So, the judge looks at him as a lawyer and wonders what he or she will do. So, he or she will rule in his favour because he knows you are his or her employer.

Another case is that you have a tribunal looking at another judge in the same set up; an active lawyer who is the lawyer of the other one who is supposed to give evidence – there are some glaring loopholes. The lawyers have taken advantage of the many loopholes in the Constitution. They take us for granted. They say that is the way they have interpreted the law.

As Parliament, we need to ascertain how to audit some of these commissions and ensure that they are streamlined. As we wait for the President’s Address, some of these issues will be raised. We shall see some clarifications. Also Parliament can try and bring in some sanity.

Mr. Temporary Speaker, Sir, with those remarks, I beg to support. I hope that when we come back, we will finalise some of the crucial Bills that are on our Order Paper.’

**Date: 29th March 2016**
Member of Parliament: Sen. Janet Ongera
Contribution She Made On: Adoption of mediation committee report on the Mining bill (National Assembly Bill No.9 of 2014)

‘Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Motion. I join my colleagues in congratulating Sen. Kivuti and the Co-Chairperson, Hon. Amina Abdalla for doing an excellent job in coming up with an agreed document through mediation.

Mr. Speaker, Sir, we thank you for the efforts you have done in ensuring that we finally get this Bill mediated and our suggestions, as Senators, have actually been taken into account. I am glad to note that in this report, the communities where the exploration of minerals will be done will be beneficiaries. There is no point in communities having a lot of minerals and yet, they are not beneficiaries to it. We do not want unscrupulous foreign mining companies to take all our minerals and assets. What happened in Sierra Leone, which has diamonds, is really a disgrace. Likewise, what happened in the Democratic Republic of Congo should never happen to an African country. The communities in these two countries have been reduced to beggars, yet they have the largest wealth of minerals in Africa. I am happy to note that in this Bill our local communities, who are the custodians of these minerals, will also benefit from what will be explored.

Mr. Speaker, Sir, we need to vote in this Bill so that we can finish this issue and do away with it before we go on recess. I beg to support.’

Date: 29th March 2016

Member of Parliament: Sen. Dullo Fatuma
Contribution She Made On: Adoption of mediation committee report on the Mining bill (National Assembly Bill No.9 of 2014)

‘Mr. Deputy Speaker, Sir, I join my colleagues to congratulate the Mediation Committee for having resolved the outstanding issues. Kenyans will have something to smile about, especially if this Bill becomes operational.

For us in northern Kenya, over the years, we have had a lot of challenges, especially in terms of how licences for mineral explorations were issued. This is because over the years, licences are issued in Nairobi without the consent of the communities on the ground. In the process of mining, owners of mines who are given licences do not respect communities on the ground. We have had several fights on the ground over these issues, but our cries have fallen on deaf ears. We thank this country for giving us the new Constitution which gave us the right to resources within our counties.

Mr. Deputy Speaker, Sir, secondly, previously before the promulgation of the new Constitution, land in those areas used to be allocated where the minerals are without even
consulting the local communities on the ground. This has actually come to an end. We are having fewer fights between the counties because of resources. I remember when we went to Kapedo, one of the allegations by the communities was that the conflict was because of the mineral resource available in Kapedo. That is why the two counties were fighting. Once this Bill is enacted, all these issues will be resolved. Kenyans will get their rightful share of the resources within the county and also generate revenue.

Mr. Deputy Speaker, Sir, having perused the Bill, I have seen there is also right to graze livestock and cultivate land within those areas which is something that is really useful to the communities within those counties. I urge the Government, especially the President and also the relevant Houses, to fast track the process of assenting to this particular Bill, so that it is enforced as quickly as possible. We want to see Kenyans benefiting from these resources available within the counties while being protected by the Constitution. I support.’

Date: 30th March 2016
Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Approval of nomination of senators to serve in various senate committees

‘Mr. Temporary Speaker, Sir, I will be very brief. First, I want to thank the RBC for ensuring that the new Senator, Sen. Cheruiyot is now able to discharge his duties in terms of legislation. I want to make it clear that it is important that as we put them in the committees, they are able to attend and be part and parcel of the decisions being made.

I hope Sen. Mungai will be able to attend sittings of the Joint Committee on National Cohesion and Equal Opportunities. This is a critical committee that he needs to be attending for the sake of his own county and the issues that have always been raised.

Mr. Temporary Speaker, Sir, therefore, I hope that he will avail himself and have time to be part of this committee which is fantastic. With all the challenges that we are facing in the counties, I think this committee can be able to give recommendations. I beg to support.’

Date: 30th March 2016
Member of Parliament: Sen. Beatrice Elachi

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

‘Thank you Mr. Temporary Speaker, Sir. I support this Motion and I thank the Senators because we have worked together and finalized some critical Bills.

However, we still have a lot pending that we have to work on. As we await the Address by the President tomorrow, we should look at things differently. We should not forget that at the end of the day, when we fall sick, a doctor does not question whether our blood is from
a particular tribe. When I enter a hospital, I expect any Kenyan to save my life. I have never heard a *boda boda* rider ask my tribe.

Unless we go back and avoid tribalism, we will burn our country. Our country is going down not because of the elite class that continues to safeguard its own but the political class that tampers with the system. If we do not change, we will burn our country. The political class must critically look at this country.

Mr. Temporary Speaker, Sir, I looked at the article by David Ndii and it is unfortunate that he talked that way. He is forgetting that Kakamega County, for example, cannot employ six million children by 2022. They will need something from the national cake. There are counties that are still struggling.

If Turkana County is in debt yet they draw the highest from the devolved funds and the Constituencies Development Fund (CDF), then what is happening? How can such a county have challenges like the ones being experienced now?

Mr. Temporary Speaker, Sir, as we move on, we must remember that we have one Head of State. We always go to church and I hope we do not go attend church services for granted. I request the Members from Coalition for Reforms and Democracy (CORD) party to take God seriously. This is because He answers prayers and He will answer their prayers. Their wish is to be in Government but if they do it the right way and pray to God who gives and anoints, they would not have sunk on the platform in Malindi. Instead, God would have raised them. Therefore, they need to learn. If you are a leader, you should reflect on some of these things and ask yourself what happened or what you said that was very wrong that you had to go down at that moment when you were just talking about God.

God lifts you at the time when you need Him most. For me, that is one statement they should reflect on. If they are leaders who believe that a country is run by God---. Even my President himself knows very well he is on the throne because of God but not because of his wish or will. He has to continue humbling himself that people in this country must live and stand together under his leadership. Therefore, even if he goes back to Israel, he should go back to the “Wailing Wall” or wherever he chooses to go to pray to God for the sake of this country. It is more precious than any of us; it belongs to the generations we want to bring up. With those few remarks, I beg to support.

**Date: 30th March 2016**

**Member of Parliament: Sen. Liza Chelule**

**Contribution She Made On: Adjournment of the house pursuant to the approved calendar for the 2016 session**
'Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute on the same. My earlier request to contribute was about the appointment by the Rules and Business Committee of our new Senator, Sen. Cheruiyot. Nonetheless, I support the Motion on Adjournment.

Mr. Temporary Speaker, Sir, it is okay. I also support the Motion of Adjournment and this is because the 10 or 12 days that we will be out of this House will give us time to also meet with the people at the county level. I know it will be best for Sen. Cheruiyot to even go back to his county of Kericho to maybe appreciate the people for electing him in the by-elections. I also take this opportunity to thank the people of Kericho County for giving opportunity to this young Senator. I know you are aware of his powerful slogan. It is so powerful and I believe that he has been appointed to powerful Committees. I know he has the capacity to render services to the people of Kericho County.

For the 10 days that we will be away, it will also be our time, as Senators, to look into the regulations of the Oversight Fund on how we will use the funds that we were allocated for oversight matters to our various counties. We will also have time with those who are going to be trained so that we shall do our oversight role successfully at the counties. It will also be our time to energize so that when we come back, we shall be full of energy to contribute actively in this House. With those few remarks, I support.'

**NOTICE OF MOTIONS**

**Date:** 17th March 2016  
**Member of Parliament:** Sen. Joy Gwendo  
**Contribution She Made On:** Noting of Report of Commonwealth Women Parliamentarians’ Regional Capacity Building Workshop

‘Madam Temporary Speaker, I beg to give notice of the following Motion:-

Thank you.’

**Date:** 24th March 2016
Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Resolution to alter the Senate calendar

'Mr. Speaker, Sir, yes. I beg to give Notice of the following Motion:-

THAT, pursuant to the provisions of Standing Order No. 28(4), the Senate resolves to alter its calendar in respect of the first part of the Fourth Session for the recess to commence on Friday, 1st April, 2016 and sittings to resume on Tuesday 12th April, 2016.

PROCEDURAL MOTIONS

Date: 9th March 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Adjournment of debate under standing order no. 99

'Madam Temporary Speaker, I rise to second. I was in the RBC meeting and the Senate Minority Leader knows very well what we agreed on. We agreed that he should sit down with the Senate Majority Leader and agree. That is what the Chair said. So, it will be very wrong for us to canvass here when we agreed very well that they must sit down as two leaders and lead the House.

Madam Temporary Speaker, I beg to second that we adjourn the debate and go back on what the Chair had requested us to do.’

PETITIONS

Date: 10th March 2016

Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Remuneration of Early Childhood Education (ECDE) teacher and the development of ECDE infrastructure by the Laikipia County Government

waombe hizi kazi. Ni lazima tutatue mtafaruku huu kwa haraka ili watoto hawa wapate masomo.


Mwisho, natumai kwamba Mswada wa Elimu ambao uko mbele ya Bunge la Kitaifa utaletwa hapa ili tuujadili na kupitisha ili tutapate suluhisho ya mambo haya.’

Date: 10th March 2016
Member of Parliament: Sen. Naisula Lesuuda
Contribution She Made On: Remuneration of Early Childhood Education (ECDE) teacher and the development of ECDE infrastructure by the Laikipia County Government

‘Mr. Speaker, Sir, I add my voice on then petition from Laikipia County. The ECDs were devolved, but not for the sake of it. The first formative years of children are very important, especially on education matters. Having listened to the Chairperson of the Committee on Education, even as we wait for the Bill that is before the National Assembly, some of the issues raised here are pertinent. The Committee can look at them before the Bill comes to the Senate.

It is also important for county governments to focus on the functions devolved to them. We are aware of counties which are going ahead to build primary, secondary schools or police posts while they have not exhausted their functions like Early Childhood Development and Education (ECDE). I believe that the Committee can look at the issues of Laikipia even as we wait for the Bill.

Regarding the issue of borrowing and interest rates, this is a concern for all Kenyans. Our counties should not find themselves at crossroads where they have borrowed heavily in a way that cannot be sustainable. This could definitely weigh on the counties and they would not deliver on the functions they have.’

Date: 10th March 2016
Member of Parliament: Sen. Daisy Kanainza
Contribution She Made On: Remuneration of Early Childhood Education (ECDE) teacher and the development of ECDE infrastructure by the Laikipia County Government
Mr. Speaker, Sir, I also want to add my voice. My major concern is on the petition concerning ECDE. I sit in the Committee on Education and we have met the County Executive Committee Members (CECs) from all the 47 counties and other stakeholders in charge of education. We have deliberated on a number of issues thereby enabling us to generate the ECDE Bill. The Senate dealt with it and it is now with the National Assembly. I urge the leadership of the Senate to look into it so that it can be fast-tracked. In the Bill, we are dealing with setting of standards that touches on infrastructure. The Kenya Curriculum Development, which replaced the KIE, has dealt with the issue of the curriculum for the ECDE. This is not about teaching only but also about other activities that the children are supposed to do.

I want to appreciate some counties that have been doing well. I will mention my county, Kakamega County which has employed 900 teachers. However, there is still an issue with the Teachers’ Service Commission (TSC) whereby they believe they are ones who are in charge of training, recruitment and employment. If that is the case, they are the ones who are supposed to pay. I will request the courts to fast track the issue of TSC, the Kenya National Union of Teachers (KNUT) and county governments so that ECDE, being a fully devolved function, is dealt with. As a Committee, we will deliberate on the issue of Laikipia.’

Date: 10th March 2016
Member of Parliament: Sen. Elizabeth Ongoro

Contribution She Made On: Remuneration of Early Childhood Education (ECDE) teacher and the development of ECDE infrastructure by the Laikipia County Government

‘Mr. Speaker, Sir, it is very sad that while all the students sit the same exam nationally, some students are given a solid foundation while others encounter what you can refer to as real learning in class three or four. This is a very important petition from Laikipia County that I believe speaks for all Kenyans from all counties. The rough example of Nairobi is that a child in Lavington will have the benefit of getting proper ECDE but a child in Korogocho, Mathare or elsewhere, will not even know what a library or a textbook look like. These two children will be expected to sit for the same examination in Class Eight or Form Four. This is a good petition that if we consider appropriately, it is going to help many Kenyans especially from poor backgrounds and rural areas.’

Date: 10th March 2016
Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: Remuneration of Early Childhood Education (ECDE) teacher and the development of ECDE infrastructure by the Laikipia County Government

‘Mr. Speaker, Sir, thank you for this opportunity. Let me add my voice by raising some concerns. As we wait for the ECDE Bill, I would like the Committee to look into the issues of accessibility of ECDE centres that are being developed by county governments. Secondly, they should look into the employment of special ECDE teachers. When county governments employ ECD teachers, they should also employ special needs ECD teachers. They should also look into the issue of programming and having special needs curriculum that will take care of early childhood with special needs. I commend my county, Kakamega. I have been moving from ward to ward and I have seen the standard of ECDE that have been ---’

COMMUNICATION FROM THE CHAIR

Date: 2nd March 2016
Member of Parliament: Sen. Godliver Omondi
Contribution She Made On: Visiting delegation of staff and students from Tangaza University College

‘Mr. Speaker, Sir, I join you on behalf of my fellow Senators to welcome and thank the staff and students from Tangaza University college. As Sen. Orengo stated, we, as a country, need prayers. The strength of women in prayers is very strong and we can see from the sisters who have visited us. It is biblical that even when Jesus rose from the dead, women were there. This afternoon this House is blessed because we are being visited by nuns. Indeed, we need prayers. I thank them for visiting the Senate.’

Date: 2nd March 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Status of the Sessional Committee on County Public Accounts and Investments

‘Mr. Speaker, Sir, I wish to remind the House that as we conduct our business, let us not forget that we are always on air. Sometimes it becomes very political. We have just set a precedent. I hope that we will not have to elect the Chairpersons of Committees again as is the case with this one. We have set a dangerous precedence where
Members can just have discretion to do anything in their Committee. We do not want to have this scenario in the last years of the term of this Senate. We have worked so closely together. We need to ensure this calms down. I hope this will not go to the fields of Kisii and Nyamira. In addition, I hope the Members of the National Assembly will not just hold a press conference in the next 30 minutes. It is not good for our House. We should manage this through dialogue without bringing it to the Floor of the House.’

Date: 16th March 2016

Member of Parliament: Sen. Catherine Mukite
Contribution She Made On: Visiting delegations of members and staff from Kilifi, Nyamira and Vihiga County Assemblies

‘Madam Temporary Speaker, I also would like to take this opportunity to welcome the county assemblies of Vihiga, Kilifi and Nyamira. It is a good idea for the county assemblies to benchmark with the Senate as opposed to travelling outside the country because that is expensive. One way of cutting down the costs is to benchmark with the Senate. This morning, Members from the Vihiga County Assembly appeared before the Committee on Finance, Commerce and Budget. They were curious and wanted to learn how the Committee operates.

I take this opportunity to welcome other county assemblies to come and benchmark with the Senate. With time, they will build capacity and improve operations and oversight in the counties.’

Date: 16th March 2016

Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegations of members and staff from Kilifi, Nyamira and Vihiga County Assemblies

‘Madam Temporary Speaker, I welcome the staff from Nyamira, Vihiga and Kilifi counties. This benchmarking is very important. As the saying goes, charity begins at home. Here you will have the complete knowledge of what goes on within your country and especially in the Senate, which is your mother. Here, you get the right information.

Senate is very rich with knowledge. We have a very good legal department with very experienced staff. It is one of the best in the country. We also have a very good team of researchers. If you make maximum use of them, when you go back to your respective counties, you will be able to come up with clear-cut systems on management, finance, or whichever way. That way, you will do your duties well. With those remarks, I welcome you again.’
Date: 16th March 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Visiting delegation of students and teachers from Alliance High School

'Mr. Temporary Speaker, Sir, I also thank the school and, more importantly, the teachers for the discipline that the school has had for many years. This is one of the schools where we have never heard of any disciplinary actions taken against it. We also appreciate the mentorship programme that they have in the school which instills values. I hope it is a programme that can be carried beyond the school.

Today, the issue of discipline is a challenge to our young people in schools. I hope that teachers will continue assisting students. These are students who come from very different backgrounds. Some of them come from very poor backgrounds. However, you should know that the moment you arrive in school, you become an Alliance brother and you know very well that you are seen. There is no difference whether you come from a rich or a poor home. All of you become students. That is why education is the key to success in our country.

We urge you to hold on to values and respect your teachers because they are the ones who will make you excel and move on to the next level. Congratulations for doing well in the examinations that were released recently.’

Date: 16th March 2016
Member of Parliament: Sen. Elizabeth Ongoro
Contribution She Made On: Visiting delegation of students and teachers from Alliance High School

'Mr. Temporary Speaker, Sir, I feel privileged to see the students of Alliance Boys High School, being a parent there myself. When I was a student at Mary Hill Girls School many years ago, one of the fiercest battles that I ever experienced in my life was between Alliance Boys High School and Mang’u Boys High School. It was not physical. This was an academic contest of brains. Being a Form 1, I had not witnessed such a contest before. So fierce was it that when I left the debating hall where these two schools had been debating, I had formed an opinion that when you fight physically this world, it is nothing compared to anything mental. We know that Alliance Boys High School has been the epitome of excellence in this country for decades. However, excelling academically is just one aspect of what helps you to excel in life. You can get all the As and when you face the real life situations, still find it difficult to excel. You need academic qualification, yes, but it just forms
about 20 per cent or even less of what makes you become a better citizen and to excel in life.

What you need most as a human being is the strength of character to deal with real life situations where you only need your academic qualifications as an input to help you with some information. What you also need most is personal discipline – how you carry yourself when nobody is supervising you; when the headmaster, principal, house teacher or prefects are not there and you are alone somewhere in one part of this world facing a real life challenge. How you will carry yourself in that situation, personal integrity and everything else brings out the success that you need. Sustained hard work not just in class --- You cannot believe that once you get straight As in your academic qualifications, that you have worked hard. No. That just gives you the platform to now work hard.

Mr. Temporary Speaker, Sir, when you graduate, then you are faced with that reality when it is announced that you have now been given authority to read. If you go to any graduation ceremony, you will hear the graduands being told that they have been given power to read. In the last graduation that I attended, the lady who was with me had brought along her grandmother. When that pronouncement was made that: “We now give you authority to read”, this old woman was so shocked. She had come all the way from some part of this world to witness the graduation of her grandchild thinking that now her granddaughter had done it all.

Only to be told that it is now after you get your first degree that that is actually when you are officially given authority to now read.

Now, you see how far we all come. I thank you one more time, not just for the sustained good academic qualifications but for the discipline that comes from Alliance Boys High School, Alliance Girls High School and other institutions that you represent. Thank you and welcome as you visit the Senate.’

Date: 30th March 2016

Member of Parliament: Sen. Ziporah Kittony

Contribution She Made On: Visiting delegation from Baringo County Assembly

‘Mr. Speaker, Sir, I join you in welcoming the delegation from my home to the Senate. I advise them to refrain from listening from any other callings, but to enjoy the proceedings of the Senate. I wish them a great stay in Nairobi and, when they go back, to convey our greetings.’

Date: 30th March 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Visiting delegation from Baringo County Assembly
'Mr. Speaker, Sir, I also wish to join you in welcoming the people from Baringo County. They are gender sensitive and that is why they have given women opportunity. They have made a good decision in choosing to come to the Senate. I am sure that they will learn from the wealth of experience from the people here at the Senate.'

STATEMENTS

Date: 1st March 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Implementation of the Basic Education Act (2013) on outlawing corporal punishment in schools
'Mr. Speaker, Sir, I rise pursuant to Standing Order No.45(2)(b) to seek a statement from the Chairperson of the Standing Committee on Education regarding the implementation of the Basic Education Act (2013) and the Kenya Gazette Notice of 13th March 2001, outlawing corporal punishment in schools.
In the statement the Chairperson should state:
(a) If the Government is aware that corporal punishment is rife in our schools;
(b) The steps the Government has taken on the alleged extreme corporal punishment meted out on female students by male teachers in Keveye Girls High School, Vihiga County;
(c) The statistics of corporal punishment cases received by the Ministry of Education in the last three years per county;
(d) The outcome of cases of corporal punishment cases received in the last three years per county; and,
(e) The steps the parents, teachers and students are supposed to follow when reporting cases of corporal punishment.'

Date: 1st March 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Tarmacking of roads In Meru County
'Mr. Speaker, Sir, I request for three weeks because it is quite a comprehensive statement which has been sought. We, as a committee, have summoned the CS for Roads. He was to appear today, but he did not because he is out of the country right now. He has missed to appear before us on several occasions.
Currently, we are informed he is coming back in two weeks’ time. That is why I seek for three weeks. If he comes before the three weeks, I will notify all the Senators and then we can have him in our usual Kamukunji. However, for record purposes, within three weeks or when we summon him; whichever comes first.’

Date: 1st March 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Report of special committee on proposed removal from office by impeachment of Hon. Mwangi wa Iria Governor of Murang’a County

‘Mr. Speaker, Sir, I know it is an issue for a party, but we never dewhipped Sen. (Dr.) Khalwale because of the Implementation Committee. It was the Committee for Finance, Budget and Commerce. We had not done election then. If the elections were held, I do not think we would de-whip our members although they have gone against the party position. I would plead with the Senate - where we have elected Senators in every county to represent the interest of that county, if we will start discrediting each other because of capacity, then we are going to make this issue political. Let us handle it in party meetings, but not on the Floor of this Senate.

Date: 2nd March 2016

Member of Parliament: Sen. Catherine Nabwala

Contribution She Made On: Status of the Youth Enterprise Development Fund

‘Mr. Speaker, Sir, my Statement was very urgent as it was on the issue of the Youth Enterprise Development Fund (YEDF). We have seen in the media today that there are more funds which have been stolen from the National Youth Service (NYS). This is money meant for the youth. We need a response as early as yesterday.’

Date: 2nd March 2016

Member of Parliament: Sen. Godliver Omondi

Contribution She Made On: Zika Virus emergency

‘Mr. Speaker, Sir, I want to inform Sen. Khaniri that that virus causes disability. Therefore, it can affect any family in this country, including yours.’

Date: 3rd March 2016

Member of Parliament: Sen. Zipporah Kittony

Contribution She Made On: Alleged assault of a police officer by captain Allister Brown in Kinangop
‘Mr. Speaker, Sir, I commend the security forces of this country for the action they took promptly to save the integrity, especially of the challenged police woman. It was not only demeaning for the police woman, but for Kenyan women. I wonder what my two colleagues had in this case unless, they have been compromised.
This is a national issue. We have to protect our dignity in all manner possible. Therefore, I am satisfied with the response given. I commend the police for acting very promptly on this issue.’

Date: 3rd March 2016
Member of Parliament: Sen. Catherine Nabwala
Contribution She Made On: Status of the National Government’s project to lease medical equipment
‘Mr. Deputy Speaker, Sir, I would like to know the cost analysis of leasing the equipment; whether it is cheaper to lease or buy. Last year we paid Kshs4.5 billion for leasing, yet the equipment was not used because the counties were not well prepared. They did not have the human resource to operate the machines. Secondly, the Government has entered into the habit of leasing police vehicles, as per the Budget Policy Statement (BPS), which was not debated on this Floor. What happened to the arrangement where the Ministry of Works used to carry out the maintenance of vehicles? We would like to know how much this will cost the taxpayer.’

Date: 8th March 2016
Member of Parliament: Sen. Judith Sijeny
Contribution She Made On: Status of the Kenol-Makutano-Marua Road
‘Mr. Speaker, Sir, I wish to issue the following statement:
On Wednesday 17th February, 2016, Sen. Daniel Karaba requested for a statement from the Chairperson of the Standing Committee on Roads and Transport on the Kenol- Makutano- Marua and Nakuru-Eldoret-Malaba roads as follows:-
(1) Is the chairperson aware that the road from Kenol to Marua is a vital trade link to Ethiopia and that it is the backbone of the economy of the Mount Kenya Region?
(2) Is the chairperson aware that this section of the road has experienced huge traffic build up to the extent that it now takes four hours to reach Nanyuki and three hours to reach Nyeri and the huge traffic volume has led to a lot of accidents?
(3) Is the chairperson aware that the Kenya National Highways Authority (KeNHA) has engaged a consultant to carry out the design for the upgrading of the road to a dual-carriage way to speed up trade and reduce travel time, thereby encouraging business?'
(4) Why has the Kenya National Highways Authority (KeNHA) advertised the dualing of Kenol-Sabasaba-Murang’a Road before embarking on the construction of the Kenol Makutano-Marua section whose design is ready?
(5) When will the Government tender for the upgrading of the Kenol-Makutano - Marua section?
(6) When will the Government make the busy Nairobi-Nakuru-Eldoret-Malaba Road a dual-carriage highway, all the way to Busia?

Mr. Speaker, Sir, I am aware that the road is a significant link for facilitation of trade and economic integration between Ethiopia and Kenya and social economic development of the sub-regions, in particular, Mount Kenya Region. I am also aware that the road has developed high traffic volumes, which has resulted to traffic jam and, therefore, increased journey times. As for the number of traffic accidents, it has not been established whether the high volume of traffic is the cause for the accidents on the roads sections. However, we have plans to improve the level of service by dualing the road with, at least, two links on each direction.

Mr. Speaker, Sir, with the financial assistance from the African Development Bank (ADB), the Ministry engaged the services of Messrs. Aegis International Limited, a consulting engineering firm to undertake feasibility studies and detailed engineering designs for the dualing of the road. The studies have been completed. KeNHA is mandated to manage, develop and maintain national trunk roads. The road from Kenol-Murang’a-Sagana which is C71/C73 is part of KeNHA’s network. There have been concerns on its traffic capacity and pavement, riding quality and as such, KeNHA intends to carry out design studies for the improvement and capacity upgrade of the road.

The undertaking of road construction requires mobilisation of huge amounts of funds as compared to the cost of engineering designs. While we solicit for adequate funds for the construction works of the already designed dualing of Kenol-Sagana-Marua Road, which is A2 road, we have earmarked some funds to carry out designs for C71/C73 road.

This does not imply that KeNHA has abandoned dualing A2 road and instead prioritized to develop C71/C73 Road. The designs for dualing of Kenol-Sagana-Marua Road are complete and the government is currently soliciting for funds for construction. The ADB has shown interest in funding the construction works and has prioritized this road in its list of project financing.

Mr. Speaker, Sir, the feasibility studies for dualing Nairobi-Nakuru-Mau Summit section is ongoing and is nearing completion. The project will be undertaken under Private-Public Partnership Framework. It is expected that the procurement of project implementers will commence in 2017. The selected project implementers will then carry out detailed designs
and construct the road and operate the facility for an agreed concession period. Feasibility studies for dualing Mau-Summit-Eldoret-Malaba section will be carried out later following the successful implantation of Phase I. Thank you.’

Date: 8th March 2016  
Member of Parliament: Sen. Daisy Kanainza  
Contribution She Made On: Election of Hon. William Baraka Mtengo as Malindi Member of Parliament

‘Yes, Mr. Speaker, Sir; being a wife and mother.
I want to congratulate our candidate in the Malindi Constituency by-election, Hon. Mtengo. I also want to congratulate the Members of Parliament, both from the Senate and the National Assembly, for what they did. What we witnessed in Kericho is a bad culture that is being transferred to the young people. Likewise, in Malindi, there was a lot of bribing. Some people even travelled from Kiambu and Kirinyaga counties to bribe voters.
I appreciate the people of Malindi because they took the money, because it belongs to them, but never compromises their constitutional right. This issue needs to be dealt with. At the same time, I condemn the County Commissioner and the police for arresting our Director of Communications, Mr. Philip Etale. What has come out is that the Coalition for Reforms and Democracy (CORD) is powerful in this country. We are watching what the Jubilee Government is doing and we will take power in 2017.’

Date: 9th March 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution She Made On: Boat safety in Kenyan lakes

‘Mr. Speaker, Sir, I rise pursuant to Standing Order No. 45(2)(b) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding boat safety in the Kenyan lakes. In the statement, the Chairperson should address the following:-
(a) State the number of boat accidents that have occurred in the Kenyan lakes in the past two years and the number of casualties per lake.
(b) Explain whether the Government has put in place safety regulations for life jacket usage, boat capacity and lighting of boats and whether the regulations are adhered to; and,
(c) Explain the measures the Government has put in place, if any, to curb boat accidents.’

Date: 9th March 2016  
Member of Parliament: Sen. Judith Sijeny  
Contribution She Made On: Boat safety in Kenyan lakes
‘Mr. Speaker, Sir, I request for two weeks. At least we should have the statement by 22nd March, 2016.’

**Date: 9**<sup>th</sup> **March 2016**

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

**Contribution She Made On: Doping menace amongst Kenyan athletes**

‘Mr. Speaker, Sir, this is a very serious issue that, apart from threatening to take the good legacy of this country as a sporting nation, it is now retrogressing on the gains that we have already made in the area of attracting sports tourists. Further to all issues that have been raised, what is the Government doing to set up parallel investigations to confirm these allegations and allay fears that this is not even about competition blackmail? We know that this nation has held for many years some of the records in athletics.’

**Date: 9**<sup>th</sup> **March 2016**

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

**Contribution She Made On: Issuance of national IDs to residents of Nairobi who hail from other regions of the country**

‘Thank you Madam Temporary Speaker. I have evidence from my county where someone applied for an ID card in 2012, but until now, this card has not been issued. I would like to put the Chair of this Committee to test by producing the waiting card belonging to Tripea Wanyama Wafula which was applied for on 5<sup>th</sup> September, 2012. I have the serial number of the ID which is 232025164. I have others but I would like to see that one first. Thank you.’

**Date: 10**<sup>th</sup> **March 2016**

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

**Contribution She Made On: Status of Internally Displaced Persons**

‘On a point of order, Mr. Speaker, Sir. I rise regarding the Statement that is being issued by the Senate Majority Leader and I am seeking direction because I remember when this issue came to the Floor, we deliberated on it in terms of if it is in the Standing Orders that you can seek a Statement from the Leader of Majority and he took it because the Sessional Committee on Devolved Government had not been constituted.

As Standing Order No. 45 (2) reads, you ask from a chairperson of a committee. Is it in order for the Senate Majority Leader to issue this Statement? We are a House of records, will it go on record that it is proper now to get a statement from the Senate Majority Leader? Thank you.’

**Date: 10**<sup>th</sup> **March 2016**

**Member of Parliament: Sen. Beatrice Elachi**
Contribution She Made On: Withdrawal of security detail of Mombasa County Governor Ali Hassan Joho

'Mr. Deputy Speaker, Sir, I thank the Senate Minority Leader for bringing this issue. It will be absolutely wrong for this Senate to start debating about Governor Joho’s security when we know very well that the deputy governor for Mombasa’s security was withdrawn and her vehicle taken away, yet we never made it an issue. We want to defend the same governor now.

I have a video here. I have given it to Citizen TV and the IEBC observers. A female Member of the County Assembly (MCA) was stripped naked. The police were there, the governor stood there, but did nothing. At the same time, he went ahead and pointed at a police woman in uniform and insulted her. Today, this Senate is saying that we have someone who is very important in this country and we have women who are not important. Not in this political dispensation. He must, first of all, be ashamed to bring such an issue here.

Anyway, the Governor has always said that he does not need security. That they are nothing and do not need to be in his county. Why does he want security personnel now and yet he said he does not need them?'

Date: 10th March 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Withdrawal of security detail of Mombasa County Governor Ali Hassan Joho

'On a point of order, Mr. Deputy Speaker, Sir. I said I appreciated what the Senate Minority Leader has done. I think it will be very wrong for this Senate to discuss about security when the Deputy Governor of Mombasa County underwent the same with the same Governor. How come we did not make it an issue? She is a governor and in a position that she should be protected. She was intimidated and told that she is a mole campaigning for another party and that is why they did that to her. So, today, the Governor becomes superior to his own deputy governor. They are together. It is one office. That is why I am disputing on this Floor.‘

'On a point of order Mr. Deputy Speaker, Sir. I do not want us to lose my line of thought. There is no way in the institution of the Senate we can come here and say that within a county, where we have a governor and a deputy governor, one can have better privileges over the other. When somebody stands and says it was on the media, even this was directly on the media. So, my bone of contention is that we cannot look at what women are doing and say because it is female gender,'---'
‘Mr. Deputy Speaker, Sir, this Senate must be fair to both persons. My bone of contention is that you cannot bring one mistake and say the other one was not a mistake, since it was in the media and yet you have just told us that the issue was breaking news in the media. Even the other news was in the media and the Senator for Siaya cannot tell us that we have policemen who have been killed because of issues they have seen. People will also say the bodyguard of Sen. Mbuvi was killed. Was it because of the issues of the Kshs200 million or because of taking other people to the Ethics and Anti-Corruption Commission (EACC)? Mr. Deputy Speaker, Sir, we cannot use that on the Floor of the Senate. It will be wrong. Let us treat both as issues that the Government must look at. If they are returning the bodyguards for Governor Joho, let them also bring back the bodyguards of the deputy governor. Thank you.’

Date: 10th March 2016
Member of Parliament: Sen. Joy Gwendo
Contribution She Made On: Shortage of teachers in West Pokot County

'Mr. Deputy Speaker, Sir, to add to what Sen.(Prof.) Lonyangapuo has said, it is not only in West Pokot County that there is shortage of teachers. We have several people in this county who have trained as teachers, but have no jobs. However, if you go to TSC to seek clarification on whether they can be employed, you meet problems on that end. As the Chairperson is answering these clarifications, he should tell us whether it is possible to include trained teachers who have registered with them but are not employed. Do they have that data? Could they be taken to counties like West Pokot and others that have shortage of teachers?’

Date: 15th March 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Administration of oath


Date: 15th March 2016
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: Administration of oath

‘Mr. Speaker, Sir, I also want to welcome the Senator for Kericho. I would like to thank the young people because they have proved to us that they can overcome all the odds and ensure one of their own is elected. The 2017 General Election will see a change in this country. Sen. Cheruiyot has paved a way for the youth. I hope many young people will join politics and declare their candidature. The election of Sen. Cheruiyot to this House is a clear proof that in politics, you do not need a lot of money to win; all that you need is the support of your people. Over 70 per cent of our population is made up of the youth. The youth will change this country for the better. I also want to address the women of this country. Looking at Cheruiyot, you will see we have political parties that can accommodate all of us and ensure we are elected to Parliament--- Sen. Cheruiyot, you are an example for women, that we can go through an election--- He is a man who protects women. In his election, we did not see women being stripped naked and I thank him for that. He also does not fight women, he takes care of them. That is why women were able to come out and vote for him. I would like thank the people of Kericho County for electing a young Senator. Sen. Cheruiyot, with your famous *kipto* *toyot komas kasit*, welcome to the Senate.’

Date: 15th March 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Management of community and public land in Machakos County

‘Mr. Temporary Speaker, Sir, I am sorry I have come in late. However, I will undertake to check the status of the Statement that was sought by Sen. Muthama and give a response to the House next week on Tuesday.’

Date: 15th March 2016
Member of Parliament: Sen. Martha Wangari
Contribution She Made On: Implementation of the Basic Education Act (2013) on outlawing corporal punishment in schools
'Mr. Temporary Speaker, Sir, I impress on the Chairman of the Committee on Education to take this Statement seriously. We had a school in Vihiga County where girls are being seriously caned as corporal punishment. We need to guide the country on where we stand on the implementation of this Basic Education Act 2013. I pray that you direct that we get this Statement by the end of the week and not later than that.'

Date: 15th March 2016
Member of Parliament: Sen. Martha Wangari

Contribution She Made On: Tarmacking of roads in Meru County
'Mr. Temporary Speaker, Sir, I have not seen Sen. Kiraitu here. He is not in at the moment. However, I had already informed him that the statement is not ready. I further informed him that the Cabinet Secretary, Ministry of Transport and Infrastructure will be appearing next week on 22nd March at 11 a.m. Therefore, any Senators who will be available could come and articulate all issues concerning roads.'

Date: 15th March 2016
Member of Parliament: Sen. Joy Gwendo

Contribution She Made On: Societal moral decay- project ‘x’
'Mr. Temporary Speaker, Sir, pursuant to Standing Order No.45(2)(a) I would like to make a Statement on an issue of general topical concern relating to societal moral decay, specifically the so-called project ‘x’. My concern has arisen due to the current surge in wild parties bordering on orgies which all of us, as leaders and parents, have reason to be concerned about. Kenyans should speak against this. Our very social fabric is under attack.

Mr. Temporary Speaker, Sir, my attention has been drawn to a story that is trending online about an orgy infamously known as project ‘x’. It was scheduled to take place on 12th March, 2016, somewhere in Kileleshwa. Such things have been happening for a while. However, thanks to new media, they are being amplified. In spite of them having happened before, I am of the view that we need to speak out against them and have a conversation on the matter with a view of finding a solution to this challenge. For a start, we could use our campaign platforms as we gear ourselves towards 2017 general elections, to urge our youth to be mindful of their actions and not expose themselves to vices such as drugs, cliché as it may sound.

We also need to seize any other available opportunity to inspire our youth to aspire to uphold the highest standards of ideals. I believe that for Kenya to move forward, we not only need the human resource capital provided by these young people, but also their right
frame of mind. I urge our young people to do everything in moderation and not to give in to the proverbial peer pressure.

Proverbs 9:10 says that:-

“The fear of the LORD is the beginning of wisdom, and knowledge of the Holy One is understanding.” As leaders, let us instill God’s fear in our young people so that they have wisdom not to engage in such things.’

Date: 15th March 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Societal moral decay- project ‘x’

‘On a point of order, Mr. Temporary Speaker, Sir. I wish to ride on Sen. Gwendo’s Statement. Whereas it is very sad that these things are happening, I have already been vindicated. When I alerted the nation that we have a serious problem with a certain constituent, our youth, especially the adolescents, I was called names. I am glad that now the society is taking this issue seriously.

The Government, churches and the parents are taking the initiatives. I just want that there be proper policies, guidelines and a legal framework to ensure that our youth are well-taken care of. They should be given all the moral support that they need.

I urge this House to fast track and pass the Reproductive Healthcare Bill which gives modalities of how these youngsters can be mentored and made to fit in the society without necessarily using the rod.’

‘On a point of order, Madam Temporary Speaker. Is Sen. (Prof.) Lonyangapuo in order to mislead the nation when it is very clear? He has gone through the Bill and even contributed and debated on it. He knows the Bill is about adolescent friendly reproductive health care services. This is supposed to mentor and give them moral and spiritual guidance and proper mentorship. It is a programme with a legal framework on those learning skill and many others. For those who are unable to go to the next level of studies, those life skills, training and what have you will keep them away from even thinking about these vices. It does not talk about parties or anything. He should read the Bill properly.’

‘Madam Temporary Speaker, I am even shocked and I do not know what Sen. (Prof.) Lonyangapuo is up to. This debate has been there several times. I have held workshops and said that it does not give condoms to children. In fact, when the Bill is properly read, interpreted and enacted, it will make them not to think about such things. We were once children and we were not given condoms. We participated in life skills and also had fun. We played debate and sports. We did agriculture. You do not dig or swim with condoms. The
Senator should stop misleading the nation. He should read the Bill. I am thoroughly shocked and disappointed about your assertions.’

**Date: 15th March 2016**  
**Member of Parliament: Sen. Joy Gwendo**  
**Contribution She Made On: Societal moral decay- project ‘x’**

‘Madam Temporary Speaker, yes. I also thank Sen. Gwendo for that Statement. Indeed, it is quite appalling that we have got to a situation where we put it out there in the media that we have a party and nobody goes home a virgin. I think we have lost it. I also think that we must also interact with the fact that if you look at the Ministry of Education in terms of guidelines on age, you will see that there have been very many cases of under age children that are finishing school before they are 12 years old. It has a direct correlation, according to me, that at least by the time you are finishing Form 4, you should be 17 heading to 18 years. I think there was some wisdom in that.  
I think we also need to have a Motion in terms of implementers of the law because the law is not the problem. We have the law and we know clearly that even in terms of consent, what that means is that one has to be an adult. The question is: Who implements the law?  
I also thank the media because we nipped this in the bud. It was reported through social media and implementers picked it up from WhatsApp groups, Facebook and Twitter and acted on it. I congratulate those who act as responsible citizens in their areas.  
Madam Temporary Speaker, I would also want to know what exactly happens to the people holding these parties. In the recent crackdown in Phenom Estate in Lang’ata, such a party was being hosted by a lady who is the wife of a general in Southern Sudan.  
She was released without conditions in terms of responsibility. Adults aiding this must bear the consequences. There must be thorough punishment for the same so that whenever you do it, you know where to stop. If you are holding a normal children’s party, you know what it entails and that it should not include cigarettes, bang and free sex for all. It must be very clear that the responsibility is vested on the adults aiding this.  
Thank you.’

‘On a point of order, Madam Temporary Speaker. Is Sen. M. Kajwang in order to educate this House on matters of becoming a good wife? Is it in order for him to omit on matters of becoming a good husband? Could he separate the two?’

**Date: 15th March 2016**  
**Member of Parliament: Sen. Martha Wangari**
Contribution She Made On: Human-wildlife conflict around the Kigio Wildlife Conservancy in Gilgil Sub-County, Nakuru County.

‘Madam Temporary Speaker, I rise pursuant to Standing Order No.45(2)(b) to seek a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the rampant human-wildlife conflict around the Kigio Wildlife Conservancy in Gilgil Sub-County, Nakuru County.

In the Statement, the Chairperson should state:-

(a) If the Government is aware of the rampant attacks against domesticated animals by wildlife from Kigio Wildlife Conservancy in Gilgil sub-County, Nakuru County.

(b) The statistics of the human lives lost or maimed due to human-wildlife conflict around the conservancy in the last two years and the action taken in each case.

(c) The statistics of domestic animals killed or maimed by wild animals from Kigio Wildlife Conservancy in the last two years and the action taken in each case.

(d) The human-wildlife conflict compensation claims that the Government has settled in the conservancy for the last two years.

(e) The percentage of local content in the ownership of the Kigio Wildlife Conservancy given the fact that it is registered as a community conservancy.’

Date: 16th March 2016

Member of Parliament: Sen. Catherine Nabwala

Contribution She Made On: Status of the Youth Enterprise Development Fund

‘Madam Temporary Speaker, that is the true position. They were giving a history of the monies already disbursed to counties. It was not talking about the current theft of funds. However, we agreed that he goes to the Ministry to seek for more information because this is a thorny issue. It is public knowledge that money is being stolen and we are yet to be given that information so that the Senators can also have an input on what is happening.’

Date: 16th March 2016

Member of Parliament: Sen. Catherine Nabwala

Contribution She Made On: Pending Bills by County Governments

‘Madam Temporary Speaker, I would like to share the sentiments by my colleagues on what they have said about the pending bills. When you look at the schedule, particularly on the Recurrent Expenditure, there is a pending bill for Kshs9.2 billion. What are these recurrent expenditures to have pending bills? I would expect that the Controller of Budget releases money as per schedule, maybe on a monthly basis. So, this trend is very worrying. It could be overdrafts at the bank.
At one point, the Controller of Budget was unable to disburse money to counties because some counties had not prepared their budgets on time. So, we need to know the composition of the recurrent expenditure.

On the other column for development expenditure, it is because maybe some projects are not completed within that particular period and, therefore, payment has not been made or what is this Kshs28 billion for? If counties are left unchecked, then you will find that these debts will keep rising. By the time governors leave office, they will leave most of counties bankrupt.

The committees which has been given the responsibility to investigate this, as Senators from each county, we would like to be given a breakdown of these pending bills. Hon. Senators can follow up the matter with governors and see how best this can be resolved.’

**Date: 17th March 2016**

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

**Contribution She Made On: Provision of electricity to Oldonyiro trading centre**

‘Madam Temporary Speaker, first let me take this opportunity to thank the Chairperson of the Committee. However, my question was specific on the connection of electricity to Oldonyiro. Unfortunately, the Chairperson is giving me what the department has been doing in Isiolo County. So, I would request him to be specific in terms of the urgency of this matter especially given that this is a matter that concerns that county in terms of security. Connecting electricity from Laikipia to Oldonyiro is not far. I would urge the Chairperson to give me a specific period within which electricity will be connected. He is talking about 2016/2017 and 2018 but 2018 is very far. Rural electrification is taking place in the country. Could he, please, connect the people of Oldonyiro with electricity as urgently as possible?’

**Date: 17th March 2016**

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

**Contribution She Made On: Poor mobile telephone network coverage in Oldonyiro Ward**

‘Madam Temporary Speaker, I appreciate the response given by the Member of the Committee on behalf of the Chairperson. I have no further clarification on the same. I hope the department will take action on that matter come FY 2016/2017.’

**Date: 17th March 2016**

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

**Contribution She Made On: Operationalization of the county wildlife conservation and compensation committees**
Madam Temporary Speaker, I thank the Chairperson of the Committee for the response. The reason why these committees are supposed to be operationalized is for the purpose of compensation for victims of the wildlife and human conflict. There is so much violation of human rights by wildlife in this country.

In question 3, in Isiolo County, we have a lot of backlog in terms of the cases that are before the Committee. Unfortunately, apart from establishing the Committee, they have not been operational. That is the true picture because they do not have budgetary allocations. Secondly, they were not given honoraria to start working on those cases that are before them.

With regard to question four, Ksh8,901,200 was allocated to 35 counties. This money will not be enough to deal with matters that are before the Committees of 35 counties. The Ministry should be serious enough and allocate enough funds and compensate those individuals whose rights are violated as quickly as possible.’

Date: 17th March 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: Operationalization of the county wildlife conservation and compensation committees

‘Madam Temporary Speaker, while the Chairperson is really lobbying for the Ministry to get more resources, I do not understand why the Ministry has not taken the initiative of mobilising business men and women who would wish to help in the crocodile industry. They have had a lot of challenges especially in Tana River, where a businesswoman wishes to take wildlife crocodiles and then give incentives back to the community. The same Ministry has ignored her letters and denied her to do the business.

While they look for incentives, they are also leaving out good incentives. They would have worked together with communities to ensure that they have the monies to compensate the affected people.’

Date: 17th March 2016

Member of Parliament: Sen. Judith Sijeny

Contribution She Made On: Operationalization of the county wildlife conservation and compensation committees

‘Mr. Temporary Speaker, Sir, this wildlife conservation issue is very important and must be taken seriously. We have two Government systems. Every level of Government must be empowered and must nurture this issue. There was a time in Kenya, tourism was the highest earner of Government resources. We took that for granted. We have relaxed. Even Tanzania is doing better now. Many people are going for tourism business elsewhere
because we have not taken good care of our wildlife. Animals are dying and migrating as forests are being cleared.

Mr. Temporary Speaker, Sir, the other day, residents of Langata were being terrorized by wild animals. This is because someone somewhere has done something wrongly. We ought to take this seriously. Had those animals killed the residents of Langata, how would they be compensated? Was the Government able and ready? Why should we wait for that? The Committee Chair should look into this matter. Serious steps need to be taken on this. We should protect the residents of Langata and Kenyans at large.’

Date: 17th March 2016

Member of Parliament: Sen. Dullo Fatuma

Contribution She Made On: Operationalization of the county wildlife conservation and compensation committees

‘Mr. Temporary Speaker, Sir, this issue of wildlife is a very sensitive issue. It is really unfair for the chairperson to tell us that he can only carry out compensation when the money will be available. This is a constitutional provision. It is really important for the families who have lost their dear ones to be compensated or otherwise.

We have a lot of issue concerning KWS. I request the chairperson to sermon the CS so that all the counties that are affected by the issue of KWS can have a one-on-one with the CS when he appears before the Senate.’

Date: 17th March 2016

Member of Parliament: Sen. Beatrice Elachi

Contribution She Made On: The killing of two people in Kajiado county by marauding elephants

‘Mr. Temporary Speaker, Sir, I have a request for a statement on behalf of the Senator for Kajiado County. Pursuant to Standing Order No.45(2)(b), I rise to seek a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the killing of two people in Kajiado County by marauding elephants. In the Statement, the Chairperson should:-

(1) Explain the circumstances leading to the death of Mr. Saitoti Santamo ole Ku and three year old Ntompo Ntoipo Nchaiyo within Kajiado East Constituency, Kajiado County on 2nd February and 6th March 2016, respectively.

(2) Explain the status of compensation claims for the two victims and measures taken by the KWS to keep watch over wildlife and ensure that they do not pose danger to people living around wildlife conservancies, game reserves and national parks.’
**Date: 17th March 2016**  
**Member of Parliament: Sen. Beatrice Elachi**  
**Contribution she made on: Killing of two people in Kajiado county by Suspected KWS rangers**

‘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 the killing of two people in Kajiado County by suspected KWS rangers. In the statement, the Chairperson should:-

(1) Explain the circumstances leading to the death Mr. Ntere Ntaki and Mr. Mpiti Kenkune on 2nd April, 2016 at Musire in Kajiado West Constituency in Kajiado County.
(2) Explain the status of investigations into the killings.
(3) State what actions have been taken against the alleged killers.
(4) Explain the measures taken by KWS to ensure that communities living around wildlife corridors are not mistaken for poachers and killed.’

**Date: 24th March 2016**  
**Member of Parliament: Sen. Daisy Kanainza**  
**Contribution she made on: Collection of levies from businesses for playing music**

‘Mr. Speaker, Sir, I had sought Statement (d) from the Committee on Labour and Social Welfare regarding the collection of levies by the Music Copyright Society of Kenya (MCSK) and KAMP-PRISK from business premises and public transport vehicles. The Statement was to be issued on 15th March, but it was not.’

**Date: 24th March 2016**  
**Member of Parliament: Sen. Judith Sijeny**  
**Contribution she made on: Acute food shortage in West Pokot County**

‘Mr. Deputy Speaker, Sir, I would also like the Vice Chairman to give us specific ways or modes which the Government will use to ensure that there will be no corruption this time because he has told us that there is food in stock. Many at times, we have witnessed food branded Government of Kenya "(GOK), Not for sale" finding ways in the kiosks and on streets for sale. Could they ensure that the food has been safeguarded and that it will be distributed to the vulnerable groups such as expectant women or those who have just given birth, whose health, naturally, requires proper care and attention as well as the old people, persons living with disabilities and children.

We do not want to see the kind of photographs that we saw of a starving child who was rescued by the Gertrudes Children Hospital. This led to a massive contribution of funds and
other resources by Kenyans. We have a devolved system now. Could they ensure that the money and food reaches the vulnerable groups and that they are protected?’

Date: 30th March 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution she made on: Misappropriation of public funds by the National Bank of Kenya  
‘Mr. Temporary Speaker, Sir, are we in order, especially those who have worked in Government for the last 50 years - to judge each other? When we start to do so, we will discover we have many skeletons and we will open up so much. The President said the truth. We are all thieves.’

Date: 30th March 2016  
Member of Parliament: Sen. Beatrice Elachi  
Contribution she made on: Management of Masinde Muliro University of Science and Technology.  
‘Mr. Temporary Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a Statement from the Chairperson of the Committee on Education regarding the management of Masinde Muliro University of Science and Technology. In the Statement, the Chairperson should address the following:-  
1. What informed the decision of the University to employ Prof. Fredrick. A. Otieno as the Vice Chancellor, considering that he resides in South Africa.  
2. Why has the student population been dropping since the appointment of the new Vice Chancellor?  
3. The number and nature of court cases involving the university that are pending in court.’  
‘Mr. Temporary Speaker, Sir, I have no interest. I think my Senator has an interest because the wife works there. So, it will be fair if we table the documents in this House. I have asked for the statement so that we deal with the issue, which is also in court. It will be wrong for my Senator to tell me to declare my interest when he knows very well that I have no interest. This is a matter that is about to burn Masinde Muliro University. We need to deal with it as the Senate.’

Date: 30th March 2016  
Member of Parliament: Sen. Agnes Zani  
Contribution she made on: Review of curricular and curriculum support materials for early childhood, primary and secondary education
'Thank you, Mr. Temporary Speaker, Sir. I want to appreciate the Chair for that comprehensive answer. We have also discussed it further within the Committee and we have gone through the report. So, I am satisfied with that response. Thank you.'

Date: 30th March 2016  
Member of Parliament: Sen. Agnes Zani  
Contribution she made on: Review of curricular and curriculum support materials for early childhood, primary and secondary education

'On a point of order, Mr. Temporary Speaker, Sir. A clear clarification needs to be done here. What Sen. (Prof.) Lonyangapuo asked is important. However, it is not what I asked for. He needs to come up with his own Statement about the change from 8-4-4 to another system. It is a discussion that started long after this statement was sought. This statement was about what counties are doing about ensuring that their curriculum reflects devolution. I have been answered the question as I asked. Secondly, the conference is taking place. To me, there was a confirmation yesterday and an invitation for the same.'

PAPERS LAID

Date: 10th March 2016  
Member of Parliament: Sen. Naisula Lesuuda  
Contribution she made on: Report of the Joint Parliamentary Committee on Broadcasting and Library on regulation of media activities within parliament

'Mr. Speaker, Sir, I beg to lay the following Paper on the table of the Senate today, 10th March, 2016:-Report of the Joint Parliamentary Committee on Broadcasting and Library on the Proposed Amendments to the Standing Orders of Parliament to regulate media related activities within the precincts of Parliament.'

Date: 17th March 2016  
Member of Parliament: Sen. Joy Gwendo  
Contribution she made on: Report of Commonwealth Women Parliamentarians’ Regional Capacity Building Workshop

'Madam Temporary Speaker, I beg to lay the following Paper on the Table of the Senate today, Thursday, 17th March, 2016:-

Thank you.’