NOVEMBER 2015, {SENATE HANSARD}

COMMUNICATION FROM THE CHAIR

Date 3rd November, 2015

Member of Parliament: Sen. Ong’era

Contribution She Made On: VISITING DELEGATION FROM HOMA BAY COUNTY ASSEMBLY

Sen. Ong’era: Yes, Mr. Deputy Speaker, Sir. Thank you for giving me this opportunity to welcome and congratulate hon. Members from Homa Bay County, which neighbours Kisii County. It gives me great pleasure to see Members of my neighbouring county in this distinguished House. I want to commend the County Assembly of Homa Bay for the great oversight role they are doing, particularly on matters pertaining to the management of resources in the government of Homa Bay, together with their distinguished Senator. They deserve all the accreditation. It is a shame that they have travelled all the way without allowances. I hope that this matter will be resolved soon, so that the counties can continue to do their work with enough resources.

Date 3rd November, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: VISITING DELEGATION FROM HOMA BAY COUNTY ASSEMBLY

Sen. Kittony: Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to join you in welcoming the distinguished delegation from Homa Bay County. They have an urge to learn and I think that this is the right place for them. They have come from far to learn from the Senate. I welcome them and wish them a good stay while in Nairobi and safe travel back to Homa Bay.

Date 3rd November, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: HEALTH STATUS OF CHILDREN MISHANDED BY MEDICAL STAFF IN BUSIA COUNTY

Sen. Kittony: Mr. Deputy Speaker, Sir, I have the supplementary information regarding the Statement to the Senate on the malaria outbreak in western Kenya and the inappropriate administration of the injectables in Busia County. This is the supplementary information requested as per the Senate HANSARD Report of 29th July, 2015.

(1) Efficacy of Artemether Lumefantrine for the treatment of uncomplicated malaria.

Through a collaborative effort with Kenya Medical Research Institute (KEMRI) and the Centre for Disease Control (CDC), the Ministry of Health conducts therapeutic efficacy trials every two years to check on the efficacy of anti-malarials. In 2014, data from two sites in high malaria burden areas (Kwale and Ahero) showed the efficacy to be 98 per cent. This is within the allowable limit for efficacy as set by the World Health Organisation (WHO). The management of malaria is carried out as per WHO guidelines and there are no plans to use Quinine for the management of uncomplicated malaria.

(2) Inappropriate administration of an injection. We established that the injection of Artesunate was made to the wrong site but was not injected into the nerve trunk because all the children that were affected recovered. Out of the 21 children that were referred to the Nairobi Hospital for further management, all of them were discharged for follow up and rehabilitation at the county
health facilities. It is expected that all children except one, will recover because it was partial paralysis.

(3) Similar errors committed in other counties. No similar errors have been reported in other counties. The Ministry has been in communication with other counties on mitigation measures to avoid a repeat of the error. The measures proposed include the revitalization of County and Sub-County Therapeutic Committees and the strengthening of the supervision of health workers on procedures being used on patients. The counties have also been alerted on the need to report any adverse drug reactions whenever they appear to the Pharmacy and Poisons Board, Ministry of Health.

(4) Qualification and training personnel who carry out injection procedures. Regarding qualification and training of personnel who carry out the procedures, we have established that personnel who gave the injection were trained to the level of Kenya Registered Community Health Nurse at diploma level. These officers were well qualified but probably lacked regular supervision on procedures and skills on injection administration. The Ministry has communicated to all counties on the need to enhance supervision. The Ministry has also issued guidelines and other relevant job aids to counties with the objective of ensuring that there is quality of procedures and that there is adherence to Standard Treatment Guidelines.

(5) Use of dichlorodiphenyltrichloroethane (DDT) for mosquito control. Traditionally, the Ministry has used pyrethroids for Indoor Residual Spraying (IRS) for mosquito control. Concurrent with their use, their efficacy as being monitored and due to resistance problems, the Government has since shifted to organophosphates under the advice from the World Health (WHO). This is currently being carried out in a few high malaria burden areas due to its high cost. DDT is persistent organic pollutant and its use has ramifications on the agricultural sector particularly with regard to exports. It is currently not an option for IRS since it could curtail agricultural exports, a major income source for our economy. Prevention of malaria is currently being undertaken through the distribution of Long Lasting Insecticide Treated Nets (LLINs).

The Statement was signed by James W. Macharia, the Cabinet Secretary for Health on 6th October, 2015. Thank you.

Date 3rd November, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: Health Status of Children Mishandled by Medical Staff in Busia County

Sen. Kittony: Mr. Deputy Speaker, Sir, I sympathise with what happened to the people of Busia. According to the Statement from the Cabinet Secretary, all of them except one were discharged. With your indulgence, we can still go back to the Ministry and raise the questions that have been raised, so that we could clarify further because I do not have the answers ready.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, in the Statement, I said that there is a follow-up to make sure that the children fully recover. As I said earlier, I sympathise with the whole situation. However, we will go back to the Ministry because the distinguished Senators have a reason to seek clarification. I
have undertaken to go further and pursue for more answers to be brought to this august House. Therefore, I am most obliged.

**Date 3rd November, 2015**

**Member of Parliament: Sen. Chelule**

**Contribution She Made On:** PRECEDENT SET ON THRESHOLD FOR VOTING IN THE SENATE VIS-À-VIS THE PROVISIONS OF THE CONSTITUTION AND THE STANDING ORDERS

**Sen. Chelule:** Mr. Deputy Speaker, Sir, I wanted your clarification on what Sen. Wetangula was talking about earlier, concerning how we do voting. I did not understand whether he wanted to tell us about what we are supposed to do today. That is the clarification I wanted to seek.

**Date 3rd November, 2015**

**Member of Parliament: Sen. Mugo**

**Contribution She Made On:** PRECEDENT SET ON THRESHOLD FOR VOTING IN THE SENATE VIS-À-VIS THE PROVISIONS OF THE CONSTITUTION AND THE STANDING ORDERS

**Sen. Mugo:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to voice my thoughts on this important Motion. To begin with, let me revisit a vote that was done in the Eighth Parliament when the entire opposition walked out- I was in the opposition - and the Government side went ahead, transacted business and passed the Motion or the Bill. So, there is a precedence that one side can walk out and the business goes on. Otherwise, they will hold the country to ransom, which is what they are trying to do.

No, Mr. Deputy Speaker, Sir. So, I urge you that since the question that you were asked to decide on was whether only one side can make decisions; if one side decides to walk out because they are scared of the vote, then it is up to you to rule that the side that remains as long as there is quorum, are legally or constitutionally empowered to continue with business.

**Date 3rd November, 2015**

**Member of Parliament: Sen. Mugo**

**Contribution She Made On:** PRECEDENT SET ON THRESHOLD FOR VOTING IN THE SENATE VIS-À-VIS THE PROVISIONS OF THE CONSTITUTION AND THE STANDING ORDERS

**Sen. Mugo:** Thank you, Mr. Deputy Speaker, Sir. My second point which has been laboured to a large extent, I hate to be repetitive, but just to also stress that the quorum is in Article 121 of the Constitution. The Senate quorum is 15 members and one cannot change that for their own convenience. The quorum remains a quorum. I believe a quorum means you can transact any business once you have a quorum.

Mr. Deputy Speaker, Sir, thirdly, it has been belaboured that, always, we keep on voting on Motions for political expediency. I would like to say that nobody shows that more than the Opposition, especially when they keep on abusing the Government. If it is a Motion to do with Government, they do not see anything good in it. They really have to hammer and use all kinds of abusive words, lying and stealing. We take it all. So, if it is political expediency, then the Members of the Opposition are the masters of that expediency. I support what has been said by Sen. Murkomen, Sen. Keter, Sen. Wamatangi and I would not want to be repetitive.

**Date 3rd November, 2015**

**Member of Parliament: Sen. Elachi**
**Contribution She Made On:** PRECEDENT SET ON THRESHOLD FOR VOTING IN THE SENATE VIS-A-VIS THE PROVISIONS OF THE CONSTITUTION AND THE STANDING ORDERS

**Sen. Elachi:** Thank you, Mr. Deputy Speaker, Sir. During the voting on Kiala’s case, I was the one who really insisted to ensure we stand and continue with the precedence we had set in the House. Therefore, we cannot vote without ensuring we have the numbers of delegations we had agreed on as Senate. At the same time, it will be very unfortunate for us to only realize at this time that we need to stick to our rules just because of the convenience of what we have done through this other Motion of the Presidential veto.

Mr. Deputy Speaker, Sir, going forward - because we need to ensure we have all these things in law - either within our Standing Orders, we need to do an amendment that will show us that when we have a veto for the President, this is how to deal with that situation. The Senate Minority Leader has brought in the issue of procedure which is correct because we now need to move on from that precedence to understand that when we have a veto - I think it will be important for us to put it in our Standing Orders. The most important thing we need to ask ourselves is what we will do with Article 123. Article 123 (4)(a) and (b) alludes to the fact that while you designate that vote of your county, and when we call, for example, the women who have been elected through the party list to come and stand in as Members of the delegations, when we call upon the women who were nominated through the party lists to stand in as Members of the delegations, and I hope that the Speaker will tell us in black and white, there is provision that says that we should designate in writing. This was our own making and we thought it was important. We need to follow the law.

For example, if there is a delegation from Nakuru County and the Senator for Nakuru says that Member X will stand in for my delegation, no one has to question why Member X of Nakuru delegation is voting. The most important thing is that while you do your ruling, we must also finalize the issue of delegations and how they vote, so that next time we do not question ourselves, yet we know that the law is very clear. As long as the head of the delegation has decided on a specific person to be voting on their behalf, they do not need to write letters every time.

Our Standing Orders go beyond and say if we do not agree then the delegation can decide not to vote on the issue. It does not say that you must either be on the minority or majority. It says that if that delegation or county- That county vote is very critical because that issue may be affecting one county, but the other counties might be comfortable. The delegation of that county may decide not to vote or support the issues. We need to ask ourselves how to deal with this. If we do not manage the different delegations, at one point, we will end up in mess.

As the Chair rules, we also need to come up clear on the issue of delegations. If there is need for a letter, let it be a letter for five years until the end of the term. The leader of delegation should not be writing a letter for every Motion. Members from a particular county all work for that county. I believe the people of that county see all of you as their leaders. We need to also canvass, agree and ensure that delegations work in harmony.

Mr. Deputy Speaker, Sir, it was, unfortunate, that we were going on Division---

**STATEMENTS**

Date 3rd November, 2015

Member of Parliament: Sen. Sijeny

**Contribution She Made On:** STATUS OF KAKAMEGA-KABURENGU-WEBUYE ROAD
Sen. Sijeny: Mr. Speaker, Sir, Sen. (Dr.) Khalwale requested for a statement from the Chairperson of the Standing Committee on Roads and Transportation, regarding the status of Kakamega-Kaburengu-Webuye Road. The questions were as follows:

1. When the construction works officially started and when the project was supposed to be completed.
2. What percentage of works has been completed to date and how much money the contractor has been paid, so far.
3. What the original budgeted cost of the project was and the reason for the delay in completion and indicate when the project will be completed.

I beg to reply as follows:
The project commenced on 1st April, 2013 and was set for completion on 31st March, 2015.

Date 3rd November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: STATUS OF KAKAMEGA-KABURENGU-WEBUYE ROAD

Sen. Sijeny: Mr. Speaker, Sir, I beg to reply as follows.

1. The contractor has achieved 2.36 per cent of completion of works and Kshs265,616,083.17 has been certified and paid to him. The original budget for the project was Kshs 2,505,925,536.66.
2. The reasons for the delay in completion were due to inadequate and late mobilization of equipment and personnel by the contractor, the apparent cash-flow problems by the contractor and the litigation entered into by the contractor after he was issued with a notice of termination. In the likely event that the litigation is resolved by December, 2015, then the project will be completed in December 2018. There was a further clarification sought out by Sen. Wetangula who is not in the House. So, I will leave it out.

Date 3rd November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: STATUS OF KAKAMEGA-KABURENGU-WEBUYE ROAD

Sen. Sijeny: The Senator for Bungoma, Sen. Wetangula, requested for supplementary information from the Chairperson of the Standing Committee on Roads and Transportation regarding the status of construction of Kakamega-Kaburengu-Webuye Road as follows:

1. Whether it is true that the contractor who was contracted to construct this road has abandoned it.
2. Why most of the roads in the western part of Kenya, which were started in the last regime of President Kibaki, have stalled.
3. Why all other roads promised under the Annuity Programme have never taken off.

I beg to reply.
It is true that the contractor of the Kakamega-Kaburengu-Webuye Road has abandoned the works due to cash-flow problems, which led to litigation in court, after which, he was issued with a notice of termination. The Government understands the crucial role infrastructure plays in bringing development in the whole country. As such, it is not only roads in Western Kenya which have stalled, but also in other parts of the country. This is because of the financial challenges involved in accommodating and accomplishing all the projects initiated. However, the Ministry is trying to give priority to major roads as it finds ways to also continue financing other stalled projects within the limited budget.
Tenders for approximately 3,000 kilometres - Phase I Annuity Roads – were processed. Four hundred and thirty five kilometres were fast-tracked for Cabinet approval, pursuant to Public Procurement and Disposal (PPD) Act. Although all the 435 kilometres lots had positive value for money, concerns were raised on fiscal affordability, under the Medium Term Expenditure Framework (MTEF) Budget. Therefore, some of the 3,000 kilometres have been repackaged as designed projects and will be developed using low volume seal roads technology. The Ministry intends to develop some of the 435 kilometres as pilot PPD projects, provided affordability and unit cost targets are achieved for construction and financing.

**Date 3rd November, 2015**

**Member of Parliament: Sen. Elachi**

**Contribution She Made On:** STATUS OF KAKAMEGA-KABURENGU-WEBUYE ROAD

**Sen. Elachi:** Mr. Deputy Speaker, Sir, could the Chairperson tell us whether the national Government agreed with the contractor that when he leaves the site, the contractors who started from the Kisumu to Kakamega will take over? Are the funds from the World Bank allocated for the road still available or have they been diverted to another road?

**Date 3rd November, 2015**

**Member of Parliament: Sen. Sijeny**

**Contribution She Made On:** STATUS OF KAKAMEGA-KABURENGU-WEBUYE ROAD

**Sen. Sijeny:** Mr. Deputy Speaker, Sir, I have heard the further clarifications sought for by various Senators. I concur that the best way to go about it is to invite the Cabinet Secretary, Ministry of Transport and Infrastructure, to come and answer the statements sought for. We had done that in the past. We were to follow up, but there was a change of guard in the Ministry. That is why the process of calling for another meeting stalled, but we, as a Committee, will follow up. I promise within two weeks’ time, we shall have fixed a date for the meeting so that Senators who wish to seek any clarification can do so.

**Date 3rd November, 2015**

**Member of Parliament: Sen. Sijeny**

**Contribution She Made On:** STATUS OF KAKAMEGA-KABURENGU-WEBUYE ROAD

**Sen. Sijeny:** Mr. Deputy Speaker, Sir, I was definitely going to do so. Everything is in the HANSARD. Even as we seek clarification on statements from the Ministry, we can tackle what we can. If this particular Committee had requested of the Ministry of Transport and Infrastructure before and they gave us a detailed report on every road; for example, who were the contractors and how much money was spent. This is now a follow up. If you look at---

**STATEMENTS**

**Date 4th November, 2015**

**Member of Parliament: Sen. Sijeny**

**Contribution She Made On:** STATUS OF KAKAMEGA-KABURENGU-WEBUYE ROAD

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PETITIONS

Date 5th November, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: CHALLENGES FACING HEALTH SERVICES IN UASIN GISHU COUNTY

Sen. Wangari: Mr. Deputy Speaker, Sir, I also want to join my colleagues in noting the importance of this Petition and also add my voice to say that, that issue is not only in Uasin Gishu County. We are doing very badly if we compare ourselves, as Sen. Mutula Kilonzo Jnr., has said, with the Abuja Declaration. We are not treating this issue with the importance that it deserves. We have had many complaints especially with the workers’ unions, doctors and nurses. We have not come up with a solution. I want to join my colleagues in asking that from your direction, the Committee on Health does an in-depth analysis of the issues bedeviling this sector. The issue of diversion of funds that are going to Level 4 and Level 5 hospitals by the counties must also be investigated. When some money is given for a certain hospital, does it go there or do we have some county governments taking the money elsewhere? Even with the Committee on
Labour and Social Welfare, we have had these issues coming to the fore. The other issue is on the narrative which has been created. As we look at the issues, we also need to do a thorough analysis of the unions. I am not saying that the unions are not doing what they are supposed to do, but we need to know whether there is a deliberate effort to portray the health sector as not working; to be able to fuel that narrative that has been advanced by the National Assembly that we need this function to go back to the national Government.

Date 5th November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: CHALLENGES FACING HEALTH SERVICES IN UASIN GISHU COUNTY

Sen. Sijeny: Mr. Speaker, Sir, I also wish to congratulate the petitioners. If these are the real relevant caregivers, it shows they are concerned about their area of specialty, especially the health of mwananchi, “Wanjiku”.

The issue of losing lives cannot be prevented in the name of fighting for supremacy, that is who should be in-charge of what. Let all the parties concerned, whether it is the national or the county governments ensure that the lives of Kenyans are protected and all resources are provided for adequately. We cannot afford to be losing people. Losing women and their unborn children is very sad. I hope this matter will be investigated to the letter.

Date 5th November, 2015

Member of Parliament: Sen. Kanainza

Contribution She Made On: CHALLENGES FACING HEALTH SERVICES IN UASIN GISHU COUNTY

Sen. Kanainza: Mr. Deputy Speaker, Sir, I also rise to appreciate the Petition that has been brought by the nurses and health officers from Uasin Gishu. It is high time that the Committee on Health looks into matters concerning health in a broad and comprehensive way. When the Committee eventually brings a report to the House, we shall debate it and solve some of the issues that keep arising. There are many cases of patients dying in hospitals. I even sought a Statement regarding such an incident and I am still waiting for the final answer from the Committee. In the news today I heard that we have lost another woman who was in the process of giving birth. It is important that the Committee addresses these matters comprehensively. Since health care is a devolved function, it is important that the national Government and the Ministry of Health invest properly. Governments in developed countries invest about 45 per cent of their budgets in health, whereas our Government allocates a very small percentage. We also need to invest in research so that we can have a healthy country. Equally, enough funds should be allocated to the county governments not only in as far as the health function is concerned, but also other functions. These monies should be sent to the counties at the right time. More often than not, we have delays in the release of funds. That is why doctors and other civil servants demonstrate or engage in go-slow. I support the Petition.

Date 5th November, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: CHALLENGES FACING HEALTH SERVICES IN UASIN GISHU COUNTY

Sen. Kittony: Mr. Speaker, Sir, allow me to join you in welcoming the delegation of members of staff from the Parliament of Mozambique and to tell them to feel at home and enjoy the City in
the Sun and Kenya at large. When they go back, they should take our greetings to their country. Thank you.

Date 5th November, 2015

Member of Parliament: Sen. Kanainza

Contribution She Made On: CHALLENGES FACING HEALTH SERVICES IN UASIN GISUH COUNTY

Sen. Kanainza: On a point of order, Mr. Deputy Speaker, Sir. I just want to correct Sen. Murkomen. The money being collected is not for the good of the Government because we know what is happening at the moment.

Date 5th November, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA

Sen. Kittony: Thank you, Mr. Temporary Speaker, Sir. I support this Motion and I congratulate the Mover, Sen. (Prof.) Anyang’-Nyong’o for finding it fit to bring this Motion for deliberation this afternoon. I am particularly happy having known Kipchumba from his background because, like him, I come from Baringo District. I know him right from his home and I know he is still a fighter. If he were somebody else, he would have been reluctant, though he is disabled and unable. However, the courage that he got from the Almighty God has taken him to this great recognition by the UNICEF as a hero for fighting for those who need help. I join the Mover of the Motion to congratulate Sen. Harold Kipchumba for this great award. If some of us did not recognise what Sen. Harold Kipchumba did, the UNICEF has done. God has also done it for him. He is a man who has lobbied and worked hard. In many occasions, he does not give up. It is unfortunate that we lost him in this House through means that some of us did not understand. He was a good debater, but unfortunately, those who nominated him denied him the chance. I wish we still had him in this House. However, that is what we call the selfishness of greed. Wherever Kipchumba is---

Mr. Temporary Speaker, Sir, I know it was a court process, but those who nominated him should have helped him to continue being a Member of this House. I am sorry, it was a slip of the tongue.

Date 5th November, 2015

Member of Parliament: Sen. Kanainza

Contribution She Made On: COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA

Sen. Kanainza: Mr. Temporary Speaker, Sir, may I inform Sen. Kittony that Sen. Njoroge had already confirmed that he is the one who played a role in the removal of former Sen. Kipchumba.

Date 5th November, 2015

Member of Parliament: Sen. Kittony
**Contribution She Made On: Commendation To Sen. Harold Kipchumba for Being the 2015 United Nations Person of the Year and For His Efforts in Support of Mass Immunization Campaigns in Kenya**

**Sen. Kittony:** Mr. Temporary Speaker, Sir, I said in spite of all these, he is still a hard working person. I engage with him on many occasions. We come from the same home area. He means well. I have commended the Mover of this Motion because if he was not recognised by his party, God through the UNICEF has awarded him, which we now celebrate. I join the Mover and the other Members that we miss him in the Senate. I must say that because for the short spell that he was here, he proved that he had ability. Wherever he is, I know he is the pride of his family and this country and a challenge to those of us who do not consider such kind of people. Disability is not inability. Therefore, we should also recognise others for their contribution.

On many occasions I have talked with him, he has always said: “I wish people knew what I have gone through. I wish all mothers of Kenya would take their children for vaccination.” He is a very good teacher and campaigner. He is involved in campaigning against those who do not take their children for vaccination. His campaign for people to take their children for vaccination would have made our work, as the Committee on Health, easy.

Mr. Temporary Speaker, Sir, with those few remarks, I congratulate former Senator Harold Kipchumba for the effort. I also wish him the very best in his endeavours as he continues to champion and lobby for the eradication of Polio in this country. Mr. Temporary Speaker, Sir, I beg to support.

**Date 5th November, 2015**

**Member of Parliament: Sen. Lesuuda**

**Contribution She Made On: Commendation To Sen. Harold Kipchumba for Being the 2015 United Nations Person of the Year and For His Efforts in Support of Mass Immunization Campaigns in Kenya**

**Sen. Lesuuda:** Thank you, Mr. Temporary Speaker, Sir. I know speaking after Sen. (Dr.) Khalwale, a medical practitioner, is not very easy. First, I would like to commend Sen. (Prof.) Anyang’-Nyong’o for bringing this very important Motion before this House. I also congratulate Sen. Harold Kipchumba who was one of us in this House for the exemplary work that he has done and continues to do until he has been recognized as the 2015 UN Kenya Person of the Year. I would like to thank Sen. Mutahi Kagwe for what he said, that it is not very often that we celebrate the work that Kenyans do while they are still alive or here at home. We celebrate them much later after they are long gone and most of them are celebrated outside the country. So, this is a very important Motion.

Mr. Temporary Speaker, Sir, it is important to look at the issues surrounding the reason why Mr. Harold Kipchumba was given this award. I would also like to commend him. After he left this House, he did not wallow in self-pity but he went out for a cause that has changed lives. Those children who have been vaccinated will be forever grateful to their parents for heeding the call and also to him for raising awareness about vaccination.

Mr. Temporary Speaker, Sir, Mr. Kipchumba turned the situation when he was outside this House. The world gave him lemon and he made lemonade out of it. He has made a great impact in our country. We celebrate him. There are also other Kenyans who have continued to do enormous work. I do not know whether it is a coincidence; they are all working towards issues of children. For example, our First Lady, Margaret Kenyatta, who is the United Nations Person of the Year, is addressing issues of maternal health. We also have a lady from my county, Ms.
Josephine Kulea, who is raising awareness on early marriages which is also an issue on children. It is a good thing, as a country, if we can invest and focus on the generations to come, to ensure that we have a healthy society, a society that gives children equal rights, both girls and boys. We should also ensure that we let Kenyans know that disability is not inability. I thank Kenyans for voting for this Constitution. For the first time, there is something we pride ourselves in. In the National Assembly and the Senate, we have people who sit in this House something that has not happened before, specifically and targeted that we have persons living with disabilities who are also represented in this House. That is why even Mr. Harold Kipchumba was in this House. They have continued to show they are good debaters in what they discuss in this House through the Motions that they bring. Even across the world, it is something that Parliament and Kenya in general is celebrated.

Mr. Temporary Speaker, Sir, the issues that have been raised in this Motion are pertinent. First, it is important for us to thank those who saw the ability in Mr. Harold Kipchumba, the Ministry of Health for appointing him to be their goodwill ambassador. I am challenged since the Ministry of Health also made me the ambassador on trachoma; this is a wake-up call for me to do a little bit more because beyond the responsibilities that we have, there are other things that we can do for this country to make sure, just as somebody had asked; what is it that we do beyond the work that we are mandated to do? With the positions and the platforms that we have, how do we use them to create awareness? How do we use them to ensure that we leave a legacy in this world beyond the debates, Bills and everything else that we do? How do we directly impact on our communities to ensure that there are better lives for Kenyans and humanity in general?

Secondly, I would like to raise an issue about the whole aspect of getting this information out to the public. For those of us who were brought up by informed parents, and this information was easily available and accessible to them, issues of immunization do not even look like an issue because it is something which we know it is a right and that at a certain age or stage, a child is supposed to be immunized. However, we also definitely know that this message has not reached every part of this country. There are many parents and children who are suffering in the remote areas of our country because we have not reached out to them. Just as we must take the gospel to the unreached, this is a gospel that we must continue to get out. We should get creative ways of getting it to the intended people.

Mr. Temporary Speaker, Sir, I would like to commend those who run this campaign because achieving 93 per cent polio immunization just within a month is not an easy task, especially if we are considering it across the country. Every time you could hear them on radio stations; I am sure that they also used the local radio stations. We should continue spreading this message. It does not have to be just during a specific time; that it is only in August. It has to be continuous. Information has to continually get to the people.

Mr. Temporary Speaker, Sir, even in the framing of this Motion, it is clear that we are dealing with deeply rooted issues; taking into consideration religion and culture. There are some communities which do not believe in this. Therefore, it will take a lot of effort to convince these communities, families or individuals that immunization is important.

We commend UNICEF and WHO for the work that they are doing. We have many at times in the Press and even among our communities seen that those who were not privileged to go through immunization so that they are healthy and able to go about their jobs just as everybody else, most of the time the parents and the communities then would want to shun these children and people from the community. We have seen them being locked up, chained and so on. It is my appeal to all of us to show that those people are useful in the society. There is nothing that
we can do to change now but Sen. Harold Kipchumba has shown that: “Yes, I had polio, I am not bitter, still very capable of having my own family and running my own businesses of even sitting in this Chamber as a Senator.” This is something that we must continue to do so that our people reach their full potential despite their disabilities. There are many other issues that people living with disabilities are going through that we also have to think about. We have to think about how we treat them, whether we make life easier or difficult for them or do we integrate them and live with them in our society as people who also have equal rights. I do not want to say much but to congratulate and commend the many efforts that our professors and doctors are doing to ensure that we have medicine and vaccinations. We know that Kenya has always been a hub of research, for instance, the Kenya Medical Research Institute (KEMRI) has always been a place where a lot of good work has been done. I also want to echo the sentiments of the Mover of the Motion who said that most of the great institutions that we have --- There is just something that corrupts us, as a people. We hope that those who work in these institutions will continue to uphold their integrity and the job they do because it is a very important and significant job, not just for us, as a country, but also putting us on the world map to be known that we have the best researchers, and that we are coming up with different vaccines. We know what we were able to do with malaria. I hope that we can continue to do it, so that we can take care of our children. In conclusion, that is the only way that we can have a healthy and wealthy nation.

Date 5th November, 2015

Member of Parliament: Sen. Kisasa

Contribution She Made On: COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA


Bwana Spika wa Muda, wengi wakishusia nazo zaidi kwa sababu kama nazo zaidi wakati waliokaa nyumbani, nilivyosema kwamba tafadhali wataobwona tena nazo zaidi. Tulishindwa wakati wa kutima, msisini kama hivyo, wataobwona tena nazo zaidi. Wataobwona tena nazo zaidi.

Sen. Kanainza:

Mr. Temporary Speaker, Sir, thank you for giving me this opportunity. I will start by appreciating Sen. (Prof.) Anyang’-Nyong’o for showing how proud he is to be Kenyan. This is not the first time he is bringing such a Motion. I remember in the last Session, he also brought a Motion to appreciate our heroes in the country. Former Sen. Kipchumba is a special person to us, as Members of the Senate. That is why we are giving him special recognition. We celebrate heroes in this country, and we celebrated a number of people on 20th October to mark the Mashujaa Day. I remember the contributions of Sen. Kipchumba while he was serving as a Senator for that short time. He was an intellectual and did his job in this House very well. We also appreciate that even after he left the Senate, he has continued to serve this country in a special way and for the good of the country.

He has instrumentally engaged the public in the immunization campaign. He has advocated and identified 15 polio survivors. Through this, he has encouraged all of us. If such a person can do
such a thing, why can we not also emulate and do more because we have better ability than him? He was a Member of our party, and I believe he is still a member of ODM. We truly miss his contributions in the House, but at the same time, celebrate him because of the contribution he is making to this country. The United Nations Children’s Fund (UNICEF) has recognized his work. As Sen. (Prof.) Anyang’-Nyong’o was going through the Motion, I remembered a small Muslim boy who made a homemade clock which was suspected to be a bomb and he went with it to school. He was arrested but the President of the United States of America (USA) invited him to the White House, just to show his innovation. It is a challenge to our country and our county governments. Sometimes this year, there was a young boy from Kitale who came up with an innovation of a helicopter. What are we doing to ensure that our young innovators are encouraged and given the best facilitation, so that we keep on having people who can bring a difference and change in our country?

Mr. Temporary Speaker, Sir, immunization and vaccination touch on the Ministry of Health. We are aware that it is a devolved function. It is time that the national Government together with the county governments looked into the best practices in health, so that we do not have such cases. As I said earlier on the petition, we should invest more in research so that we can enhance vaccination to prevent ourselves from avoidable disabilities due to polio or having complications because of wrong immunization or wrong medication for Tetanus.

In conclusion, I propose that as the Senate, we need to come up with an immunization law so that this issue is properly covered in law. By having a law on immunization, we shall ensure that our children get the right to immunization and vaccination. At the same time, it will encourage our parents and those who have certain religious beliefs that immunization is not good. We should put in place legislation requiring that for a child to be admitted to Class One, for example, she or he should have a vaccination certificate. This will ensure that all children between the ages of 1-5 are vaccinated, so that we do not have these problems.

Sen. Kipchumba was born a normal child, just like Sen. Njoroge. But because of this challenge, they suffered polio and that is why they have their current condition. Just as we are celebrating Sen. Kipchumba, let us think of having an immunization law, so that our children are granted the right they deserve. The UNICEF, a United Nations (UN) Agency and the WHO have done their bit by recognizing Sen. Kipchumba Harold – not Sen. Murkomen.

Date 5th November, 2015

Member of Parliament: Sen. Kanainza

**Contribution She Made On:** COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA

**Sen. Kanainza:** I almost said “Sen. Kipchumba Murkomen.” The UNICEF and WHO have recognized him and it is time we appreciated the usage of the vaccines that are produced by WHO and procured by UNICEF. They have proved to be safe and effective. The UNICEF has done its bit. It is time that the President of this country together with the Committee that recognizes heroes awarded Sen. Kipchumba with the Order of the Golden Warrior (OGW) because of the good work he has done. I believe that all of you concur with me---

Date 5th November, 2015

Member of Parliament: Sen. Lesuuda
**Contribution She Made On:** COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA

**Sen. Lesuuda:** Mr. Temporary Speaker, Sir, I want to inform my sister that he does not need to get the Order of Golden Warrior; there are other higher commendations. We will be looking to see whether he will be among those who will be commended on 12th December.

**Date 5th November, 2015**

**Member of Parliament: Sen. Kanainza**

**Contribution She Made On:** COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA

**Sen. Kanainza:** Thank you, Sen. Lesuuda for informing me. That just confirms that the Government should consider giving Sen. Kipchumba the highest award in the country, which is the Order of the Golden Warrior. As Senators and Kenyans, let us live to make a difference in our country. I support the Motion.

**Date 5th November, 2015**

**Member of Parliament: Sen. Elachi**

**Contribution She Made On:** COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA

**Sen. Elachi:** Thank you, Mr. Temporary Speaker, Sir. I thank the Senator of Kisumu County. I also join my colleagues to thank the former Sen. Harold Kipchumba. Mr. Temporary Speaker, Sir, during the 70s, this country went through a seriously rough time of trying to obtain a polio vaccine. I also thank Sen. (Prof.) Anyang’-Nyong’o because of the serious campaigns on polio and other vaccines while he was the Minister for Health. Today, as we speak, I thank Kipchumba because of the heated vigorous campaign around the country for the last one-and-half years. It has seen many parents understand the importance of polio vaccine. To date, you find in rallies, weddings, funerals and other social functions, that there are medical health workers going round making sure that every child below five years is vaccinated.

Mr. Temporary Speaker, Sir, we also thank the First Lady and many others who have done tremendous philanthropic work for this country. We thank those who have stood firm in other fields by safeguarding children, youth and women. It is time we recognised such people. In the United States of America (USA), during the breakfast prayer day, all the heroes and heroines are brought together to be commended. They are the ones who give speeches to the rest of the congregation. I wish one day in this country, we will ensure that those who bring in changes to lives of others are given an opportunity to give their story so that other people can emulate and join their cause.

Former Sen. Kipchumba wished that one day while in leadership, he will transform the lives of many people. Having left the Senate, he continued with his dream regardless of what he went through. Today, people look at him beyond what people would have imagined of him in the Senate. I thank him for having stood firm in what he believed in. As a Senate, we have always prayed for him. We know he is doing a tremendous job for this country. Now that he is doing that job, it is much better because it makes him work across the board. It does not tie him into a political context where he has to do work because of Jubilee or Coalition.
for Reforms and Democracy (CORD). We thank him for having stood as a nationalist. He is doing the best for Kenyans.

Mr. Temporary Speaker, Sir, the United Nations (UN) has proposed that one of the Sustainable Development Goals (SDGs) is to ensure that maternal and reproductive health is sustained in the countries. We should not let our children suffer from Polio or any other disease which they can be immunized against.

Mr. Temporary Speaker, Sir, in the news this morning – I was just sharing with my colleague, Sen. Lesuuda – there was a clip about bats in Kisii County. There were about 40,000 of them that were perched on a tree---

Please do not laugh because this is not a laughing matter. These bats could end up carrying Polio in a different way. It may not be the Polio, that we know, but any other disease that we do not know about or even Ebola. One of the persons who were interviewed under that tree said that – it was very interesting – recently, he was standing under the tree and a bat urinated on his head. I am sorry to say that. He went on to say that after that, there was a serious sore on his face. He has been going to hospital, but doctors are unable to treat the condition. The officer in charge of the environment, who is supposed to state whether or not the bats are a health hazard or could cause serious health hazards to the community, said that he will ensure that they are preserved as a tourist attraction. I was very shocked and wondered whether this is happening in Kenya. The officer said that the bats can eat up to 10,000 mosquitoes in one night.

Date 5th November, 2015

Member of Parliament: Sen. Elachi

**Contribution She Made On:** COMMENDATION TO SEN. HAROLD KIPCHUMBA FOR BEING THE 2015 UNITED NATIONS PERSON OF THE YEAR AND FOR HIS EFFORTS IN SUPPORT OF MASS IMMUNIZATION CAMPAIGNS IN KENYA

**Sen. Elachi:** Mr. Temporary Speaker, Sir, we need to remind ourselves about the 1970s when Polio was a serious threat and we have managed to contain it. Experienced medical health officers must be taken to Kisii and find a way to deal with those bats. I agree with Sen. Okong’o that is a very dangerous issue. If we are not careful, we may be faced with a very serious disease outbreak in Kisii very soon. To make the matter worse, the county governments chased away experienced officers and employed quacks simply because they are from their counties. We shall face a very serious outbreak.

Mr. Temporary Speaker, Sir, let me rephrase what I said. I meant that counties released very senior officers who would have worked professionally for them and employed those from their counties. That is something that this Senate must look at to ensure that professionals are brought back.

Mr. Temporary Speaker, Sir, I am requesting the Ministry of Health to look at that issue. As we look at these others, we do not want to celebrate that we have finished what Mr. Harold Kipchumba has done for us and then find ourselves in another situation, where we will start ---We do not even know whether there are students carrying out research. I wish that we could start from that level and have students carry out research to find out the consequences of having such a colony of bats in a place. As we celebrate this, let us urge many others to come in and support Mr. Harold Kipchumba. We want to see different campaigns rolled out. There is polio, tuberculosis, malaria and many other tropical diseases that affect this country. When, for example, the First Lady gives out those mobile clinics, we want to see the results. We want to
hear people say that those mobile clinics have helped them. We also want to see data that shows that the number of maternal and infant deaths is on the downward trend.

Mr. Temporary Speaker, Sir, I know that the real data in polio indicates that we have reduced by far the number of those who are affected by polio. That is why Mr. Harold Kipchumba won that award. He has made Kenya proud and we must celebrate him. We hope that in December, he will receive the highest award from the country and Government for the sector of health for having stood firm for the children who are five years and below. That is the age where many children face different challenges and many of them suffer polio and many other diseases.

As I support, let me salute Mr. Harold Kipchumba. In the Senate, we are, indeed, proud that you were one of us and you are still one of us because the title remains that you will always be a Senator. For once, let us move out. I hope that Sen. Njoroge and Sen. Omondi will support him in terms of ensuring the polio campaign and other campaigns for people living with disability are sustained. We even have albinos and many other forms of disabilities. I think they have a very critical job and that is why the Constitution gave them the opportunity to be in Parliament. I hope that they will take this chance and ensure that before they leave this House, they will ensure that we have passed critical Bills, not just in the Senate but also in the National Assembly to support people living with disability and ensure that their voices are heard.

Today, they cannot stand out there and say that they are still marginalized because they are now right inside the decision making organ. They must stand up and fight for their people. While we also stand and fight for them, they are the wearers of the shoe and understand better the pain that people with disability go through. However, we always believe that disability is not inability. Therefore, given an opportunity, we know they can also join the force to transform this country. As he moves on, we wish him well together with his son. I remember the last time he was leaving, his son was sick in hospital. I believe that that young man has since healed and moved on with his life. With those few remarks, I beg to support.

Date 10th November, 2015

Member of Parliament: Sen. Elachi

Contribution She Made On: STATUS AND PERFORMANCE OF THE LEATHER INDUSTRY IN KENYA

Sen. Elachi: Mr. Speaker, Sir, I thank the Vice Chairperson for the response. There are key issues that I wish to raise. First of all, when the Ministry tells us that the whole sector has been liberalised, which we agree, is the situation such that the Government or the Ministry cannot manage this sector which involves quite a large number of Kenyans who are pastoralists in terms of understanding those who are exporting? Do we have any partnership with the countries that buy this product? If we do, it is time we had sort of a capacity building to ensure that the small and medium-sized enterprises (SMEs) can copy whatever the countries that are exporting this product do and do it in our country.

The other thing is that when you talk of Bata today, I think most of the Bata shoes that we wear come from China. When you tell SMEs that 34 million pairs of shoes are manufactured in our country and then 28 million is a waste and yet we have flooded the same country with all these shoes, where will they sell their products? What incentive have we given them to ensure that the cost goes down so that Kenyans can also afford to support their own?

Lastly, we cannot talk about waste management while we know that the same countries that are buying this product have technological ways of dealing with their waste. Can we import the same technology to ensure that we deal with our waste management? These are key issues that they
need to tell us. Why do we have an authority that has been underfunded by our Government, if we know that this sector is taking care of small entrepreneurs?

**Date 10th November, 2015**

**Member of Parliament: Sen. Sijeny**

**Contribution She Made On:** CONSTRUCTION OF KAKAMEGA-KABURENGU-WEBUYE ROAD

**Sen. Sijeny:** Mr. Speaker, Sir, we communicated to the relevant Cabinet Secretary about Sen. (Dr.) Khalwale’s request on the road to Kakamega, of allocating at least Kshs5 million to repair the road---

We have written but not received the answer. We have sought a meeting on Thursday. With your permission, we could report to this House on Tuesday next week.

**COMMUNICATION FROM THE CHAIR**

**Date 10th November, 2015**

**Member of Parliament: Sen. Ongera**

**Contribution She Made On:** VISITING DELEGATIONS OF MCAs AND STAFF FROM VARIOUS COUNTY ASSEMBLIES

**Sen. Ong’era:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. First of all, I would like to thank your office and the Office of the Clerk for setting up this elaborate programme of training members and staff of the county assemblies. Just like our leader of Delegation, Sen. Obure, said, I am also very delighted to see Members of the County Assembly of Nyamira, which is the sister county to Kisii County. I am happier to see that they are led by the hon. Speaker of Nyamira County, hon. Joash Nyamongo. I ask the Members to learn diligently from what the Senate offers, because it has set up elaborate programmes, which will offer solutions to issues in devolution, particularly their oversight role. Thank you, Mr. Speaker, Sir.

**Date 10th November, 2015**

**Member of Parliament: Sen. Lesuuda**

**Contribution She Made On:** THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)

**Sen. Lesuuda:** On a point of order, Mr. Temporary Speaker, Sir. I want to raise the fact that Sen. Boy Juma Boy was seated on this side. Also, is it right for the Senate Minority Leader to insinuate - since we vote using these machines in this House – that anyone in this House is actually a machine? It is Senators who sit in this House.

**Date 10th November, 2015**

**Member of Parliament: Sen. Ongoro**

**Contribution She Made On:** THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)

**Sen. Ongoro:** On a point of order, Mr. Temporary Speaker, Sir. Is the hon. Senator in order to mislead this House and the nation and to interrupt presentation of facts by an hon. Senator who has gone to the extent of presenting facts? Is he in order not to counter those facts by another set of facts when we have the real facts before us?

**Date 10th November, 2015**
Sen. Ongoro: Mr. Speaker, Sir, this is a legislative Chamber. What the Senate Minority Leader was presenting here were facts. We are aware that we are under the Jubilee Administration. I thank Sen. Kagwe for admitting that there is corruption. That is very good. What Sen. Wetangula presented here was a list of 350 appointments. He stated that 97 of them were from one community and another 67 were from another community yet we are 42 communities. In his opinion, he went on to state that this is a recipe for corruption. What we needed to hear from the other side is not argument for argument’s sake. If we are presenting facts which are not true, then present contrary facts which are true. The whole list was in the newspapers. The Jubilee Administration is the executive and the buck must stop with them. It is not the CORD coalition that made those appointments. Is he in order to keep misleading Kenyans and this House? 

Date 10th November, 2015

Sen. Lesuuda: Mr. Temporary Speaker, Sir, with all due respect to Sen. Wamatangi, Senator for Kiambu, I do not see why the word “favour” is a problem. It could be favour from God, because geographically, Kiambu is so near to Nairobi and so on. It could be a favour of any form.

Date 10th November, 2015

Sen. Ongoro: Mr. Temporary Speaker, Sir, honestly, I was quite shocked that the Senator for Kiambu should complain. When we use negative adjectives, he complains. When we are now using very positive adjectives, he is complaining. What will he not complain about? What is wrong when he is told that the words “blessed” and “favoured” are one and the same? Kiambu is favoured and blessed. We can describe it with all the other positive adjectives we know of. Thank God and thank us for bringing it to the fore.

Date 10th November, 2015

Sen. Elachi: Thank you, Mr. Temporary Speaker Sir. I also rise to support this Bill bringing into perspective what happened a few weeks ago when our children started examinations. When we look at the situation now, we ask ourselves as a House of Senate, if indeed, the children who a have just finished their Kenya Certificate of Secondary Education (KCSE) exams will really one day not be affected by what we saw of the examination management and procedure; on how the examination was handled and the cheating that took place.
I want to thank Sen. Musila that we are now coming to the core of the challenges which parents have faced for many years in terms of paying school fees for their children. They end up finding themselves going to school, sometimes the gates are closed, you cannot access the school to go and plead that your child has been given a position to join university but does not have his or her certificate and the documents required. Many parents have suffered in this country because of that.

Mr. Temporary Speaker, Sir, it is time we overhauled the whole system of the Kenya National Examinations Council starting from the clerks. You find that while you are a parent labouring for more than 12 to 14 years to see your child at another level of education---. I remember the children of Maranda National School. I will never forget what those parents went through. Their children had passed, but because of a computer error, of which even when you ask the Kenya National Examination Council, that if you can disqualify children because of a computer error, then it means the manual one is more terrible. Those children had a rough time because they repeated a whole year to sit for exams and get their certificates.

As we move on, we need to amend the Bill and ensure that we have penalties for both sides. We cannot have a situation where one party dictates to the other without arbitration. Both parties must take responsibilities and be fair to each other. If we do that, the children cannot go through this suffering. This has made the children change their values. That is the reason why we have got more cases of exam cheating or leakages because they want to pass their exams. This motion that we must have certificates in this country has also killed our education system. Students believe that as long as they have a certificate, it does not matter how they got the certificate or whether they have done research and their thesis is good. It is indeed one of the biggest challenges, and as legislators we need to ask ourselves whether this can take our country to the next level of industrialization. Are these students who are graduating able to move this country to the next level? It is something that we really need to look into.

I believe that this House should not do things the way the National Assembly does theirs. This is a House that can bring solutions to some of the challenges that we face in this country.

Therefore, when we see what the Kenya National Examinations Council has been doing for the last 20 years, we need to ask ourselves whether we have burdened our children with the 8-4-4 system to the extent that they cannot understand what we really want to achieve or whether the subjects are too many. Why are children panicking at the last minute to exams, forcing them to go on strike?

Why is it that after doing all that, parents again start suffering following up the release of certificates for their children? Even when we had the old Constitution and the President gave an order requiring Principals to release certificates to students, you would still find a very powerful Principal who would not heed the directive from the President. This is something that we also need to ask the teachers. While we fight for them to get their salary, their performance is wanting and, therefore, it is not just the Kenya National Examinations Council, because at the end, who are the examiners? It is the teachers who are hired by the KNEC.

Do we need to change the system of marking exams, so that everyone feels that his or her child is comfortable while she goes for the exams? These are issues that we need to raise. While we look at Article 43 of the Constitution, we also have to look at Article 47 (3). It appreciates that children in this country must be respected, especially in terms of their knowledge. In the recent weeks, I saw a situation where the Kenya National Examinations Council and the Ministry of Education mismanaged the leakages and cheating of KCSE 2015 exams and it was indeed sad.
Internationally, we have put our children into a very critical situation, because if your child will want to join a credible university abroad and do exams in 2015. Those results can be questioned by that university. Therefore, as the Senate, we need to ask the Kenya National Examinations Council how they have managed that situation. Are we sure that parents are not going to suffer come next year and be told that this school was found cheating and, therefore, 100 students are not going to receive their certificates and that they have to repeat? We must call them and ask them what mechanisms they put in place to ensure they curb leakage of exams.

As Sen. Musila amends the Bill to ensure we have free secondary education, the certificates must also be free because you cannot go for free education and then at the end, you are asked to pay for what you have been getting for free. That is one thing that has hurt Standard Eight pupils that we used to say we are offering free primary education to; but when it comes to exams, we ask their parents to pay for the exams. As we move on, the Government must ensure that when we talk of free, we should let the parents feel that it is indeed free service. It is also very sad when our children believe that to do well in examinations, they must cheat. That is how corruption gets into our minds. It is a very dangerous level of corruption to believe that it is by cheating that an individual can get a job. It is a moral and ethical situation which we must find out how to deal with. As we deal with corruption, we must also deal with our character.

How do we ensure the values provided under Chapter 6 and Article 10 of the Constitution are adhered to? Kenyans supported Chapter 6 because they felt that their moral values had gone down. It is not only students in public schools cheating in examinations, but also private primary, secondary schools and universities practice the worst cheating than the former. In these schools, the students are manipulated to understand the examinations. Students from public schools are not the only ones cheating. Private schools drill their students such that when they sit for the examinations, they already know what is coming. The Bill should address both public and private schools because the two rely on the Kenya National Examination Council for their examination results. It is not fair for our country to go into a situation where the rich are the only ones who can access better education systems. It is through education that the poor and the rich can share a table. It was a wrong idea not to devolve the education sector because we would have dealt with so many issues. However, as much as others are complaining that challenges arose when the health sector was devolved, the challenges are there because of the leaders who are not ensuring that the systems work. We cannot blame it on devolution. Education is also devolved because the schools’ merit ranking is done at county level. Selection of students to join Form One or other institutions of learning is based on counties.

Mr. Temporary Speaker, Sir, I know Sen. Musila has worked on this legislation very well. We started it as a Motion and now we have a Bill. This is the best way to deal with the rot in our national examinations and the education sector. We must face and deal with it. Instead of the National Assembly - I am sorry to say this today - focusing on new dispensation, with the powers to budget our finances, they are messing up most of the amendments that they bring. That is why the country is facing the problems we are facing today. It is because we have refused as legislators to appreciate the new Constitution and work together to see things move in this country.

Mr. Temporary Speaker, Sir, the people of Kenya will blame us that they elected us but we never changed their lives. What we have done instead is that we have messed up their lives because we have refused to understand that this is what Kenyans believed in. They believed their representatives can come up with laws that can guide the country. I hope the Senate Committee on Education will follow up on this so that next year, we do not see the Kenya National
Examination Council (KNEC) name the schools that cheated and those that did not. This year we want to see a difference because they did not deal with the issue when it was alive and all over. They kept quiet and, therefore, parents should not suffer in January when the results are released. With those few remarks, I support.

**Date 10th November, 2015**

**Member of Parliament: Sen. Ongoro**

**Contribution She Made On:** The Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 Of 2015)

**Sen. Ongoro:** Thank you, Mr. Temporary Speaker, Sir. I support this Bill and I thank Sen. Musila. In the Tenth Parliament, he tirelessly promoted this and he talked about it so much. It is very sad that even after we passed it in the Tenth Parliament, this has not been implemented. This brings us back to the issue that we always talk about in this country. There is the vacuum between policy formulation and implementation. So, we are back at it again. Yesterday, I was watching a documentary about teenagers who have turned to drug trafficking, stealing and other vices. The rate at which they are being gunned down is worrying. It was very sad to see children aged between 15 to 17 years not living to celebrate their 25th birthday because they get to crime at early ages. They also handle all manner of weapons in trying to make a living. When I was a Member of Parliament for Kasarani Constituency, I took my time to find out why many of my constituents were being gunned down at that early age. It is very sad when you talk to the faces behind crime and get their individual stories. I remember one such story where a boy aged 19 years told me that he got into crime to try and get money to collect his certificate that had been withheld. One thing led to the other and he got into petty crime. He did not have an opportunity to accumulate money to be able to collect his certificate. At the same time, he had an ailing mother, father and eight siblings to take care of.

Mr. Temporary Speaker, Sir, we always talk about the need to release the certificates. This is an emotive issue that should be taken seriously because as we spend millions of money to avert crime and bring up policies to eradicate poverty and create jobs, we are not implementing these policies and ensuring that the head teachers are compelled. When a Motion is passed in the Senate that they should not withhold the certificates anymore, any such teacher found withholding school certificates of any student should be taken to court for prosecution. This is a policy statement that has been made here and passed in this House. The whole idea of withholding certificates negates the spirit of education. It is painful to take a child to school and pay through your nose to see your children through and only after Form Four, they find that their daughter cannot access her certificates. What do you expect an 18 year old girl who does not have a certificate and who is from a poor background and living in un-conducive environment to do? Therefore, the act of withholding certificates sparks off a chain reaction of negative social ills that this country still has to deal with. Teachers must be compelled to know that it will be criminal to withhold certificates.

Mr. Temporary Speaker, Sir, I am shocked that even as we talk about this, some schools have experienced this problem more than others. I encourage head teachers of such schools to emulate their counterparts. For example, I have a daughter who is in Form Two. In that school, we pay very high school fees during the first term. School fees is lighter in the second term and almost negligible in third term. Why would school head teachers not be innovative to ensure that fees is paid since they fully know well that once you admit a student in Form One, they will exit after four years? They should stagger payment of fees to make sure that what is paid in Form Four is
very minimal. They should put parents through a clearance system in first and second terms. By the time students sit for their examinations, it would be just minimal or no school fees at all. That means that by the time students sit for their examinations, one will not have any reason to withhold a certificate.

Mr. Temporary Speaker, Sir, I do not want to belabour the point which has already been talked about by my colleagues. However, we must realise that we are not an equal society. Kenya is one of the most unequal societies in the world. We know very well that we do not have schools for the poor and schools for the rich or schools for the children of Senators and schools for the children from unemployed parents. Therefore, we must take all these into account. The poverty levels in some regions are higher than other regions. We know that there are children in schools who are complete orphans. Even when you talk about the most minimal and yet we do not have a policy that takes care of that category of children, it is true that we have very high levels of unemployment. When you check the level of unemployment of parents whose children are still in primary schools or have just gotten into secondary schools, you will see that it is very high. For that matter, some parents are forced to take early retirement packages.

Mr. Temporary Speaker, Sir, when I was listening to news yesterday, I learnt the sad fact that because of global warming, about 200 million people per year, towards 2015, will be relegated to living below the poverty line. Therefore, we have to think and act out of the box if we want to sustain the education system. Even as people earn less, become more unemployed and poverty levels increase, we have to ensure that we do not punish our children who are the future of this nation. We should not allow the fact that only a small number will be able, in the next few years to go through school and manage to pay the entire school fees in order to get their certificates. We must ensure that these kinds of policies that we pass in the Senate and even in the “Lower Chamber” are implemented, to ensure that we save our children.

Mr. Temporary Speaker, Sir, lastly, I want to talk about the issue of information. It is very sad that sometimes schools do not take it upon themselves to inform parents on time. It is only when you go to collect the certificate of your child that you are reminded that you did not clear school fees, pay development fund money and other things. Teachers know that at that time, you are really desperate to get the certificate out. They also know that you are also not in a position to produce the receipts that you were given three years ago. Therefore, as a parent, you are left at a very disadvantaged position. You have to pay through the nose or leave it at the mercy of the head teacher to see what to do. One thing leads to the other and before you know it, your child will have gotten into something. That brings me to a very sad issue which has been highlighted by Sen. Elachi. This is about the quality of certificates that our children will hold, especially those who have sat their examinations this year. Kenya’s certificates have been held in very high esteem the world over. If we do not sustain that, then unemployment will even be worse.

People who have undergone the Kenyan education system have been absorbed internationally because our education system has been held in high esteem and the human resource from Kenya has been favoured the world over. If we lose that, it means that even those who have been absorbed internationally will end up here with us and the situation nationally is already bad. That means that we will not do very well.

Mr. Temporary Speaker, Sir, the policy of releasing certificates should be implemented and records of students should be kept so that when they are employed, they can be recalled by the various schools to repay, the same way institutions of higher learning have been doing. When you graduate, you can access your result slips. There is a system that traces you immediately you are employed, become a Member of Parliament (MP) or venture into any other thing. You have
to show a certificate of clearance by the Higher Education and Loans Board (HELB). We should transfer that system to our children, so that they are given certificates after school. However, when they join universities and eventually get employed, we can trace them back to the school, where they did their A-Levels or O-Levels and compel them to clear with the schools. I think that would be reasonable. With those remarks, I beg to support.

**Date 10th November, 2015**

**Member of Parliament: Sen. Lesuuda**

**Contribution She Made On:** **THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)**

**Sen. Lesuuda:** Thank you Madam Temporary Speaker. I also rise to support. On the onset, I would like to really commend and thank Sen. Musila for this very important Bill, for his consistence and for pushing to ensure that this becomes a law. I was a bit sad because it is something we had discussed. When I was a reporter we covered Sen. Musila pushing for it from 2007. We even passed it as a Motion in this House. We also know that the Jubilee Government through the Deputy President had also issued a directive that the same be done in our schools. Madam Temporary Speaker, unfortunately, many of our schools did not follow the directive. They did not also follow what was passed in this House, and that is why we find ourselves in a position where we have to have a law to make sure this happens. I would like to thank and commend Sen. Musila for his consistency and for ensuring that this Bill passes in this House. Reading the mood of the other Senators, we all agree that this is a very important Bill for our children, our country and for generations to come. Let me say that there are very many parents who are struggling to ensure that their children go through formal education. It is not that these children are not sharp in school. If anything, it is almost known that children of those who are underprivileged actually work so hard and even excel more than those who are privileged, but it is also unfortunate that at the age of 14 or 16 years, we condemn them to be failures. We condemn them to becoming thieves and prostitutes because they cannot afford to have their certificates or continue with their education and their lives or even to get a simple job. Madam Temporary Speaker, what we are saying is that when we pass this Bill, we will not continue to condemn our children at an early age to become what we would not like them to be because they could not afford to have the certificates. The law is also very clear, even in the way it is, save for just a few sections that have been inserted in the Kenya National Examinations Council Bill. They are so clear and I do hope that this time round, those who are involved at the policy level including the head teachers, will take the directive as it is. It has also gone further to show how it should be done. We see in Section 45 (2) that it is the District Education Officer (DEO) who will have the jurisdiction, keep the certificates, and I am sure we can also have other mechanisms to ensure that later, these children can also give back to the schools or compensate the schools just as many of us have done through the Higher Education Loans Board (HELB). Many of us did not just go through our university because our parents were able but we have diligently continued to repay back HELB loans so that other children can also access this important facility. It is something that we can look at because we also need to cushion our schools, because there are services that are being offered, there are needs in these schools as well and I think it is important, going forward, that it is very clear how we cushion our schools, how the Education Ministry can look at it so that this law is not abused by many. Many will just go through the four years but they are not able to pay. We will leave our schools in wanting situations. I do hope that we can be able to take care of it in this law or even
further in our schools. I would like the head teachers and our schools to realise that this Bill will not make them suffer by not meeting their ends. We know that some of the teachers have children in national schools where school fees are a little bit higher. Some of them are not able to pay fees for their own children in those schools. Therefore, this will cut across the board for all Kenyans and ensure that our children are cushioned through access to their certificates. Personally, I speak for the children from different parts of this country. For example, there are children from northern Kenya who mostly rely on pastoralism and livestock keeping. They always face a challenge because of the cycle of drought. In this country, we have not taken livestock keeping seriously despite it being the only source of livelihood for these families and children. By the time the parents sell their livestock to raise fees, their children will have missed sitting for examinations. Sometimes the animals fetch very little because of the effects of drought.

As Sen. Muthama has said, it is unfortunate to see children or their parents coming to us to seek assistance to get their certificates. Some of these children performed well in the examinations. Some of them have been offered admission to universities through the Kenya Universities and Colleges Central Placement Service (KUCCPS). Some of the students who have been offered admission miss their positions, since they are competitive, just because they cannot get their certificates from the secondary schools.

This is a very important Bill that will level us. I believe that apart from death, one of the things that make us equal; whether you are from a privileged family or an underprivileged family, in this country and the world, is education. That is why despite coming from Samburu, I can sit in this Senate and speak eloquently. It is because I was educated. Those of us from such communities and in position of leadership are not more privileged than those who are not in these positions. We were able to access good education and it is upon each one of us to ensure that all children across the country access education and not have any impediments to their education.

Madam Temporary Speaker, as a House, it is also important for us to have the same persistence and commitment that Sen. Musila has had. We need to follow up and make sure that this law works. It will not be business as usual; just passing Motions and Bills in this House. Whatever we pass here should be implemented on the ground. I hope our media will make sure that every school and everybody knows that this Bill has been passed. Come next year, the certificates that are being held should be released immediately. They should be handed over to the District Education Officers (DEOs), so that the students can access them. There is also a very pertinent issue under Section 45(6) (a). It is something that one might look at and dismiss, but it is something that I have experienced with two students, one of which is from my county. The media had to bring out this issue for it to be resolved. The affected student had lost a whole year. I am happy and proud that now she is in a teachers training college, but time wasted can never be recovered for any child. Time is going, not mentioning the frustration that parents and young people go through. The section states that a candidate who indentifies a discrepancy in the certificate issued shall notify the council of such discrepancy within 30 days of the release of the result. It should go further to give a timeline of when it should be resolved. I know a student who went back to notify the council because her certificate had the name of a boy. It took so long to resolve the issue. Apart from putting it to the parents and the teachers that they should notify the council, we should also stipulate the time when the council should resolve this issues, so that the affected students can continue with their education or other areas of life.
Madam Temporary Speaker, I cannot finish without talking about the issue of exam cheating. This issue is a shame to our country. We do not know what to believe or where to start. We are doing a disservice to our children. Some of the children who really excel and are admitted through the KUCCPS to study Medicine or Engineering will get frustrated in universities. They will have excelled through cheating. They will end up dropping out of universities. What kind of people are we churning out? It is unfortunate that we are not seeing investigations going on despite the rampant allegations that have been going on about examination cheating. No one is even taking responsibility for it.

What are we doing to our children? We do not want to be told: “So many students got Ys in the examination results.” We need to get to the bottom of it and not engage in blame game between the KNEC and the Ministry of Education. That is neither here nor there. We need to put this matter to rest. We are now diverting the attention to say that we will have digital tests using computers. When will the children in Samburu or Turkana get computers to do these things? Before we get there, can we sort out the issues that we are having right now regarding examinations cheating? How are the institutions which offer scholarships to children from poor families who excel perceive us, when every day in the media they read about irregularities in examinations? They will think twice before offering scholarships to Kenyans to study in their universities. Let us think beyond and consider the damage that we are causing these children in terms of the great opportunities that we are closing for them universally. We also need to think about the issue of Identification Cards (IDs). Most students finish school when they are 18 years old. We could ensure that they pick IDs from schools. Most of them do not have IDs yet there are needed for registration in universities and to apply for scholarships. The time wasted by these children staying at home also creates an idle mind. It becomes the devils workshop and that is why we are experiencing many issues. It is something we need to look at and agree on. Issuance of IDs in schools will get rid of the issue of regions because students will pick them from their schools. It is a right to all Kenyans. This is something that we need to look at. Finally, so that I can let my colleagues to also contribute---

**Date 10th November, 2015**

**Member of Parliament: Sen. Lesuuda**

**Contribution She Made On: THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)**

anayeumia ni yule mtoto kwa sababu hana hatia na hajui kwa nini mzazi wake akose uwezo wa kumlipia karo. Ni zawadi gani ambayo tutawapa watoto wetu? Sheria hii ikiwekwa, itakuwa kama kuwata mtoto kwa sababu hana hatia na hajui kwa nini mzazi wake akose uwezo wa kumlipia karo. Ni zawadi gani ambayo tutawapa watoto wetu? Wanaume hati hii, hata huyu, hukuweza kusaidia mtoto wake kwa sababu haya. Hii ni zawadi gani ambayo tutawapa watoto wetu?

Sheria hii ikiwekwa, itakuwa kama kuwata mtoto kwa sababu hana hatia na hajui kwa nini mzazi wake akose uwezo wa kumlipia karo. Ni zawadi gani ambayo tutawapa watoto wetu? Wanaume hati hii, hata huyu, hukuweza kusaidia mtoto wake kwa sababu haya. Hii ni zawadi gani ambayo tutawapa watoto wetu?

Achana na vile vikaratasi vinavyopelekewa watoto shuleni vya kuwatakia kila la heri katika mitihani. Hii ni zawadi gani ambayo tutawapa watoto wetu? Wanaume hati hii, hata huyu, hukuweza kusaidia mtoto wake kwa sababu haya. Hii ni zawadi gani ambayo tutawapa watoto wetu?

Bi. Spika wa Muda, jambo lingine ambalo ningependa kuchangia ni kwamba, ni jinsi ambavyo sisi tunalipa pesa za Bodi ya Mikopo kwa Wanafunzi (HELB). Kama Mswada huu utachelewa, vile vile hawa watoto wapewe stakabadhi zao kisha watalipa polepole katika siku za usoni lakini kilimo muu apate stakabadhi yake ili kilimo muu acheke kama kibogoyo aliyepewa meno.

Ninaunga mkono Mswada huu.

Date 10th November, 2015

Member of Parliament: Sen. Zani

Contribution She Made On: THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)

Sen. (Dr.) Zani: Madam Temporary Speaker, the KNEC was set up in 1980 to focus on Kenyan examination matters. What existed previously was the East African Examinations Council (EAEC). At that point, it was about examinations in terms of accuracy of presentation of the results and reliability and validity of those results. That was the key mandate of KNEC. That Act was later replaced by Act No.29 of 2012, repealing the previous Cap.225 Act of 1980 trying to make sure that the KNEC becomes a stronger unit. It has already been mentioned by other Senators that the idea was to make sure, for example, disseminating results to students is done very effectively. Already, the law allocates that there should not be any withholding of any certificate. Unfortunately in reality, this is what has happened over time. Therefore, many students ended up suffering because they cannot get their certificates. We know that without primary and secondary school level certificates, there are some people who can get jobs, but they do not because they cannot show their results. In Kenya, results are not given orally, but in the form of a certificate. So, the certificate becomes something very powerful that an institution can give.

Madam Temporary Speaker, for many years, it is the schools that have had that power. When we were debating this Bill at the Committee and also the public participation level, what came out very clearly was the balance between the payment of fees and the quagmire of most schools that they decided to withhold the certificates because that way, they felt they could make parents pay. We did not want a situation where people then decide that, why should I pay and at the end of the day, I will still get the certificate? There are different sets of parents and, at that point, we wanted to believe that there are no parents who just make the decision not to pay just for the sake of it. Therefore, we had to be careful that we have a balance, that, we do not open it up too much to the point that even parents who could pay, decide they will not pay because they can get away with it. If there are certain school fees or provisions by the secondary schools that are expected to be paid; it is expected that the parent will pay. Therefore, getting that balance was critical for us. That balance and ensuring that, that child gets the certificate, at the end of the day, will be balanced by removing the responsibility from the school. Initially, it is not even the child who should be punished. In the first place, it is the parent’s responsibility to ensure that, that fee has been paid. If we punish the child by withholding that certificate, we are actually punishing the wrong person. The idea also was to ensure that one way or another, that balance is created very
well. Various ideas were given, one of which Sen. Kisasa has just mentioned. If there could be a way of balancing out so that you hold this student accountable in one way or another, in some kind of loan or fees so that, that certificate is given in advance, but at a later stage, if they are able to pay, so be it. We are also moving away from the argument to a point where we are saying, let this provision be free. If we are moving to a point where we are saying we want to have both free primary and secondary education, then the certificate must be something that should be given free of charge right from the onset. This is what this Bill is all about. There should be nobody who should be constrained because, as a result, they have not been able to pay, then, they are not able to get the certificate. That certificate should be released to them. This is enshrined in the Constitution clearly, in Article 53 which states that we shall protect the rights of all these children. One of those rights is issuance of certificates in a timely manner. Article 53(2) of the Constitution states that:- “A child’s best interests are of paramount importance in every matter concerning the child.”

This Bill is well entrenched. This issue has been discussed over time. Various legislators, over time, have given various proposals that, probably, have not worked. At the end of the day, those proposals still maintain the power within the school institution. Therefore, this amendment to move that responsibility and power from the school to the DEO is very important. Moreover, the Bill stipulates how this should be done very clearly by bringing in three very specific aspects. First, it clearly defines what an examination centre is, which was missing in the previous Act. It says that this is the place where examinations will be conducted, but also adding specific clauses. If you look at it from the perspective of a Bill which it is, Clause 45(a) and (b) are very clear and specific in terms of what should be done and how the ill should be addressed.

In the old provision where certificates are given by the school, there was an idea that you are protecting the fact that the headmistress or the principal knows the child; he or she has given it to the specific child, therefore, avoiding all these problems of identification. Times are changing. Apart from the photograph - today in the morning I visited an office and a person walked in and just put in the thumb print. That was already some kind of identification. So, we are moving to a point where we do not necessarily have to worry so much about how that identification can be done because we can use technology. Therefore, that responsibility does not have to remain at the school level. The specific power that is given in Clause 45(a) pushing this responsibility to the DEO is very critical because it removes the responsibility from the school; puts the jurisdiction for this specifically on the DEO.

Madam Temporary Speaker, Clause 45(a)(3) is very critical because it states that this officer will not be able to withhold a certificate from a candidate unless the identification of the candidate is in dispute. So, the only provision for withholding those certificates is if there is a problem with the candidate’s identification. Therefore, this subclause does not allow for any provisions of confusion as to when the particular certificate should be given. The issue of fees, whether they have been paid or not, does not come up specifically in this particular section and that makes it very clear.

Madam Temporary Speaker, in Sub-section 4, the certificate awarded to the candidate shall be collected by the candidate in person just to make sure, as much as possible, that candidate is able to avail themselves for identification purposes. I think the idea here is that it is going to be possible for people to give their photographs at the school level and passed to the DEO. This ensures that there is a direct link. Therefore, the issue of confusion should not come up. The fact that the photograph will be embossed on the certificate is very good. When this Bill becomes an Act, just like the way we have an Identification Card (ID) with a photograph, we can have the
provision of a picture of a person so that we do not have this problem of people going around with other people’s qualifications, which I think Sen. Lesuuda also mentioned.

Madam Temporary Speaker, it is amazing how people continue to do this because, at the end of the day, you will be discovered, sooner rather than later. If you have a certificate in computer proficiency and you are told as your first interview to open the computer and you are not able to do so, or you are given a simple exercise and you cannot do it, then you will be identified immediately. So, it is really an exercise in futility, but I think we have put in so much emphasis on academic credentials and you find more people struggling in whichever form to ensure that they get those particular credentials, no matter what. This has become a very dangerous trend. It is a trend that we are really suffering from. The issue of security, accuracy and verification is handled at a very detailed level. A candidate’s name, index number, the school code and the grades for the respective subjects that the student has acquired will be put there and that becomes critical.

Madam Temporary Speaker, the main problem that this Bill addresses is the question of the structural administrative passing on of documentation from one institution to another. Putting in mind the failures of the past, in that the institution that had been given the provision to do this has not been able to do it adequately and, therefore, there have been various problems that have come as a result. The Cabinet Secretary for Education, by putting such administrative structures into place to facilitate this issuance, will make it very easy for this to happen in a constructive manner. The issue of forging, cheating and changing documentation can be addressed from a technological point of view so that over time, it does not come up as something that is going to be problematic.

Madam Temporary Speaker, every head teacher and principal in each of the examination centres will have to ensure that they have a way to verify. So, the issue of photographs comes in as a critical thing. I think the most important thing is to have the penalty which this particular amendment also proposes. The amount should be a deterrent for it to be effective and here it is because somebody would either have to pay up to Kshs800,000 or one year in jail or both. That should be a specific deterrent that should be able to make somebody think about what it is they are doing so that they cannot put it into place or be able to contradict what is expected of them.

Madam Temporary Speaker, we do not want to be able to open up a Pandora’s Box. This is because, at the end of the day, we want a level of responsibility and mechanisms within the educational systems. We want to see those systems working and address inequalities uniformly at the level of the issuance of a certificate. These inequalities already exist at the level of access to the schools or to education. They also exist in terms of the results that people will get depending on the social capital and the cultural capital that is exposed to them even as they look for the specific grades. This form of inequality has been an problem that is pretty easy to address. With this important amendment, we will address this, once and for all. Once the structures and the various sections are put into place, the stakeholders will make an agreement about the way forward; either to remove the fees altogether or find provisions so that there is no withholding.

Madam Temporary Speaker, we need to make sure that no other impediments come up in the future at the level of the DEO, so that we do not find ourselves in the same situation. They should have absolute authority and power to make the specific decisions that have to be made at a particular time, without having to go back, so that students do not end up suffering.

Once these structures have been put into place, it will take us to another level of reducing the inequalities and the unfairness. This afternoon, we have heard about specific cases of students
who have really suffered because they did not have certificates. It is amazing that this has gone
on for such a long time. It is time to address this issue through this amendment to this Bill.
Thank you, Madam Temporary Speaker.

CONSIDERED RULING
Date 11th November, 2015

Member of Parliament: Sen. Elachi

Contribution She Made On: PROCEDURE TO BE FOLLOWED IN THE DISPOSAL OF PRESIDENTIAL
MEMORANDA
Sen. Elachi: Mr. Speaker, Sir, this is the fifth time the Senate Minority Leader has been
complaining so much about the proxy vote. However, when I look at Article 98 of the
Constitution, I cannot see the word ‘proxy.’ The Article 98 (1) 9(b) provides that:- “Sixteen
women members who shall be nominated by political parties according to their proportion of
members of the Senate elected under clause (a) in accordance with Article 90”
In Article 123 (4) (b) that brings in the issue of delegation of voting it provides that:-
“The person who votes on behalf of a delegation shall determine whether or not to vote in
support of, or against, the matter, after consulting the other members of the delegation.”
Mr. Speaker, Sir, this means that the drafters of the Constitution knew that there shall be
Members nominated by parties to the Senate and shall consult with the leaders of their respective
delegations. Is he in order to refer to us as “proxies”?
Mr. Speaker, Sir, instead of the delegations. Nominated Members are Members of delegations
either of Nairobi or any other county. They are not proxy Members of a delegation. The issue is
not the diction, but the word and the perception of the word.

REPORT
Date 11th November, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO.1 OF
2014)
Sen. Ongoro: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole is
considering The Climate Change Bill (National Assembly Bill No.1 of 2014) and seeks leave to
sit again tomorrow.
Date 11th November, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL
NO. 32 OF 2014)
Sen. Ongoro: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has
considered The County Early Childhood Education Bill (Senate Bill No. 32 of 2014) and seeks
leave to sit again tomorrow.

MOTION
Date 11th November, 2015

Member of Parliament: Sen. Ongoro

Sen. Ongoro: Mr. Temporary Speaker, Sir, the Motion that I was supposed to move is very emotive. The Motion touches on a very important issue concerning the two thirds gender rule that has been debated in this country for some time. I beg that you allow me to move it tomorrow when we have a full House because I want all the Senators to have the benefit of listening to what we have as women and we are putting on the table as a proposal.

Date 17th November, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: Activities Of British Troops Training In Kenya

Sen. Lesuuda: Mr. Speaker, Sir, I rise under Standing Order No.45(2)(b) to request for a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the activities of the British troops who train in the country. The Chairperson should state:-

1. The general terms of agreement between the Kenyan Government and the British Government on offering of training grounds for British soldiers in the country and the benefits that Kenya draws from the agreement.
2. Whether the Government is aware that the said British soldiers leave behind live ammunition that has caused injuries and deaths to residents, including children and herders who reside around the areas where they train.
3. The measures that the Government has put in place to secure the lives of Kenyans who reside in those areas.
4. The measures that the Government will take to compel the British Government to compensate Kenyans who are injured and relatives of Kenyans who die as a result of injuries from the live ammunition that is left on the training grounds.
5. Whether the local communities benefit in any way from the said agreement.

Date 17th November, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: The Sale Of Fake And Counterfeit Pharmaceutical Drugs And Products In The Country

Sen. Lesuuda: Mr. Speaker, Sir, pursuant to Standing Order No.45 (2) (b), I rise to seek a Statement from the Chairperson of the Standing Committee on Health regarding the sale of fake and counterfeit pharmaceutical drugs and products in the country. This is based on a recently published report by a special working group of the National Council on Administration of Justice that indicated that approximately 40 percent of malaria drugs sold in Kenya are counterfeit and more than 30 percent of the pharmaceutical drugs stocked in the country are also counterfeit. In the Statement, the Chairperson should:

(i) State the factors leading to the proliferation of counterfeit drugs and other pharmaceutical products in the country.
(ii) Provide the names of the fake and counterfeit drugs currently in circulation in the country.
(iii) State the number of deaths caused by the use of the counterfeit drugs in Kenya in the last five years.
(iv) State the amount of financial loss they incurred in the country by the sale of counterfeit drugs in Kenya in the last five years.
(v) State measures taken if any, by the Ministry of Health, the Pharmacy and Poisons Board, the Kenya Bureau of Standards, the Anti Counterfeit Agency and the Kenya Revenue Authority to eliminate the sale and registration of such counterfeit drugs.

Date 17th November, 2015
Member of Parliament: Sen. Wangari

Contribution She Made On: THE SALE OF FAKE AND COUNTERFEIT PHARMACEUTICAL DRUGS AND PRODUCTS IN THE COUNTRY

Sen. Wangari: On a point of order Mr. Speaker, Sir. I know the Chair to be a very soft spoken person but for the benefit of the whole House, he is not audible, and I would ask that he properly raises his voice so that we can follow. On a point of order Mr. Speaker, Sir. My clarification is on the issue of procedure. I want to pick from where Sen. (Dr.) Machage has stopped. We are a House of Rules and Procedure. In the Senate Standing Order No.202, it very clear states that all Committee proceedings will be in the open unless there is express permission from the Speaker. We are actually discussing the proceedings of another House. Are we in order to actually presume? This meeting was not taken by a Committee of the Senate, it was a Committee of the National Assembly. We have got all this information from the media. Are we in order to discuss the proceedings of another Committee? I am asking this because we, as the Senate, have amended our Standing Orders. How do we know that they have not amended theirs? Are we in order to discuss the proceedings?

Date 17th November, 2015
Member of Parliament: Sen. Kittony

Contribution She Made On: VISITING COUNTY ASSEMBLY STAFF FROM VARIOUS COUNTIES ON ATTACHMENT AT THE SENATE AS PART OF THE COUNTY LEGISLATIVE STAFF ATTACHMENT PROGRAMME

Sen. Kittony: Thank you, Mr. Speaker, Sir. I join you in welcoming the delegation in the Chamber today. I thank the officers who have come to learn. Your office is doing the right thing. I also thank the delegation from Bungoma County for giving the President an arousing welcome when he visited their county and even made some Members to run away.

PROGRESS REPORTED
Date 17th November, 2015
Member of Parliament: Sen. Omondi

Contribution She Made On: CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO.40 OF 2014)
Sen. Omondi: Mr. Temporary Speaker, Sir, I would like to register our disappointment as the Delegation of Kakamega County. A Member who misdirected you that Sen. (Dr.) Khalwale used unparliamentary words owes him an apology.
Date 17th November, 2015
Member of Parliament: Sen. Mugo

Contribution She Made On: CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL No.38 of 2014)

Sen. Mugo: On a point of order, Mr. Temporary Speaker, Sir. Thank you for finally recognizing me. I have been trying to speak the whole afternoon and so allow me to also say what I wanted to say earlier. First, the issues being brought back had been aired and discussed fully before and then the Speaker made a ruling. Now, the Senate Minority Leader and hon. Senators are trying to go behind the Speaker’s ruling. I believe that they are all very experienced Members of Parliament. Most of them have been here for a long time. The Speaker’s ruling is normally not challenged with. If you want to challenge the Speaker’s ruling, at least, have enough decorum to wait and do it with the substantive Speaker who made the ruling. It is true it was dealt with. The Speaker made a ruling and he allowed the President’s observations to come to this stage and be discussed. This Stage was only to vote and report ---

Date 17th November, 2015
Member of Parliament: Sen. Mugo

Contribution She Made On: CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL No.38 of 2014)

Sen. Mugo: I do not need your information. I believe even the Senator for Migori was just confused by his colleagues because they kept twisting him round and round, even when he tried to say that his was for us to vote and him to make the report. You have just made a decision and communicated it. I hope it will not now be watered down to change your decision like they want you to change the Speaker’s decision which had been made. Secondly, the Opposition believes if you tell a lie many times, it becomes the truth. You lost the elections, you did not win. Kenyans know this. A few might not know. Please, do not live in that lie. Work hard and see if you can win the next elections. So, stop lying all the time that you won the elections. Which figures did you use? Where did you count the figures? You lost at the counting stage. You lost in the High Court and the Supreme Court. Which counting did you use? Could you, please, table your figures?

Date 17th November, 2015
Member of Parliament: Sen. Mugo

Contribution She Made On: CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL No.38 of 2014)

Sen. Mugo: On a point of order, Mr. Temporary Speaker, Sir. If at least the Opposition are less abusive and more gentlemen and ladies, I do not think anyone would need to defend the President because he is also very capable than most of you and he has proven it. So, have some respect. I do now want to answer Sen. Wetangula because what he has said is not worth answering. What I wanted to say is that, I have all the respect for the Speaker and he is very capable. However, we all know that there are Temporary Speakers and there is a substantive Speaker. Whereas we respect the ruling, the substantive Speaker, the Deputy Speaker or a Temporary Speaker cannot change a ruling of another Chair. Should we be pushing the
Temporary Speaker to change a ruling that was made, to try to prove that this Bill is wrongly in the House? The Speaker ruled that it is rightfully in the House and if you did not accept, you should have argued at that time. We should not go round and round. President Uhuru has many good advisors. Please, stop being abusive.

Date 17th November, 2015

Member of Parliament: Sen. Ong’era

Contribution She Made On: CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO.38 OF 2014)

Sen. Ong’era: Mr. Temporary Speaker, Sir, on behalf of Sen. Ongoro, I beg to reply. I thank all the Senators who contributed to this Motion. They made very useful contributions which we have noted. The ideas that have been spoken about should be put into the Bill that is being worked on in the National Assembly.

Mr. Temporary Speaker, Sir, the one-third gender principle is an issue that is enshrined in the Kenyan Constitution. It is an issue we cannot wish away and leave it hanging. We have no choice, but must put it into practice. It is the only way that we can bring equality among the minority in our society, particularly women who have been neglected for a very long time. Therefore, this is very important particularly at this time when we need to enshrine a law that will protect the gains that we have made in the Constitution of Kenya, 2010.

Mr. Temporary Speaker, Sir, I also want to note that many Senators spoke about the constitutional gains that we have made and this should not be wished away. The issues raised in this Motion should be addressed and implemented in a legislative manner, as I have already highlighted. As you are aware, the IPU is a very strong union which ensures that women rights are enshrined in many national parliaments. Therefore, we continually support the IPU and its programmes to ensure that women are well represented in all national parliaments. With these few remarks, I beg to reply.

Date 18th November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: CONSTRUCTION OF KAKAMEGA-KABURENGU-WEBUYE ROAD

Sen. Sijeny: Mr. Speaker, Sir, I need some clarification because the statement that was sought earlier on and I have a response to, was on the status of the construction of the Kakamega-Webuye Road and not as it appears on the Order Paper: “Status of the Construction of the Roads in Kakamega County.” The statement was on a specific road.

Mr. Speaker, Sir, my statement reads, “Status of the construction of Kakameg-Webuye Road.”

Date 18th November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: CONSTRUCTION OF KAKAMEGA-KABURENGU-WEBUYE ROAD

Sen. Sijeny: Mr. Speaker, Sir, the statement was sought by Sen. (Dr.) Khalwale on the status of the re-construction of Kakamega-Webuye Road. He requested to know:-

(1) When the construction works officially started and when the project was supposed to be completed;
(2) What percentage of the works has been completed to date, and how much money the contractor has been paid so far;
(3) What the original budgeted cost of the project was.
(4) The reason for the delay in the completion and to indicate when the project will be completed;
(5) Whether it was true that the contractor was contracted to construct this road has abandoned the road;
(6) Why the national Government has refused to take the offer by the contractor to leave the site amicably and allow the contractors to continue with the construction of the road;
(7) Whether the funds of the construction of the roads are still available;
(8) When roads that have been extravagantly promised under the annuity programme will take off;
(9) Whether the non-completion of the road due to financial constraints implies that the Government is bankrupt;
(10) Whether the payment of the Ksh265 million to the contractor is in consonance with the works done and if not, what action will be taken against persons who made the payment;
(11) How much the contractor was awarded to leave site;
(12) How much the Government paid in variations; and,
(13) How much it would cost if the road was to be constructed by another contractor, and in the mean time as an urgent intervention, Kshs5 million to be set aside to clear the diversions that were created, so that the road can be passable.

I beg to reply.

The construction works commenced on 1st April, 2013 and were supposed to be completed on 31st March 2015. The percentage of the works completed so far is 2.36. So far, the contractor has been paid Kshs265,616,083.17. The contract sum is Kshs2,505,924,536.66.

Mr. Speaker, Sir, the reasons for the delay in the completion occurred due to inadequate and late mobilization of equipment and personnel by the contractor, apparent cash flow problems by the said contractors and, finally, litigation entered into by the contractor after he was issued with a notice of termination. The completion of the project requires 24 months and in the likely event that the litigation is resolved by 25th December, the project will be completed in December 2018.

I wish to state that the Government noticed that the contractor had problems even though due diligence was done before he was given the job. Being an international contractor, they even sought for the intervention of the Indian High Commission. He was given 10 per cent as per the agreement, but could still not deliver. So, he was issued with a termination letter. It is not true to state that the contractor for the Kakamega-Webuye project has abandoned the road. It was stopped by the Government due to the issues stated above; he could not deliver.

The national Government has not refused to take the offer by the contractor to leave the site amicably. The contractor’s offer was made on 16th September 2015 and discussions are ongoing. This was after the contractor moved to the courts in The Hague in accordance with the contract for arbitration for interventions. The court ordered that the matter be referred for arbitration in September this year. After that, the parties have sat down and agreed and negotiations will commence this Friday with the contractor and the Government to see how amicably the contractor can leave the site and what he can be paid.
The funds for the construction are still available; it is a World Bank funded programme. On the issue of the annuity programme, I wish to reply that the Government has given the commitment to increase the penetration of the paved road network through construction of an additional 10,000 kilometres within the five years during the Jubilee Government tenure. There is an ongoing process of covering 3,100 kilometres, which will be done targeting low volume roads predominantly in the rural areas. The Ministry, through the Kenya Rural Roads Development (KRRD), has already initiated the 3,700 kilometres in batches and that shall be done. We, as a Committee, have advised that it be done and the criteria be chosen properly in all the regions. The payments of Kshs265 million is in consonance with the contract. The contractor was given some deposit so that he can perform as per the agreement.

Finally, let me say that the construction of the road was initially awarded to three contractors to do separate areas. The entire project runs from Kisumu to Kitale through Kakamega and Webuye and was split into three contracts: Kisumu-Kakamega, Kakamega-Webuye and Webuye -Kitale. Mr. Speaker, Sir, the negotiations are ongoing and the other contractors have been approached. They will complete this road from their end if this contractor agrees to move out immediately. It will be done since there is money. The other burning issue about the Kshs5 million to deal with the diversion, which was blocking the road, is being done. I have brought some photos which were taken this morning. It is in the process. I assure the Senator for Kakamega County that his people will access the road.

Date 18th November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: CONSTRUCTION OF KAKAMEGA-KABURENGU-WEBUYE ROAD

Sen. Sijeny: Mr. Speaker, Sir, I want to assure Sen. (Dr.) Khalwale that, indeed, the Government is very serious with this road. It had set aside Kshs2.5 billion and the project is well funded by the World Bank. Therefore, the money is available. We have interrogated this project together with the Committee.

The construction of roads in the entire country is done in good faith. To the best of our knowledge, there is no conspiracy to do shoddy works in Western Kenya or any other part of the country. Some sections of this road-Kisumu-Kakamega and Webuye-Kitale - have been done and are on course. It is only the stretch between Kakamega-Webuye which has a problem, which I have explained extensively. It is not anything to do with the Government or the donors, that is, the World Bank. It is a problem with the contractor. Since this particular contractor could not deliver - he had only done 1 per cent of the work – the Government terminated the contract and he went to the Permanent Court at The Hague, in accordance with the agreement that they had. If I was their lawyer, I would have advised them to go to the Kenyan courts. Even though the court issued an order on 20th June, 2015 for parties to go for arbitration, it is only until 16th September that the contractor wrote to the Government stating his desire to settle this matter amicably. The Government has taken it up and they are going to meet from Friday. There are many things which need to be prepared before they sit on the table to discuss. I rest my case.

Date 18th November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: CONSTRUCTION OF KAKAMEGA-KABURENGU-WEBUYE ROAD

Sen. Sijeny: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to comment on this Bill. I wish to commend and thank Sen. Hassan for thinking and coming up with such a
Bill. This proves that we need fresh blood. The young people are looking at leadership with different lenses.

The Bill enables the implementation of Article 43 just as the Reproductive Health Care Bill which I presented to the Senate and is still pending. It deals with the economic and social status of Wanjiku. Article 43(1)(a) of the Constitution states:

“Every person has the right—

(a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;” Any State that upholds these basic rights definitely cares about the welfare of its citizens. As we know, a healthy nation is a wealthy nation. When citizens take care of their health and have access to proper and adequate housing and freedom from hunger, clean and safe water, plus education, it means that you are headed to the right direction. Within no time, Kenya can become one of the most developed countries in the world like other super powers because we will get out of poverty line.

The habit of always seeking donor funds due to high level of poverty will be a thing of the past. Once the Bill is enacted; it will ensure that people have adequate housing. It is very pathetic when you visit slums like Kibera and Mathare where we have our family, friends and constituents. When you visit such places, you find people living in very deplorable conditions, yet Kenya is not as poor as other States. We have seen other States with limited resources. For example, Turkey has done wonderful jobs with the limited resources. The money is given, utilized to the latter on what it was budgeted for and accounted for. They are very clean and happy people. Even their values matter. Everybody must be fit. When estates are built, there are foot paths even within the low housing areas. There are also gyms which are built for children. In fact, anybody can walk in. Gyms are things that many people cannot afford; they are out in the field. Those people are fit at a little cost or nothing at all.

Kenya is a signatory to many international instruments. Kenya has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). Why has the country not made good steps to ensure that its citizens are well taken care of as per what they had signed for?

Article 2 of the same international instrument says: -

“Each party State to the present covenant undertakes to take steps individually, and through international assistance and cooperation, especially, economic and technical, to the maximum of its available resources with a view to achieving progressively, the full realization of the rights recognized in the present covenant by all appropriate means.”

From 1972 to date, we celebrate when this international people, like when President Obama was a Senator, he went there. Any international person who comes to Kenya—— Kenya has the largest slum called Kibera in the world. This is an embarrassing situation. When you visit other counties, like Baringo, Turkana and other ASAL areas, people are starving. There is no water or food. Why is this the case? Where are our priorities?

Mr. Temporary Speaker, Sir, once this Bill is enacted, the Government will be forced to come up with strategic means of ensuring that the human rights and the dignity of the Kenyans as enshrined in the Constitution is protected. It will tell us the steps it will use to ensure all these economic and social rights are provided for. Once that strategic plan has been implemented, it gives a way of monitoring and evaluating. We monitor, evaluate and ensure that, what we plan to do, we will do. We will state what the challenges are and why. Where were we? How did we reach there? What other distance do we have to reach where we want to go? It will be a result-based kind of system that Kenya will be moving to. This is the right direction that we should not shy away from. We should hold it by the horns and move on. We should ensure that that our
country becomes better. This Bill ensures that there is budgeting and the Equalisation Fund and that it is utilised well. All this wastage that is happening will be a thing of the past because we shall have known where and what we want to do. We shall have set minimum standards, having the highest attainable standards, as we have seen in Article 43. For example, how many educational institutions did we have? What amount of water and percentage did we have before? What have we gained? Where do we want to go? When we do all this, we will be smiling and everybody will have a decent house and clothing. You do not have to buy those expensive suits for Kshs100,000. However, if people are provided with good clothes, for example, we know that Toy Market in Kibera has very nice clothes. All the teenagers go to buy clothes there irrespective of their social status because they are good, clean and in good condition.

Mr. Temporary Speaker, Sir, this is what we have been saying. People should be given an opportunity to choose what they can fit within their budgets but still mix with others without being embarrassed or ashamed. The country can then say we have clothed our people and we do not have anybody walking naked because it has protected their socio-economic status. The reason why I am excited about this Bill is because once implemented, the people who will gain most are women because they will have proper housing and access to water. Sen. Musila, who was earlier here, understands what women go through while looking for water. In semi-arid areas, women waste a lot of time looking for water. In some parts of Siaya County where I come from, it is dry and during our school days in boarding schools, we used to walk long distances looking for water because we could not get it in our schools.

Mr. Temporary Speaker, Sir, if we have water in our schools, children will study and will not have to spend days looking for water. Building classrooms and structures becomes easy because everything is within reach. We will have intelligent healthy children because their mothers are able to cultivate and it also gives women enough time to think of doing other businesses. It will not only involve taking their produce to the markets but will also give them space for leadership. They can be Members of County Assemblies, village elders or be nominated to Parliament because the other gender roles which are normally attached to women become less. It is easier to access and do everything quickly and improve the society. I support.

Date 19th November, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: BUSINESS FOR THE WEEK COMMENCING TUESDAY, 24TH NOVEMBER, 2015

Sen. Wangari: Mr. Deputy Speaker, Sir, I had put my intervention earlier before the Senate Majority Leader responded. I support my Chairman noting that the CPAIC is a Sessional Committee and we will lapse before the end of the year. It will be very important to table the business that we have dealt with so that we move to the next year.

Date 19th November, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: DELAYED DISBURSEMENT OF SHAREABLE REVENUE AND OTHER DUES BY THE NATIONAL GOVERNMENT

Sen. Wangari: Mr. Deputy Speaker, Sir, Sen. (Dr.) Machage has made very serious allegations about favouring and disbursements that some counties are favoured while others are denied funds. It would only be better if he gives specifics with substantiations so that we can know what he is actually talking about.
Date 19th November, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: DELAYED DISBURSEMENT OF SHAREABLE REVENUE AND OTHER DUES BY THE NATIONAL GOVERNMENT

Sen. Sijeny: Mr. Deputy Speaker, Sir, I also welcome our colleagues. They are members of committees on delegated legislation from the various counties. They came with their respective chairpersons and other Members. They are from Tharaka-Nithi, Siaya, Kilifi, Meru, Embu and Bungoma counties. We had very fruitful deliberations. As the Vice Chairperson, I want to report that my Chairperson, Sen. Sang, sent his apologies because he is currently at The Hague. However, we were able to share experiences and have learnt a lot from each other. We have heard their various challenges which I have promised to forward to the entire Senate, especially during kamukunji so that we may help them to do their oversight role and also enable us conduct ours. We have been having several deliberations with other counties and, in fact, we are almost finishing the 47 counties. You can see the Committee on Delegated Legislation is working very hard. We wish to thank and welcome them.

Date 19th November, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: DELAYED DISBURSEMENT OF SHAREABLE REVENUE AND OTHER DUES BY THE NATIONAL GOVERNMENT

Sen. Omondi: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to add my voice and join my fellow Senators in welcoming the five counties that are visiting the Senate. I am so happy this afternoon because counties that are visiting. Early this month, we visited Tharaka-Nithi, Embu and Meru counties. I realised that when it comes to matters of accessibility, I think Embu County carries the day because they are more concerned about disability issues and their Assembly is friendlier. They are very concerned in both physical and external accessibility. Other counties should learn from Embu and Meru counties. This morning when we met them as the Committee on Delegated Legislation, we learnt that Kilifi County Assembly has passed a Bill on economic empowerment with regard to the disabled. This is promising and encouraging. This is the way to go because as legislators, we must think about vulnerable groups and how we can empower them economically and how friendly we are making our services to them. Mr. Deputy Speaker, Sir, I welcome and encourage them to learn and enjoy whatever they have come to learn on how to carry out activities and transactions of the business of the House.

Date 19th November, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: DELAYED DISBURSEMENT OF SHAREABLE REVENUE AND OTHER DUES BY THE NATIONAL GOVERNMENT

Sen. Ongoro: Thank you, Mr. Deputy Speaker, Sir. I want to take this opportunity to thank Sen. Hargura for exercising his mandate as a Senator to bring this matter that is touching his people on the Floor of the House. I think this is really the voice that is speaking for all matters concerning pollution in every county. I think the way forward is if this nation would establish a
national cancer centre that would have enough budgetary allocation and enough human resource and research facilities so that when we have these kinds of cases--- Cancer has become a major killer in this country including cervical cancer and breast cancer. If we have one institution that majors in this disease, then all matters from all counties could be referred to this institution.

Mr. Deputy Speaker, Sir, if this institution is given enough funding and human resource, then we would not have people struggling to go abroad for treatment. If this case is brought to the Floor, we would have enough research personnel and facilities to quickly make reference to that cancer institute and they would form a team that we are now talking about to go quickly to that county. Because they are specialized in that area, they would then bring back their research findings and because it is an institution that will be dealing with cancer only, it would be easier to approach it rather than having 47 counties trying to establish 47 small institutions that deal with aspects of cancer. Mr. Deputy Speaker, Sir, having said that, pollution that could be---

**Date 19th November, 2015**

**Member of Parliament: Sen. Chelule**

**Contribution She Made On:** DELAYED DISBURSEMENT OF SHAREABLE REVENUE AND OTHER DUES BY THE NATIONAL GOVERNMENT


**Date 25th November, 2015**

**Member of Parliament: Sen. Sijeny**

**Contribution She Made On:** GOVERNMENT EXPENDITURE ON ROADS IN KAJIADO COUNTY

**Sen. Sijeny:** On a point of order, Mr. Speaker, Sir! I do not agree with the Deputy Speaker. Perhaps, we need to define the Government. We should look at what the Constitution constitutes.

**Date 25th November, 2015**

**Member of Parliament: Sen. Nabwala**

**Contribution She Made On:** GOVERNMENT EXPENDITURE ON ROADS IN KAJIADO COUNTY

**Sen. Nabwala:** Mr. Speaker, Sir, I do not agree with the Deputy Speaker. When we have the opposition side issuing statements, it is normally done by the Vice Chairpersons of Committees who do it in the absence of the Chairpersons. However, in this case, Sen. Wetangula is the Senate Leader of Minority, therefore, his statement carries a lot of weight.

**Date 25th November, 2015**

**Member of Parliament: Sen. Chelule**
Sen. Chelule: On a point of order Mr. Temporary Speaker, Sir. When we were adjourning to go and welcome our visitor, Pope, I thought we were going to confine our debate to the visit. I am so surprised when you hear the opposition side complaining. I think it is wise for them to do a memorandum if they have a problem and, may be, find a way they can hand it over to the relevant authority. It is so pathetic to stand every time and accuse the Government on every issue. What Sen. (Dr.) Khalwale is talking about is not related to the Motion that is before this House. Is the Senator in order?

Date 25th November, 2015

Sen. Kittony: Mr. Temporary Speaker, Sir, thank you for allowing me to commend the Mover of the Motion and join my colleagues in welcoming the man of God. Kenya has been honoured and privileged to welcome a number of dignitaries this year. Today we are welcoming the man from the holy land, who has ‘direct’ access to the Almighty. We know that this country will be blessed. I am not a Catholic but a practicing Christian. I believe that this country will be blessed by the visit of the Pope. I am also privileged since this is my second time this year to meet the Pope. I first met him when I was in New York with the President’s delegation. I hope Kenyans will accord him respect and the necessary welcome. They should turn up in big numbers to welcome him. Due to the President’s good public relations skills, many dignitaries have visited this country. Save for the corruption cases, which I believe will be eradicated completely very soon, Kenya has a good rapport with many countries. Kenya will be an island of many good things, especially peaceful coexistence and respect for humanity. As we discuss the Motion for Adjournment this afternoon, we hope that we will be blessed by receiving the Holy Father. We are thankful for his visit and wish him a good stay in the country. He has shown a lot of respect for us by visiting Kenya and Uganda. Thank you.

Date 25th November, 2015

Sen. Gwendo: Thank you, Mr. Temporary Speaker, Sir, for giving me a chance to also support this Motion of Adjournment. As a Christian who was born Catholic and now Pentecostal, I think this is a very good opportunity for us to receive the Pope. It is a message from God that Kenya is not forgotten. We still have a chance to heal and get peace. We should be inspired to receive the Pope and pray together as a country. We should pray for peace, love and togetherness. The Pope is not coming to sanctify the Jubilee Government but to pray for our country so that we can move together in peace, love and unity. As leaders of this country, we should welcome him in a loving and kind way. Thank you.