COMMUNICATION FROM THE CHAIR

Date 1st October, 2015

Member of Parliament: Sen. Ong’era

Contribution She Made On: ADDRESS TO A JOINT SITTING OF PARLIAMENT BY H.E (DR.) JAKAYA MRISHO KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA

Sen. Ong’era: Thank you, Mr. Speaker, Sir. I will take the unprecedented approach by disagreeing with the Senate Minority Leader and also with the distinguished Senator for Vihiga. When I read the Standing Order No. 25(1), which will require the Speaker to consult the two leaders only in instances where the visiting leader will address the Senate. However, under Standing Order No.25(2), when it comes to Joint Sittings, then the Speaker need not to consult the two distinguished leaders. There, the Speaker will only consult with the Speaker of the National Assembly and arrange for a Joint Sitting for the purpose of an address by a visiting Head of State or such other visiting dignitary. There, the two Speakers will use their discretion. I thank you.

Date 1st October, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: ADDRESS TO A JOINT SITTING OF PARLIAMENT BY H.E (DR.) JAKAYA MRISHO KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA

Sen. Wangari: Thank you, Mr. Speaker, Sir. It is actually an honour for the Speaker to sit and give me a chance. So, I feel greatly honoured. I want to agree with Sen. Ong’era in terms of the application of Standing Order 25(2), but even in 25(1), it only gives a “may” option. “May” is either you can or you may choose not to. I support Sen. Ong’era. Again Standing Order 25(1), gives the Chair a leeway to choose and I know he always prefers to consult. This is a good practice. The word “may” indicates that it is not a must that he does so. But if it was “shall”, he would not have otherwise, but to consult. That is my understanding of this Standing Order. It is not a monopoly of anyone in this House to read the Standing Orders.

STATEMENTS
Date 1st October, 2015

Member of Parliament: Sen. Ong’era

Contribution She Made On: DEMONSTRATIONS ALONG HARAMBEE AVENUE AND PARLIAMENT ROAD

Sen. Ong’era: Mr. Speaker, Sir, further to that statement, I would like the Chairperson of the Committee on National Security and Foreign Relations to state the correct procedure for bringing petitions to Parliament and how they are supposed to be received.

Date 1st October, 2015

Member of Parliament: Sen. Ong’era
**Contribution She Made On:** CAUSES OF HIGH INFLATION RATE IN THE COUNTY  
**Sen. Nabwala:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to seek a very important Statement. In pursuant to Standing Order number 45(2)(b), I rise to seek a statement from the Committee on Finance, Commerce and Budget with regard to the receding economic status of the country. In particular:-

a) The high inflation rate of 5.97 per cent as at September 2015 which has a spillover effect to the consumers, borrowers, investors, business people, energy, et cetera.

**Date 6th October, 2015**

**Member of Parliament: Sen. Chelule**

**Contribution She Made On:** THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO.4 OF 2015)  
**Sen. Chelule:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support The HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No.4 of 2015) that was brought to this House by Sen. (Dr.) Machage. I support it because of two reasons. The issue of HIV/AIDS needs a lot of sensitization or civic education. Therefore, if managed by county governments, community members will receive the right education about it. It should not only be about sensitization on the stigma about HIV/AIDS but also relate to the economic activities that the people are supposed to get from the county governments.

All of us know that if you are not infected, then, definitely, you are affected. This is because very many people at the community level have been taking care of those infected. This group needs a lot of economic activities planned through the proper structure. Therefore, I support the idea that county governments should manage HIV/AIDS sensitization. That needs a lot of education. I know that many die of stigma. That is because they do not receive the right information. That is why some are very stressed to the point of even dying, not because of the ailment but the stigma.

Mr. Deputy Speaker, Sir, I support the amendment Bill that was brought by Sen. (Dr.) (Dr.) Machage. The issue of HIV/AIDS prevention and control should be managed by county governments, specifically, the CEC member in charge of health. With those few remarks, I beg to support.

**Date 7th October, 2015**

**Member of Parliament: Sen. Elachi**

**Contribution She Made On:** THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2015)  
**Sen. Elachi:** Mr. Temporary Speaker, Sir, I thank the Senator for Migori County for bringing this Bill which is long overdue. We used to have the Constituency HIV/AIDS Board. However, we are now introducing the county committee. Two weeks ago, a young man, a seven year old from Kenya, who has HIV/AIDS, gave a story in New York that moved us. His story was about stigmatization of children who are HIV/AIDS positive in schools. When we devolved health facilities, we did not set up structures to cater for HIV/AIDS counselors and community workers. We need these people to visit homes and assure our people infected with HIV/AIDS that they can live positively and normal life.
Mr. Temporary Speaker, Sir, Clause 12 says the functions will be to initiate, undertake and participate in the collection, production and dissemination of data that is useful in the prevention and control of HIV/AIDS within the country. While we are collecting and participating, we should bring in county workers to conduct civic education to ensure that people do not stigmatize those who are infected.

In many counties, HIV/AIDS prevalence has reduced. However, we do not have clear statistics that reveal to us why the numbers have reduced. Is it because people are no longer infecting each other? How is their CD4 count? It is very important for us to establish those facts. I believe that the committee that will be set up will start generating new data for us to understand better such issues. Dissemination of information will also be much easier in the counties unlike the former arrangements. We would like to know about projects that they are running to ensure the prevention of HIV/AIDS.

Mr. Temporary Speaker, Sir, many of our youths are faced with the challenges of peer pressure. The other day, we saw what happened in Eldoret. These are some of the worries that we carry on as parents. How can we make them understand the importance of being responsible? Sometimes back, we had a lot of advertisements asking youths not to use condoms, but abstain from sex and wait for the right time. I know that, that has gone beyond because of the eroded values. Today, the youth believe, which is good, that they must use condoms.

However, the most interesting part is that they prefer to use a condom not to prevent themselves from HIV/AIDS but from pregnancies. That makes the society to be more worried because they do not fear the disease. They will tell you that they can still live longer with the disease. We have to continue disseminating proper information to the people. We want to have a productive young generation that will pick the country from where we are and move it forward.

Mr. Temporary Speaker, Sir, it is also very saddening that even those of us who are married are the ones who engage in extra-marital relationships with others. This is what we refer to, in other words, as “mpango wa kando”. That is very common. If we do not change the situation, through what the Senator for Migori is bringing now, then, we face danger. There will be people in many families living with HIV/AIDS.

Therefore, Mr. Temporary Speaker, Sir, we must, as the Senate, start thinking about the future of our youth. It is important to come out clearly and tell our youth that if we do not change our moral values then, as a country, we would have lost what is in the Constitution and it will be of no benefit.

Today, we are moving very fast with the Western culture. Our youth find themselves in a very critical situation. It is normal for a person who is between the ages of 20 to 25 years to do as many mistakes as possible because they have the time. However, the moment you reach the age of 30, you have to focus and start thinking of how to move on in life. I know that the generation that gets itself into this challenge is within that age. We have the youth who engage in sex as early as at the age of 10. It is time we, as parents, asked ourselves – as we claim to be Christians who observe values – where we have lost the values that we used to respect. In the past years, a child could conduct himself or herself well up to the age of 16 or 17 years.

Mr. Temporary Speaker, Sir, I thank the Senator for bringing these amendments that will revive committees that have been dormant. I hope, as the Senator Minority Leader said, that a percentage will be put to ensure that the committees which will be established are well facilitated, to ensure that the work is done properly. Mr. Temporary Speaker, Sir, I beg to support.

Date 8th October, 2015
Member of Parliament: Sen. Ongoro

Contribution She Made On: REPORT OF THE INTER-PARLIAMENTARY UNION’S ADVISORY MISSION TO KENYA ON A FRAMEWORK TO IMPLEMENT THE CONSTITUTIONAL PROVISION OF THE TWO-THIRDS GENDER RULE

Sen. Ongoro: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 8th October, 2015.

Report of the Inter-Parliamentary Union’s Advisory Mission to Kenya in July 2015 on a Framework to implement the Constitutional provision of the two-thirds gender rule.

Date 8th October, 2015

Member of Parliament: Sen. Elachi

Contribution She Made On: SELECT COMMITTEE TO INQUIRE INTO THE POLICY AND LEGISLATION PERTAINING TO THE TREATMENT OF DETAINED PERSONS AND STATE OF CORRECTIONAL INSTITUTIONS IN KENYA

Sen. Elachi: Mr. Deputy Speaker, Sir, I thank Sen. Adan, who is also a former Commissioner of the Kenya Human Rights Commission (KHRC). During her time at the KHRC, she advocated for women who had been raped. I thank Sen. (Dr.) Khalwale and Sen. Hassan for the contributions they have made. I also thank our former Vice-President, Hon. Moody Awori who made sure that the plight of prisoners in our country was understood. It was during his tenure that people started having more outreach programmes to prisons.

Looking at prisons today, there is need to restructure the whole sector. We are currently doing police reforms but we have never thought of the inmates, the prison warders, and how to deal with petty offenders and hardcore criminals. When you visit prisons today, you will find that the petty offenders are put together with the hardcore criminals and that is why many Kenyans have ended up conned by inmates through the phone. Our mothers and grandmothers have sent Mpesa to those inmates unknowingly.

Mr. Deputy Speaker, Sir, the fundamental issue that has been brought out by Sen. Adan is that we need to look at the issue of sanitation, nutrition and overcrowding in prisons. However, I think that until we look into the welfare of the warders, the issue of corruption will not end. Prison warders are corrupt because their pay is low and their welfare is pathetic thus the need for them to look for alternative sources to make money.

Article 10 of the Constitution is about national values and principles of governance. We should, therefore, treat the inmates with dignity while they serve their time in correctional facilities. There was time when we had good juvenile facilities while today, we do not even know where the juvenile courts are or where to take juveniles who have been sentenced.

It is very unfortunate that our youth are facing critical challenges today. They end up in hardcore gangs because when they are arrested and remanded at Industrial Area Remand Prison, they meet hardcore criminals who have committed serious crimes and they end up worse people than when they went in.

When we talk about a correctional institution, how do we ensure that a young person who was imprisoned comes out reformed and ready to work with the community?

In the past, we used to see prisoners being taken around cleaning the City. However, I no longer see that. Somebody would be sentenced because they were found drunk. There were funny cases where a police officer could ask somebody: “Unatoka wapi na unaenda wapi?” Before you
could even answer, they took you to prison. The following day, you were accused of loitering yet you were on your way home. The person would become more a hardcore criminal after being released from remand.

For some of us who used to do outreach programmes, it was very interesting when we met prisoners. Some of them would tell you what other prisoners had told them. The moment they were released from prison, they would perform duties for the hardcore criminals because they would send them to do certain things. That is how they kept in touch with other criminals, understood other types of criminal activities and ended up joining gangs.

Mr. Deputy Speaker, Sir, the Committee should give a report on the number of prisoners we have in this country. I even doubt whether the Government can give the data on our prisoners. As much as we claim to be “digital”, we are still “analogue” because we still have Occurrence Books (OBs) being used by the police. If we want to help Kenyans who have gone through all this, it is important to have data that will help us understand why a certain prison has certain criminals and what they did. We should know that the courts are unable to fast-track and clear petty crimes that are there. This is something that should go beyond not just prisons but also the courts.

Mr. Deputy Speaker, Sir, there is a case that has been going on for three years. It is about a driver who knocked down a lady and she died. The case is being handled at the Makadara Law Courts. The most interesting thing is that the lawyers have framed issues because they know that if three years elapse, the case will be terminated. Since the husband to the deceased is not a Kenyan citizen, he decided to put the property under his wife’s name because she was a Kenyan. By bad luck, the wife died. He has been going to court for the past three years and the case has never ended. They will tell him that three years are about to elapse and according to law, he cannot claim anything.

That is very interesting and the driver is also in prison. He has been remanded for all that time. Looking at what is happening, you may wonder whether we are still in the old days. It is something that I hope that the Chief Justice (CJ) will look into because, of late, he has been very active. He knows that there are issues in the Judiciary. He should ensure that such cases are dealt with.

As the Senate, we hope that the Committee will bring out the revelations that people have never heard about. I am sure that stories that Kenyans do not know or understand will come up. They will be very surprised by what happens in prisons, since they think that prisoners are being corrected in prisons. The problem in our country is that people want to create business in everything. As much as my Senator says that we need to build the 47 prisons, it is scary because businessmen will be happy. However, in some counties, that might be a curse.

I remember one time going to Pokot. The Senator is here to attest to that. If you talked of prisons in Pokot, they would ask you if you want their children to be criminals. To them, prisons are a curse. Therefore, some communities are not happy about the issue of prisons being established. However, other communities will be okay with that because there are hardcore criminals and they have no choice but have prisons. The best we can do is to ensure that prison facilities are taken care of.

Mr. Deputy Speaker, Sir, prisons were well taken care of during the former President Moi’s regime. They were established on huge chunks of land. However, most of that land has been grabbed by the same officers serving in the prisons. We have always ignored certain issues coming up in this country and people who serve in certain institutions prefer when we ignore or do not talk about them.
I thank Sen. Adan for bringing this Motion. This is one of the most prestigious sectors we have in this country, as much as it has many challenges. This is a sector businessmen prefer because they will supply maize, boots, uniforms and other things without caring about how they look. If we have to talk about correcting what is rotten, the Inspector-General of Police (IGP) should know that we must start with the police station that somebody is taken to before being taken to prison. When you walk into any police station in our country, you may wonder why it is very dirty. How will you correct somebody who sees that the environment they are entering is filthy and, therefore, they will remain filthy? The prisons are even filthier yet there are people, including prisoners, who could clean or paint them. Let the prisons or police stations be clean so that when a person walks in, they will see that they are sparkling.

When you walk into a police station in Europe, you will know that you are entering a centre where you must check your integrity, because the cleanliness will click in your mind. You will realise that you have wronged and need to change your behaviour. For our case, it is the most outrageous thing we have done to ourselves and to the dignity of our people because it is our brothers that we take to the correctional institutions.

Therefore, we must start with police stations and people who welcome prisoners to prison. When you look at the house of a prison warder, you may think that it is pig sty. I am sorry to say that. You will wonder why a prison warder in Langata should live in a hut yet we construct houses for them in even 10 days. To prison warders, the issue of better houses is strange. That means that the prisoner is much better because he or she is locked up in a house made of stone. That is unfortunate for prison warders who take care of prisoners yet nobody sees that.

The Committee will have to tell us about the challenges and welfare of the prison warders. The moment we address that, we will realise that those who are taken to prisons for being corrected need dignity. We need to change their mindset and attitude for them to go back and work with the communities. If we continue the same way, we will continue having gangs and terrorists. We should avoid conflict between arms of Government and consider the interests of the country.

How do you expect the community to feel when you grant bail to a terrorist?

Date 13th October, 2015

Member of Parliament: Sen. Nabwala

Contribution She Made On: REPORT OF THE 132nd IPU ASSEMBLY AND RELATED MEETINGS HELD IN HANOI, VIETNAM, FROM 26th MARCH, 2015 TO 1st APRIL, 2015

Sen. Nabwala: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 13th October, 2015. Report of the 132nd IPU Assembly and related meetings held in Hanoi, Vietnam, from 26th March, 2015 to 1st April, 2015.

Date 13th October, 2015

Member of Parliament: Sen. Chelule

Contribution She Made On: REPORT OF THE 132nd IPU ASSEMBLY AND RELATED MEETINGS HELD IN HANOI, VIETNAM, FROM 26th MARCH, 2015 TO 1st APRIL, 2015

Sen. Chelule: Mr. Speaker, Sir, first, I thank the Chairperson and the entire membership of the Committee on Labour and Social Welfare for the time they took to address the issue raised. However, I have few problems pertaining to the way the programme has been organized. I thank the Government for coming up with a good policy on how to address unemployment among the
youth, persons with disabilities and women through the 30 per cent policy of Government tenders going to these three vulnerable groups.
The Government has also gone ahead to make arrangements for LPOs or those who have benefited from these tenders to get funding from the Youth Enterprise Fund, but the problem is access to information. There seems to be a very good plan by the Government, but how these people will access information is the issue.
The criteria being used by the Youth and Women Enterprise Fund to give out loans for these groups to implement their tenders are so tedious. Most of them cannot access these funds. I request that there should be a one-stop shop at the sub-county level to give proper information to the people; not only on how to implement the tenders, but how they can also register groups, enterprises and companies. It is cumbersome---
Mr. Speaker, Sir, I had sought two statements. I am referring to the first statement.
The second one was on a comprehensive report about Uwezo Fund that targets women and youth. Since the comprehensive report is so bulky, I am requesting to be given enough time; and I hope my fellow Senators would also like to have enough time to peruse through the document for them to react to it. Therefore, I am requesting for adequate time to go through this because I want to see the women of---
Mr. Speaker, Sir, I have just been given this bulky report today in the afternoon. It was not given to me on Friday. That is why I need time to peruse and even for the Senators to also look at it. It is my humble request to the Senators that---
Date 13th October, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: REPORT OF THE 132ND IPU ASSEMBLY AND RELATED MEETINGS HELD IN HANOI, VIETNAM, FROM 26TH MARCH, 2015 TO 1ST APRIL, 2015

Sen. Wangari: Mr. Speaker, Sir, I want to thank the Chairman of the Committee on Health for that response but as you have realized, when we began this Session, the issues that have dominated this House especially on matters of health in terms of negligence are still very many. Therefore, I want to seek clear clarifications from the Chair.
First, I am interested with the kind fines that have been meted to the eight cases that have been determined so far in the last 10 years. The Chair should clarify the names of the medical practitioners or the crime and the charges preferred against them.
Secondly, if the Chairman says that between 2014 and 2015, 89 people were arrested for negligence or for malpractices and only 13 cases have been prosecuted in the last 10 years, I would like to know why we have discrepancy because 89 people were arrested in just two years but in ten years, we only have 13 cases. I also seek clarity on the issue of children that were injected wrongly---
Mr. Speaker, Sir, I will make it very short. I also seek clarity on the issue of children that were injected wrongly in Elgeyo-Marakwet, two of them died. Was there any action taken against the medical practitioner who was in charge of this immunization? As he or she been taken to court? Finally, could the Chair clarify whether medical practitioners who are involved in negligence in the KMPDB are blacklisted so that people can identify them from a distance?
Date 13th October, 2015

Member of Parliament: Sen. Kanainza
Sen. Kanainza: Thank you, Mr. Speaker, Sir. I have tried to interrogate the reply given by the Chair of the Health Committee and it is very unfortunate that the Cabinet Secretary (CS) together with the Kenya Medical Practitioners and Dentists Board are trying to protect the sins committed by this hospital in particular, and the gynecologist who did the caesarean. It is very clear in my question No.3 that the patient was give food and that is for a fact because during the postmortem which we followed keenly, is that food particles were found in the system. The doctor from St Francis was asked about it and he confirmed that food was given to her, and in this Statement, the CS who signed this document is trying to deny.

Mr. Speaker, Sir, I also need clarification on my question No.4. It is claimed that the sister gave evidence that she was informed of the patient’s condition. The hospital refused to give information on the progress of the patient. It was the family’s decision.

When the family went to hospital on that fateful night of 7th July, 2015, they decided to take the patient to hospital. So, this Statement is not true and is not the right response. I would request that the Committee on Health visits this particular hospital and confirms a number of things because they decided to do this process yet they do not have the proper equipment to take care of a patient who has undergone this type of surgery.

Mr. Speaker, Sir, I would request with your guidance that the Committee visits this hospital. This is not the first case; we have several cases of people dying from the same hospital during delivery. Thank you.

Date 13th October, 2015

Sen. Wangari: Thank you, Mr. Speaker, Sir. I will repeat again that the Committee on Health needs to interrogate these issues. As you can see, the frequency of the negligence of doctors is coming here every day every time. On the Statement, this specific mother left a few hours old baby. It was a very unfortunate case. I want to follow up on the question that was asked by Sen. (Dr.) Khalwale, that day when the Statement was sought. He asked clearly what the qualifications of the person who carried out the caesarean section, the anesthetist and everyone who was used as the scrub nurse are.

Were all these professionals who were used in that operation qualified? Can the qualifications and the names be tabled in this House?

COMMUNICATION FROM THE CHAIR
Date 14th October, 2015

Sen. Wangari: Mr. Speaker, Sir, I also want to join you in welcoming the students from Tangaza University College, especially at this time that we are expecting to host the Pope towards the end of the year. I want to encourage them, even as they engage in this learning process, that they also intercede for us and pray for the leadership of this country.
Date 14th October, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: VISITING DELEGATION FROM TANGAZA UNIVERSITY COLLEGE

Sen. Sijeny: Mr. Speaker, Sir, I also wish to join you to welcome the visitors from Tangaza University College. I am more delighted because I can see most of them, if not all, are ladies. I know that when you educate a lady, you educate the whole nation. I know that they shall intervene in a very special manner giving it a ladies and a spiritual touch. Welcome and God bless you.

MOTION

Date 14th October, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: REPORT OF THE SELECT COMMITTEE OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW

Sen. Kittony: Madam Temporary Speaker, I thank the Mover of this Motion and the Seconder for a very well researched presentation this afternoon. A lot has been said. As Sen. (Eng.) Muriuki said, devolution is working. When you go out there, you will find a number of people who appreciate what the Senate is doing. It is this Senate that will make this country a better place in future because this is the House where you will find sober minds and people with dignity.

Madam Temporary Speaker, the laws of Kenya have been put down. It is only appropriate that people respect the laws that have been laid down and follow them. It is very disturbing to see what we have gone through for the few years that we have been here. When you take matters to court, they are sent back to you. I will challenge the Mover of this Motion on that. I used to watch him a lot on television talking about the Constitution when he was in the civil society. It is time civic education was started for Kenyans who think that they are in the Legislature and, therefore should not respect the laws that have been laid down. It is very unfortunate to see laws being violated. It is time – as we review these laws – that civic education was started again. Maybe we rushed to have the Constitution; that some people did not get enough time to understand and digest in order to respect it.

Dignity begins with respect. If you do not respect what you are doing, then, obviously, you are failing. Country is run well. It is the responsibility of Senators who are here, whom I have a lot of respect for, to make sure that this Senate brings this country together for the sake of the future. It should not allow it to be viewed otherwise.

In every country, the Senate is the Upper House and the laws are respected. It is time that civic education was undertaken to Members of the other House so that they understand their position and know that the Senate is the Upper House which has got to carry this country to greater prosperity for the future generation.

Madam Temporary Speaker, it is time we looked at what is happening. I know that devolution is working and that there are committees mandated to look at corruption and the theft that is going on. You will get scared to see what is happening. You will see houses mushrooming and wonderful buildings coming up very fast yet such like things were not there in the past.
We need a sober society; a society that is respectful and fearful. As a leader, you have got to carry your office with dignity if you are mandated with one. That is what the Senate should be calling for; to have a dignified House which will carry Kenya a long way.

Madam Temporary Speaker, I thank the Mover of the Motion. We should review these laws properly because the Committee is mandated to do that. Let us also consider whether civic education can be provided so that people can respect their positions, offices that they hold and the laws that have been laid down in this country. With those few remarks, I beg to support.

I have just returned from touring a beautiful Senate in Mexico. It is bigger than the White House. It is, indeed, a supreme House. You feel shaken when you enter it. The country is run well. It is the responsibility of Senators who are here, whom I have a lot of respect for, to make sure that this Senate brings this country together for the sake of the future. It should not allow it to be viewed otherwise. In every country, the Senate is the Upper House and the laws are respected. It is time that civic education was undertaken to Members of the other House so that they understand their position and know that the Senate is the Upper House which has got to carry this country to greater prosperity for the future generation.

Madam Temporary Speaker, it is time we looked at what is happening. I know that devolution is working and that there are committees mandated to look at corruption and the theft that is going on. You will get scared to see what is happening. You will see houses mushrooming and wonderful buildings coming up very fast yet such like things were not there in the past.

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Date 14th October, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: REPORT OF THE SELECT COMMITTEE OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW

Sen. Lesuuda: On a point of order, Madam Temporary Speaker. I would not have loved to interrupt Sen. (Dr.) Khalwale but is he in order to mislead this House and the country that having the Nominated MCAs, Senators or MPs; that we were not fulfilling a mandate in the Constitution on issues that are therein? We all passed it and it indicates that we should not have more than two-thirds of either gender. We are not even yet there. So, saying that we scrap it without giving an option on how we will meet that mandate; is he in order? On a point of order, Madam Temporary Speaker. I am fully aware that those are the opinions of Sen. (Dr) Khalwale but, I would like to raise one issue on whether he is in order to mislead this House in all the other representation areas he has talked about reducing and that representation will still be there but he is merging the counties to form viable economic units. Those areas will still be represented. The positions that are there through nomination, he said very clearly that they need to be scrapped. How are those areas going to be represented?

Date 14th October, 2015
Member of Parliament: Sen. Kittony

Contribution She Made On: REPORT OF THE SELECT COMMITTEE OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW

Sen. Kittony: On a point of order, Madam Temporary Speaker. Is it in order that a long serving legislator who knows the roles and the rules of this country to mislead the House? The Constitution of Kenya is very clear on party nominations. So, is he in order? He is telling us that the Nominated Senators are not supposed to be there.

Date 14th October, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: REPORT OF THE SELECT COMMITTEE OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW

Sen. Lesuuda: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this very important Motion that is before us and also to commend the Chairman and the Vice-Chair of this Committee which I was a member. I also had the privilege of sharing experience with distinguished Senators who thoroughly looked at the issues that pertain to this House and this institution. I remember very well that one of the things that we clearly spelt out before even we started our work was to say that we are not looking at how to make the Senate the Upper House for the sake of it, because of our past relationships with National Assembly, or a way of weakening the National Assembly. At all times, that was our guiding principle as a Committee. The other guiding principle was that we need to strengthen the institution; the House itself as a Senate. That is why, earlier on, many of my colleagues have said that many of us will not be in this House come the next elections. But the need of having a strong Senate for the purpose of the new system of governance that we have is very critical, beyond each one of us, beyond any Member in this House or even in the National Assembly.

Madam Speaker, it was also interesting to note, and it is something that we have talked about for a long time and it is also an observation that I noticed since we came to this House; we said that for a long time the Senate has been weak. The Senate cannot execute its mandate, but it was interesting to note that many of those who sit in this institution now, sat in the Tenth Parliament which actually worked a lot to make sure that we had this Constitution. Sen. (Dr.) Khalwale is one of them and he said he has done a lot to ensure we have this Constitution. It came to my mind that it was probably because he was in the other House, and did not foresee himself coming to the Senate. He did not make sure that there was a very strong Senate, probably even as an Upper House while they were in Naivasha. It is good to note that our distinguished Senators have realized that we should make changes and laws for posterity regardless of where we stand or our current position even as we move forward.

Madam Speaker, it is clear now that some of the Senators will even go for governorship. If they really wanted a weaker Senate so that the continuous mismanagement, misappropriation and everything that is happening in some of our counties continues, then even Senators who are here who want to go for governorship would definitely not want a strong Senate. Therefore, I commend my colleagues for the enthusiasm that they have shown to ensure that we strengthen the institution of the Senate.
Madam Speaker, we know that devolution was one of the key things that many Kenyans were so eager to see, so that we could have the whole issue of representation coming down. We have the whole issue of resources coming down to the people, and that is one of the key things that Kenyans valued in the Constitution that we have amongst very important chapters that we have in our Constitution.

Madam Temporary Speaker, it would have been better if we had the goodwill. That is what we have been lacking for a long time. We could have even continued for another 10 years before thinking about amending the Constitution. However, since we got the bicameral system and got devolved system of governance, we have continued to witness lack of goodwill that we are now forced as a House to ensure that we entrench what we want to see in the law. Remember when it was said that the role of the Senate is not very clear and that our roles were not clear. That is the kind of conversation that came up from time to time. It is unfortunate that even right now, it is clear what each House of Parliament does. However, there is always mischief in individuals and Members of the National Assembly who always say that the role of the Senate is not clear. Right now, we are making our roles clear and strengthening the Senate.

Some Members of the National Assembly were of the opinion that there was no need for the Senate Majority Leader and Senate Minority Leader. How would we conduct business in this House without them? We have had to deal with the mischief that was hidden when we were coming up with the Constitution. Those are some of the issues that we want to rectify through the amendments proposed by the Select Committee.

Madam Temporary Speaker, we also have to look at the whole issue of revenue that goes to the counties. It has been a contested issue on what percentage should go to the counties. We, as a Committee, agreed on 40 per cent of the national resources. This will be an issue of debate. However, we all agree that we need more resources to go to the counties notwithstanding the corruption that is there. It is not an excuse for us to deny the people an opportunity to get more resources and have services delivered to them. Therefore, we need to strengthen our oversight role as more resources go to the counties. The people of Kenya in different parts of the country must continue to enjoy the fruits of devolution. It is also important for both Houses to have a role in the budget making process because that is what gives a House stature. The whole process of budget making and appropriating the funds is critical. Probably that is why Kenyans do not understand the critical role played by this House. The Division of Revenue Bill and coming up with the formula for division of revenue is something that this House continues to debate and deliberate on to see that there is equity in terms of division of resources that go to the counties. Therefore, it is important for us not just to say that 40 per cent go to the county, but it is critical for the Senate to be involved in the whole process of budget making.

Madam Temporary Speaker, there are also other issues that are pertinent. We need to ensure counties work; and separation of power between the executive and the county assemblies is paramount to ensure that there is independence. The county assemblies should also perform their duties without being tied to the executive at the county. We also hope that the Senate and the National Assembly will have separate commissions so that our work is not impeded because of certain reasons. We disrupted Sen. (Dr.) Khalwale on a number of times when he was speaking on the issue of representation. It is a crucial issue because many Kenyans are talking about the bloated system of governance that we have. As we continue to enjoy the fruits of the Constitution, we realize what needs to be done and corrected. On the issue of representation and as we talk about affirmative action, we could come up with a competitive way to achieve gender balance. However, we have to agree that the playing ground is not leveled. I will not be the same,
if I do not have a chance to sit in this House after the next election. If we can make the process competitive even for the affirmative seats, and create a level playing ground for all the other groups, then we will succeed. The problem is about this tokenism. We have to agree that as a country, we have faced several challenges to get to where we are today and cater for the different interest groups. These are conversations that we continue to have even as we continue thinking about implementing the two-thirds gender rule. These are some of the conversations that we will continue to have with our colleagues and see how best to achieve them without dismissing the different roles played by different interest groups in the leadership positions they hold.

Madam Temporary Speaker, it is also important to note that until now the distinguished Senators in this House do not have any fund that they manage. It is commendable that the Senators have continued to execute their mandate without funds. When we asked for a kitty to assist us in doing our oversight role, it was denied by the National Assembly. However, Senators have continued to play their oversight role even without funds. When Senators proposed to have a board that would facilitate consultations in the counties, it was also denied. We know that the role of the Senators is not being felt in the counties. That is why debate has continued that the Senate needs to be scrapped. The Senate needs to be strengthened for posterity.

In conclusion, it is interesting to see the bipartisan approach to this issue. When we just came to the Senate, there was discussion about strengthening the Senate. I do not know what scattered us then, but we have now done our job. Earlier on, we were just shouting at funeral, weddings and other functions about strengthening the Senate. We have now done it properly. I hope and pray that the same approach that we have seen today will be seen in the different fora that we will have as we continue to deliberate on these amendments. We have to do that for prosperity so that Kenyans understand that it is not just supremacy battles and that we do not want powers for the sake of it, but to strengthen the Senate.

Madam Temporary Speaker, I would also like to call upon Kenyans to support us now that this document is public. We had to work quietly to ensure that the issues do not even get out to the media until we brought the amendments and laid the document on the Table of this House. I know and also hope that Kenyans and my former colleagues in the media will look at these amendments in totality because I know what might happen. We might pick one or two amendments which we feel should not be part of this Constitutional (Amendment) Bill and tear it up even before we start having reservations about it.

Madam Temporary Speaker, I support the recommendations of the Committee. I hope that Kenyans will agree that we need to have a strong Senate –when we go for a referendum – so that their expectations of this institution are met. When Kenyans see distinguished Sen. Obure, Sen. Boy Juma Boy and others, they have a lot of expectations from us. That is why they, in their own wisdom, elected people with a lot of experience to sit in this House. However, looking at the current state of how the Senate operates, it has become almost impossible for Senators to go about their business in the best manner that they should or would have. I hope Kenyans will see the need and relevance of ensuring that we have a strong Senate.

NOTICE OF MOTION
Date 15th October, 2015

Member of Parliament: Sen. Ongoro
**Contribution She Made On:** NOTING OF THE REPORT OF THE IPU EXPERT MISSION TO KENYA ON THE FRAMEWORK TO IMPLEMENT THE CONSTITUTIONAL PROVISION OF THE TWO-THIRDS GENDER RULE

**Sen. Ongoro:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, aware that the Parliament of Kenya is an active Member of the Inter-Parliamentary Union (IPU) which is the international organization of national Parliaments, further aware that the IPU provides support to parliaments in areas such as law and policy making as well as representation; noting with appreciation that upon request by the Speaker of the Senate, the IPU sent an expert delegation to Kenya from 12th to 16th July, 2015 to offer advice on the way forward in implementing the constitutional requirement on the two-thirds gender rule; now, therefore, the Senate notes the report of the Inter-Parliamentary Union expert mission to Kenya on the framework to implement the constitutional provision of the two-thirds Gender Rule laid on the Table of the Senate on Thursday, 8th October, 2015 and extends its appreciation to the IPU for support on the matter.

**MOTION**

**Date 15th October, 2015**

**Member of Parliament: Sen. Nabwala**

**Contribution She Made On:** ADOPTION OF REPORT OF THE SELECT COMMITTEE OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW

**Sen. Nabwala:** Thank you very much, Mr. Deputy Speaker, Sir. I would also like to join my colleagues to add my voice to this very important Motion by the Select Committee on the Constitutional and Legal Review that was laid before this House on the 23rd September 2015. The Committee did a great job as seen from the comprehensive report read on the Floor of the House. If looked at critically, I think it will help our country to move forward. First and foremost, I would like to talk about the financial crisis that is facing our country right now. We need to know from the Treasury Cabinet Secretary what happened to the envelop that we allocate at the end of July 2015; that was the new Financial Year. We were told that there was over Kshs1 trillion, we sat down as the Committee on Finance, Commerce and Budget and allocated the money. The Bill came to this House and the House approved the allocations, it went to the National Assembly, and now we are being told there is no money and counties are facing a problem.

Counties have further been instructed to borrow money from banks. This is going to be abused, and before we realize it, counties will be in more debt than what the Government has borrowed. I think this country needs to be given answers to what is happening. Secondly, we have also realized that two banks have collapsed; Dubai Bank and Imperial Bank. That is not a very good sign particularly to the investors. If banks start to collapse, the next thing you will hear is that things have come to a halt. Like we have seen, electricity and water to Parliament had been disconnected which is a very distinguished House. One wonders if the county government can disconnect water and the Kenya Power disconnects power for the Parliament, then there is something seriously wrong which needs to be addressed.

The other problem is the passage of Bills which has been mentioned in the Report. In the past, this House has looked at money Bills, which go to the National Assembly, they also agree with us that that is how the money should be allocated, but where there is a disagreement, we have had to go to the Mediation Committee. But even after Mediation Committee, when the Bill is
taken back to the National Assembly, they go ahead to reallocate the funds and you realize that some institutions, organizations and the Senate are disadvantaged.

When they say that the Senate is not doing the oversight role, it is because we do not have funds. We proposed that Senators be given Kshs1 billion and the same National Assembly went ahead, removed the money and reallocated it elsewhere. For somebody to say that the Senate is not performing its mandate, I think it is the other House that is trying to frustrate this Senate so that devolution does not work. Devolution is the best thing that happened to the people in this country because it addresses the inequalities which were being felt in the rural areas because development was concentrated in Nairobi or the major towns.

Mr. Deputy Speaker, Sir, oversight of money which is being allocated to counties is very important. So, the Senate must be strengthened. How else are we going to oversee if people do not have the means to hire researchers or to carry out forensic audits in those counties that are having problems?

Article 96 is very clear about our mandate. We look after counties. We legislate and yet the National Assembly passes Bills that affect counties and those Bills do not pass through this House. The proposer of the Committee said Bills should now be managed by both Houses. I would support that the Senate takes up its role as the Upper House. If we do not lead, then I am afraid we are in a lot of trouble. Yesterday I also read in the newspaper although we are not supposed to quote the media, that there is a problem in the “Lower House”. I do not see why someone should look and remove the speck in our eyes before he removes the log in his eyes.

With that, I should add that under Article 94 (3)---

Point noted, Mr. Deputy Speaker, Sir. Under Article 94 (3), Parliament must consider and pass amendments to this Constitution, hence the reason we have this Report on the Floor of this House.

For instance, one of the proposed amendments under Article 245 (2) is: “The appointment of the Inspector General requires the approval of both Houses of Parliament.” I think in the past, Parliament has been misconstrued to mean the National Assembly, which is wrong because under Article 93 (a), “There is established the Parliament of Kenya that constitutes the National Assembly and the Senate.” So, both Houses should actually be able to vet the Inspector General or the person who is being nominated to that position. Article 202 of the Constitution calls for equitable sharing of the National Revenue as follows:

1. Revenue raised nationally should be shared equitable between the national and county governments.

Looking at this Sub-Article, it is clear from the clause that there should be no inequities; that is why the Senate Committee has recommended an increase of the revenue shared vertically from 15 percent to 40 percent, which I support.

I support that the Senate should be empowered and strengthened in order to carry out its mandate of protecting the counties.

Mr. Deputy Speaker, Sir, finally, since the Committee has recommended for a popular initiative, I recommend that we choose a channel of communication through the print media to explain ourselves at length on what the Senate needs to do at the county assemblies and create awareness and understanding through the vernacular stations. We, as Senators, have to take it upon ourselves to go to the counties and sell these ideas so that people understand and know that we are doing it for the good of the county. Thank you, Mr. Deputy Speaker, Sir.
COMMUNICATION FROM THE CHAIR
Date 21st October, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: VISITING DELEGATION OF STAFF FROM MANDERA COUNTY ASSEMBLY
Sen. Omondi: Mr. Deputy Speaker, Sir, I want to take this time to join you in welcoming the staff of Mandera County Assembly. On behalf of other Senators, this is a good indication that staff from the counties are eager to learn and give quality services to the people from the counties where they come from. As they learn from what is happening at the National Assembly and the Senate, I wish them a fruitful learning process.

MESSAGE FROM THE NATIONAL ASSEMBLY
Date 21st October, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: REJECTION OF SENATE AMENDMENTS TO BILLS AND APPOINTMENT OF MEDIATION COMMITTEE
Sen. Sijeny: Yes, Mr. Deputy Speaker, Sir. I just want to thank you for the cooperation that we are getting from the National Assembly. My only concern is that there is an issue of gender in the membership of the Committee. It would be more appropriate if a lady would be selected.

PETITION
Date 21st October, 2015

Member of Parliament: Sen. Kisasa

Contribution She Made On: VIOLATION BY THE NATIONAL REGISTRATION BUREAU OF THE RIGHTS OF RESIDENTS OF VIHIGA COUNTY TO REGISTRATION AND ISSUANCE OF NATIONAL IDENTITY CARDS (IDs)

Date 21st October, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: VIOLATION BY THE NATIONAL REGISTRATION BUREAU OF THE RIGHTS OF RESIDENTS OF VIHIGA COUNTY TO REGISTRATION AND ISSUANCE OF NATIONAL IDENTITY CARDS (IDs)
Sen. Sijeny: Mr. Deputy Speaker, Sir, I also congratulate the Senator who has brought this Petition. I urge the Committee to pay special attention to women because women have very unique issues and Sen. M. Kajwang has mentioned that. For the few that I have interacted with,
you will find that their parents were born and brought up here in Nairobi and they have never regularised their documentation. They are also married to young men of Nairobi who do not have proper identification. When they apply for identification (ID) cards, they are required to have affidavits, their fathers ID cards and other documents. Therefore, due regard should be taken for such unique situations so that women are not left behind because, we know, they are the ones who vote and they are the majority in the country.

Date 21st October, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: VIOLATION BY THE NATIONAL REGISTRATION BUREAU OF THE RIGHTS OF RESIDENTS OF VIHIGA COUNTY TO REGISTRATION AND ISSUANCE OF NATIONAL IDENTITY CARDS (IDs)

Sen. Omondi: Mr. Deputy Speaker, Sir, I thank the petitioner. I also add my voice on behalf of persons with disability. Most persons with disability do not have ID cards simply because they are not given an opportunity and the bureaucracy does not allow them. I propose that the Committee should also work on plans on how to allow door to door voter registration for persons with disability to allow Kenyans with disabilities have this right of birth and participate in other issues where an ID card is required. There is also the issue where women are forced to get their parents’ ID cards. That is an area of concern that should be addressed to allow more women---

Date 21st October, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: DETENTION OF MR. DON BOSCO OOGA GICHANA IN ARUSHA, TANZANIA

Sen. Ongoro: Mr. Deputy Speaker, Sir, I sit in that Committee. So, I will undertake to inform the Chairperson that the answer be brought on Tuesday, next week. Mr. Deputy Speaker, Sir, I undertook earlier that I will consult my Chairperson. In view of the fact that this has been a long standing issue, we will give the answer that will have been forwarded to us by Tuesday afternoon, next week. Mr. Deputy Speaker, Sir, I would like to be optimistic because I am aware that my Chairperson has been trying to get the response from the line Ministry for some time. We will put more effort to ensure that we bring a response on Tuesday, next week. Let us be optimistic. Mr. Deputy Speaker, Sir, in view of those circumstances, maybe tomorrow may not be realistic.

Date 22nd October, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: COMMITTAL OF THE PETITION TO THE SENATE BY THE JUSTICE AND LEGAL AFFAIRS COMMITTEE OF VIHIGA COUNTY ASSEMBLY

Sen. Kittony: Mr. Deputy Speaker, Sir, maybe I am out of order, but I want to join you in welcoming the delegation from Kisii County Assembly. When we visited Kisii as the Committee on Health, we saw a lot of development. I would like to commend and thank them for the work they are doing in Kisii County.
Date 22nd October, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: DETENTION OF MR. DON BOSCO OOGA GICHANA IN ARUSHA, TANZANIA

Sen. Omondi: On a point of order, Mr. Deputy Speaker, Sir. I want to join the Senator from Nyamira County over the same statement. The issue that touches on humanity should not be given a long duration to give a response. I am sure when the Cabinet Secretary is out of the country, his office is still functioning. Therefore, this matter should be taken seriously and urgently.

Date 22nd October, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Kittony: Mr. Deputy Speaker, Sir, we had a meeting this morning, but the issue did not come up. Therefore, I do not have a statement or anything more to say on this issue. Mr. Deputy Speaker, Sir, we will bring the statement on Wednesday, next week.

Date 22nd October, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Omondi: On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Murkomen in order to classify disaster? What means does he use to measure and classify incidents as disasters? Everybody’s life is very precious. Is he, therefore, in order to say that the person who lost his life was not important in the development of this country?

Date 22nd October, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: CIRCUMSTANCES SURROUNDING THE DEATH OF MR. ALEX MADAGA

Sen. Kittony: Mr. Deputy Speaker, Sir, allow me to contribute to this issue because I cannot be forced to give my personal condolences when I do not even know the person. However, I sympathize with the whole situation. However, condolences can only be received from the Committee where I am the Vice Chairperson. As I said, the report will be issued on Wednesday, next week. The Chairperson did not tell us that he had committed himself to bring a report this week. I also do not think that the Committee has money that can be used to write off the expenses.

I am most obliged, Mr. Deputy Speaker, Sir. Our Committee treats all Kenyans equally. We care and it is their right---
COMMUNICATION FROM THE CHAIR
Date 22nd October, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: VISITING DELEGATIONS FROM NYAMIRA, TURKANA, WEST POKOT AND VIHIGA COUNTY ASSEMBLIES

Sen. Kittony: Mr. Deputy Speaker, Sir, I join you in welcoming the delegations to the Senate because it has been realised that the Senate is the right place for them. I also welcome the West Pokot delegations who are my neighbours and members of my party, the Kenya African National Union (KANU). I wish them a good stay in Nairobi. We are proud of what they are doing in their counties. We, as the Senate, will give you the necessary support.

Date 22nd October, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: VISITING DELEGATIONS FROM NYAMIRA, TURKANA, WEST POKOT AND VIHIGA COUNTY ASSEMBLIES

Sen. Sijeny: Thank you, Mr. Deputy Speaker, Sir. I join you in welcoming our counterparts of the Committee on Delegated Legislation from the county assemblies. We met and we had a very fruitful deliberation. They have learnt a lot from us. We too have learnt from them. I can assure the Senate that this is a very competent and hardworking lot. We stand to gain a lot. I am sure the people they represent are happy with their work. What we have learnt mostly is that we need to collaborate and meet more often. We should also look for resources to give them for development and other uses for further interactions and make this country better and devolution to work.

Date 22nd October, 2015

Member of Parliament: Sen. Chelule

Contribution She Made On: VISITING DELEGATIONS FROM NYAMIRA, TURKANA, WEST POKOT AND VIHIGA COUNTY ASSEMBLIES

Sen. Chelule: Thank you, Mr. Deputy Speaker, Sir. I also add my voice to those of my fellow Senators who have contributed in welcoming the members of the county assemblies from various counties. We are so happy to have them. I am a Member of the Senate Committee on delegated legislation and we were so happy to have a session with them. I know they got, especially from you, a very strong presentation this morning. I am happy the Committee is well represented and the women are represented, especially in this visit and other Committees. I hope they are all aware that there are devolved funds which are supposed to assist the women, youth and the people with disabilities. I request them to do serious sensitisation about these devolved funds. We wish you good stay here and we are happy to see you. We need to work together. Thank you so much.

Date 22nd October, 2015

Member of Parliament: Sen. Kittony
**Contribution She Made On: TERMS OF OPERATION/ENGAGEMENT FOR COUNTY SECURITY AND ENFORCEMENT OFFICIALS**

**Sen. Kittony:** Mr. Deputy Speaker, Sir, this is a serious issue that we are handling here. It is like giving a child a knife or letting them play with fire. We are creating monsters with such groups and this House is the right place to effect that. I support Sen. Kagwe for saying that we should have a Bill immediately so that this issue can be put to a stop once and for all.

**COMMUNICATION FROM THE CHAIR**

Date 22nd October, 2015

**Member of Parliament: Sen. Chelule**

**Contribution She Made On: STATUS OF CASH TRANSFER PROGRAMMES**

**Sen. Chelule:** On a point of order, Mr. Deputy Speaker, Sir. I have a concern about what you have just mentioned; the status of cash transfer programmes. I do not know whether the issues should only be limited to the transfer of funds or could we include devolved funds? Mr. Speaker, Sir, I am asking that because devolved funds still fall under the same Ministry.

Date 22nd October, 2015

**Member of Parliament: Sen. Sijeny**

**Contribution She Made On: STATUS OF CASH TRANSFER PROGRAMMES**

**Sen. Sijeny:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity and Sen. Adan for donating your precious time to me and more so, for bringing this Motion. This is well thought and thank God it had to come from a woman. This means you have really thought and empathised with the situation of our fellow citizens who find themselves on the wrong side of the law and some quarters which are probably unfamiliar.

I have had the opportunity to visit a few prisons especially when the Vice President and our party leader, Kalonzo Musyoka, was in charge of prisons in the then Ministry of Home affairs. We have seen that despite the efforts of the former Vice President Moody Awori and his successor--Moody Awori really tried to implement some of those recommendations. However, as the situation is, things still deteriorated later and it is truly an area that, we, legislators, need to do something about. These are common problems all over the world and that is why there are several international instruments which have been enacted and ratified by various countries to ensure human dignity and the welfare of prisoners and the people who are in custody is well taken care of. This is because we know it is a human rights issue which is also enshrined in our Constitution.

Mr. Temporary Speaker, Sir, I once went to the Lang’ata Women’s Prison and found that there was dire need of women to get legal representation. This is still lacking because of the low exposure and awareness creation. With this Committee and enforcement of many legislations and regulations to come, I am sure that these people will have access to legal representation to take care of their interests. This is because when you are inside there, whether as a woman or a man, there is a life outside. Many things go wrong where you need protection. You will find a woman is there with a little baby, her other children are violated, property is taken away and
many other issues. So, we need to take care of all these issues and make sure that all the facilities are supplied, whether it is legal, psychological, welfare, medical, we need all these things.

Mr. Temporary Speaker, Sir, with the overcrowding of the prisons, a lot has still to be done. Now with devolution, we may think of devolving some of these facilities or at least cost sharing or coming up with ideas so that, as we are building other structures, these are the issues where the land is available. Security is paramount also.

Mr. Temporary Speaker, Sir, a lot has happened. I remember when we were growing up, in Lang’ata where we have Southlands Estates, there were large farms of prisons and they would cultivate a lot of food and do many things. They would have merchandise to sell. I know they still do some furniture but we do not hear much of it.

We do not know the supplements which were given when all this land was taken and other estates were built. We need to see that all the assets are well protected. Prisoners should also help build the nation, improve the economy, and when they come out, they can fit in society as they should and other people should learn from them.

Mr. Temporary Speaker, Sir, we should be careful not to make them too comfortable. Because, at one time I was in Kibera Law Courts, and the State entered a nolle prosequi on some lady prisoners especially when Lang’ata Prison was revamped. The ladies refused and the court was shocked why they were refusing to be set free. They said they wanted to go back to the prison.

We should ensure that it is not too comfortable but at least to serve the purpose. I beg to support.

Mr. Temporary Speaker, Sir, the court cannot rule then, a date was given where they were going to be given a hearing. I did not follow up, the court needed to interrogate why they did not want to go free. At times, prisoners will always say that they are not sure of their security and et cetera.

Mr. Temporary Speaker, Sir, as I have said, you have to interrogate because some concerns are genuine. You will go home and you will be killed if it is a domestic dispute and you have not been removed from that hostile environment. If it is something you witnessed, people find themselves in the wrong side of the coin for one reason or the other. So, it needs to be interrogated; your safety must be guaranteed, but if the court finds that you are just being too comfortable for nothing in prison, then it will rule and say that you be set free.

Date 27th October, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: Suspension of the Radiotherapy Treatment at the Kenyatta National Hospital
Sen. Kittony: Mr. Speaker, Sir, I have the Statement requested by Sen. Dullo to include specific information on the suspension of radiotherapy treatment at the Kenyatta National Hospital (KNH).
Mr. Speaker, Sir, the Statement is ready, but the signature of the Cabinet Secretary has not been appended. He was out of office. We shall issue the Statement tomorrow.
Date 27th October, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: The Status of New NHIF Rates
Sen. Kittony: Mr. Speaker, Sir, that Statement has not reached us. So, I have no information. I will find out and bring you the answer tomorrow.

PETITION
Date 27th October, 2015

Member of Parliament: Sen. Nabwala

Contribution She Made On: ALLEGED CORRUPTION AND WASTAGE OF PUBLIC FUNDS BY NANDI COUNTY GOVERNMENT

Sen. Nabwala: Mr. Speaker, Sir, I want to join my colleagues in supporting and encouraging the groups from Nandi who have raised the Petition to the Senate. This Petition is very important because it touches on very pertinent issues like corruption and wastage of funds in the county. It is our job to oversight and when an issue like this comes to the House, it is our duty to make sure that we look at it critically and take corrective measures. Other counties should follow suit. We are having many problems and the country is facing a cash crunch. Therefore, issues of corruption and wastage of funds should be taken seriously by this House and we should come out and pronounce ourselves.

Date 27th October, 2015

Member of Parliament: Sen. Nabwala

Contribution She Made On: THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO. 37 OF 2014)

Sen. Nabwala: Madam Temporary Speaker, I rise to contribute to this very important Bill, The Office of The Attorney Bill, 2014. The Bill seeks to establish offices for the attorney in the counties. This is long overdue. We should have started this maybe in 2013 when we set pace for devolution, because we are aware of the challenges that county governments have been going through. The capacity of legislation in some counties is wanting. Therefore, the introduction of the office of the county attorney will support county assemblies in drafting and legislating their laws. When we have good laws in place, that is the only way that the Senate would oversight because our main mandate is to oversight counties and see to it that they have good laws in place in order to manage their financial affairs. This Bill, therefore, seeks to replicate the duties of the Office of the Attorney-General to counties in view of decentralised governance. I, therefore, support it. However, I will add that it should be an independent office because if governors are the ones who will appoint the attorneys, then, it means that the attorneys will be answerable to the governors and will have to sing the governors’ music. If we want to help counties, let the office be independent so that the county attorney can represent the county without being intimidated.

The Bill also outlines ethical values and principles, something which is very important. As we are aware, there is a lot happening. Sometimes when you go to court, you will not find fairness in the judgments delivered. Therefore, if ethical values and principles are adhered to, I think, we will be moving in the right direction to try and improve the quality of legislation and drafting of laws in counties. In the past, we have seen governors coming with lawyers they have hired when they appear before a committee of the Senate and that is costly. If we have the office of the attorney in the counties, we will cut out on huge costs which governors incur while hiring the attorneys. Sometimes, they pay very huge amounts for legal fees which cannot be justified. Once
we have attorneys, we shall tell that an attorney earns such amount of money for representing a county. Therefore, there is no way that he or she will be paid fees which he or she determines depending on the nature of the case.

Madam Temporary Speaker, I, therefore, support the Bill. It is a good Bill which will go a long way in helping counties to establish even proper structures and good laws in counties. Thank you, Madam Temporary Speaker.

Date 27th October, 2015

Member of Parliament: Sen. Mugo

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

Sen. Mugo: Madam Temporary Speaker, from the outset, I thank Sen. Musila and congratulate him because he has from time to time revisited this issue without tiring. It is true that I was in Parliament when the Acts were passed and I was the Assistant Minister for Basic Education then. I support this amendment unreservedly and say that nobody has a right to deny children the right to education. The whole reason for education is not the end. The end is for those children to finish their education and get their certificates. Those who have an opportunity to pursue higher education and get employment should be facilitated.

Madam Temporary Speaker, this cannot happen if their certificates are not released to them because they have to prove to institutions of higher education and employers their performance. I do not think there is anyone even in the Ministry of Education, Science and Technology who is not in agreement with that. Sen. Musila knows that I strongly supported this Act and that the Government and the Ministry wrote to all head teachers directing them to release all the certificates. I say it here without any fear of contradiction that the Government is fully in support of this issue. I want to put the whole blame on the teachers and the unions. As Sen. Mutula Kilonzo Jnr., has said, if the Government gives a direction, it should be adhered to. Again, they are supported by the unions to defy those directions.

I want to very much support this amendment that proposes the establishment of a tribunal, or a body that will look into this issue very deeply. I also support the fact that this tribunal be given teeth so that it can even prosecute the teachers who do not adhere to directions given by the Government. This tribunal must have powers similar to those of a court of law.

Madam Temporary Speaker, most of the time, the children who are denied these certificates come from homes which are not very well to do. They are the ones who really need help the most. The whole purpose of free primary education, and subsidized education in secondary, is that everybody can get an equal chance of accessing education and improving their lives. I want to repeat that children are not poor. There are no children who are poor. Every child has a right to education and tomorrow that child will improve him or herself and the family at large. Education is an equalizer; it gives everybody a chance to live a better life. When anyone, teachers or whoever, gives themselves reasons that because somebody has not paid the fees, they have a right to hold their certificates, they are playing God; they do not have a right to hold any one’s certificate. They are going against the Constitution.

If they have an issue of payment or money to run their schools, if that is the argument, then they should deal with the Government. They should say you have directed us to give these certificates then how do we run the school? We all know that the schools receive grants, through the CDF. I have evidence when I was the Member of Parliament for Dagoretti, we supported many children
and schools. This is an excuse teachers give for not releasing certificates and God knows why they want to have that money in their hands.

My challenge is really to the schools and the unions. When the unions fight for the welfare of teachers, they should also take the welfare of students into account because those students are the ones who give teachers a job. Without children to be educated, even the unions will not have all that power they exercise when it comes to the welfare of teachers. They have a right to look at the welfare of teachers, but it cannot be the welfare of teachers and schools at the expense of children, and going against the Constitution.

Madam Temporary Speaker, I do not think the children in one single school, who are not able to pay for the fees and most of it is subsidized by Government, will make that school not to run. If those certificates are in the boxes, they are not receiving any money. How comes they continue to run the school? It is really punishing the children; they do not close the school. I would like to assure the parents, especially the needy families, and those whose certificates have been held for a long time, that directives were issued. Therefore, there is no reason as to why those certificates should not be released.

Madam Temporary Speaker, if the Government provides free education and waives examination fees, then what is the point of holding those certificates? The argument which some of the teachers gave is that if they allow certificates to be released, then more and more parents will now default. This was not proved. Everybody knows which families are capable of paying and which families cannot.

I want to urge that Members of the National Assembly to use some of the CDF money to have these certificate released as soon as possible. The tribunal we envisage to create will stand for the under privileged people who have suffered for reasons which are not of their own. The head teachers are frustrating the efforts of the Government to give education to the citizens of this country. I assure Sen. Musila, whatever it is that we have to do, some of us are ready to stand with you as we have stood all along and to make sure that every child in this country has his certificate. Article 55 of the Constitution requires the State to take measures and ensure that youth access relevant education, training and employment and that they are protected from harmful cultural practices and exploitation.

When a girl child is not going to school the next thing she will do is to get pregnant or marry very early, sometimes, get into prostitution because she wants to get a sugar-daddy to give her some money. When that child stays at home, you cannot sustain her for long. The same applies to boys. They will get stressed, start smoking bhang and get involved in all those harmful practices. Therefore, head teachers should do the honorable thing and release all those certificates, instead of keeping them to gather dust in the drawers, which is not benefiting the children or the school. I support.

**Date 27th October, 2015**

**Member of Parliament: Sen. Omondi**

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

**Sen. Omondi:** Thank you, Madam Temporary Speaker, for the opportunity to add my voice to this important Bill. I thank the Mover of the Bill because this is a matter that touches on the life of Kenyans. The issue of certificates is like a thorn in the flesh of Kenyans who do not have a voice for themselves. Sometimes I flash back and ask myself many questions. When the
Government makes directives without any follow up, Kenyans feel it was mere talk and they cannot follow the instructions. The directives from the Government have also affected the issue of waiving taxes or payment of health services to persons with disabilities. The argument is that there is no written communication from the Government. I support that this matter must be put to consideration because it makes Kenyans who have struggled to get education look like they never entered a classroom. For most opportunities for employment, the qualification is a secondary school certificate. This makes Kenyans to lose such opportunities. This happens to people from poor backgrounds.

It is important that we, as legislators, help voiceless Kenyans to address these issues so as to get relief; for instance, sensitising them through meetings in the national and county levels. I am sure we have illiterate parents who cannot understand what the Government is paying and what they ought to pay. At the end of the day, you will find they are paying everything when the Government has paid part of the school fees. I came to learn about this when I was pushing for CDF bursary for learners with disabilities. You find that where you take a CDF cheque from the office to schools without notifying the parents, they are again expected by the school to pay the whole amount.

Kenyans are suffering even when the Government is paying for Orphans and Vulnerable Children (OVC) from the Ministry of Education kitty. We have funds from CDF and other Non-Governmental Organisations (NGOs) that are paying school fees for these students. Since Kenyans believe in corruption, they do not disclose this money paid. At the end of the day, a parent is burdened to pay the whole amount.

Madam Temporary Speaker, we, as legislators, it is high time we stood in the gap to represent the people who elected us to this Senate on matters of education. Many things happen in this country, but at the end, the Kenyan who cannot voice suffers. As we are talking about cheating in examination, we have genuine students who have been struggling, but their efforts are a waste because a few people have used their money to buy examinations and to ensure that the lives of these poor Kenyans cannot see the light of the day. I came from a poor background and I understand when someone talks about the inability to raise a penny to pay for an examination. However, for how long is this going to happen if the Government is supporting this initiative? The issue of certificates was directed long time ago, but it has been ignored. For it to become a reality, we must have legislation to cushion Kenyans from being disadvantaged, and giving an equal level ground where all Kenyans can compete in seeking employment.

My fellow Senators have stated earlier that it is only education that can lift somebody to reach the level of the other. Denying these Kenyans certificates after their Fourth Form is a justification that there is no single day this person will rise to the level of other Kenyans. It is like breaking the foundation that they have been struggling for. These citizens have a constitutional right to raise their families that have been left out. I urge my fellow Senators to support this Bill. We need to ensure that when the Eleventh Parliament comes to an end, we can count on something important that has been hindering Kenyans from prospering and take credit for solving it. It will show how passionate we, as leaders, are, our unity of purpose and that we have been struggling to reduce the gap between the rich and the poor.

Madam Temporary Speaker, I believe that if this is the spirit that can salvage the lives of innocent Kenyans, then we can say: “Yes, we have done it.” With those remarks, I beg to support.

Date 27th October, 2015
Contribution She Made On: THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (SENATE BILL NO.7 OF 2015)

**Sen. Chelule:** Madam Temporary Speaker, I thank you for giving me this opportunity to add my voice to that of the Senators who have contributed to this amendment. First, I thank Sen. Musila for bringing this amendment to this House. It is a matter that affects most people. Representation is one of our roles. We represent the people who cannot pay school fees for their children. One reason these certificates are being withheld is because of school fees balances. These two are not related in any way because during the days when examination fees were being paid, I thought it was paid for the certificates. Therefore, there is no reason the certificates should be withheld because of fees arrears. These students should be given their certificates because this is not related to school fees.

Madam Temporary Speaker, we are aware that very many parents are going through many problems. It is not news to us. There are single mothers, poor people and maybe sometimes a parent cannot pay school fees because of a climate change related problem. It could be a produce marketing problem. Therefore, it is not reasonable for a student to be denied his or her certificate. A certificate is a resource, not only to the owner, but to the whole family. It is a very important document. It is the only document that will enable anybody, anywhere to have an opportunity to be employed or show that one has gone to a particular level of education. There is no way one can explain himself or herself without a certificate. It is a very important document. I support Sen. Musila and urge my fellow Senators to support this amendment.

Sen. Musila has mentioned the issue of a tribunal. It could be for the purpose of investigation; whether a parent is too poor to pay school fees. Again, a school must run. We know the problems that head teachers are facing with the school fees balances. It is the only way to run an institution, but it should be investigated because there will be no point to withhold a certificate that may not be collected due to fees arrears, forever. It will not help anybody; neither the candidate nor the institution. Therefore, it will be wrong for school fees not to be paid, but it will also be wrong for the head teachers to withhold the certificates. So, two wrongs will not make a right. In that case, I support the amendment that has been brought by Sen. Musila. If there is a day that I feel we are here to represent and exhibit our role of representation, it is today that we are speaking on behalf of those who cannot speak for themselves. Madam Temporary Speaker, with those remarks, I beg to support.

**MOTION**

Date 28th October, 2015

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Contribution She Made On: ESTABLISHMENT OF A SPECIAL COMMITTEE TO INVESTIGATE THE PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT OF THE GOVERNOR OF MURANG’A COUNTY

**Sen. Sijeny:** Mr. Speaker, Sir, I rise to support this Motion and congratulate the people of Murang’a who have demonstrated maturity and confirmed that they are peace loving Kenyans. They have approached the big sister, the Senate, to help them deal with their issues as enshrined in the Constitution. Secondly, this demonstrates that the Senate is doing its work well. We have
sensitized the people and they are aware of their rights and how to protect their property and their taxes.

Mr. Speaker, Sir, this exercise will help in streamlining the implementation of the Constitution and the enactment of all the other relevant laws by keeping proper systems so that in future, the people who will be in charge of the counties will find good systems that will not be exploited by unscrupulous leaders. I also commend the team. I have seen that there are “no nonsense” Legislators in this Committee. I am sure that they will do us proud. I beg to support.

Date 29th October, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: SECURITY OF PERSONS LIVING WITH ALBINISM IN THE COUNTRY

Sen. Omondi: Thank you, Mr. Speaker, Sir, for giving me this opportunity to seek a statement. I rise pursuant to Standing Order No.45 2(b) to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the security of persons living with albinism in the country. In the Statement, the Chairperson should state whether:

(1) He is aware that the Government of the Republic of Kenya had promised to protect all persons living with disability in the country.

(2) State whether he is aware that one Mr. Enock Jameya, a 56 year old Kenyan living with albinism, who was viciously attacked on 10th September, 2015, succumbed to the injuries five days after he was discharged from hospital.

(3) Explain the circumstances under which the victim was attacked and the steps the Government is taking to ensure the perpetrators of the attack are brought to book.

(4) Explain what steps the Government is taking to ensure that persons with disability are protected particularly in the light of perceived growing demand for body parts of persons with albinism in the neighbouring county of Tanzania.

Date 29th October, 2015

Member of Parliament: Sen. Nabwala

Contribution She Made On: THE GOVERNMENT’S PREPAREDNESS IN MITIGATING EFFECTS OF THE IMPENDING EL NINO RAINS

Sen. Nabwala: Mr. Speaker, Sir, I am sorry; the Statement was not given to me in advance to enable me to interrogate it. However, I would have liked to have the costs which the Government has spent per county so that, we, as legislators, can also see what is happening on the ground--- Thank you very much Mr. Speaker, Sir. First, I apologise for coming late; it was due to traffic but I am here. I must also appreciate the efforts by the Deputy Majority Leader for giving us the information. My complaint had been that the Statement had been postponed twice when it appeared on the Order Paper. I wonder if there is El Nino or not.

Mr. Speaker, Sir, what I wanted to talk about is the cost incurred by the Government to prepare for the El Nino rains. We would like to have the cost per county.

For instance, in my county, the seed farmers are very much affected because the rains are already very heavy and they had not harvested their maize. I would like the Deputy Majority Leader to tell us if the Kenya Seed Company can intervene, because if we kill the maize sector in Trans
Nzoia County and also the seed maize, then the maize sector is going to collapse and we will have to rely on the maize that comes from neighbouring countries to feed our nation. Thank you.

**Date 29th October, 2015**

**Member of Parliament: Sen. Ongoro**

**Contribution She Made On:** THE GOVERNMENT’S PREPAREDNESS IN MITIGATING EFFECTS OF THE IMPENDING EL NINO RAINS

**Sen. Ongoro:** Mr. Speaker, Sir, further to all the questions that have been asked, I am interested in knowing how much of the amount that has been set aside to mitigate El Nino will be used towards harvesting the water knowing that 70 per cent of this country experiences arid and semi arid conditions perennially. Now that we know El Nino is coming, how much of the billions of shillings have been set aside to harvest the water so that we help counties like Mandera and other dry counties?

Secondly, what mitigation and cushioning measures have been put in place to assist Kenyans living in informal settlements, especially in urban areas like Nairobi; riparian areas like Kibera and Mathare? How much and how prepared is the Government---

**Date 29th October, 2015**

**Member of Parliament: Sen. Kittony**

**Contribution She Made On:** THE GOVERNMENT’S PREPAREDNESS IN MITIGATING EFFECTS OF THE IMPENDING EL NINO RAINS

**Sen. Kittony:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like to know whether our people are aware of this El Nino phenomenon because it is important. As Sen. Billow said, the rains have come and caused damage. In future, we also need to trust our Metrological Department. What measures have been put in place to create awareness so that there is preparedness in case of disaster? I also need to know how much has been set aside in preparedness because we have witnessed the effects of El Nino in the past.

**Date 29th October, 2015**

**Member of Parliament: Sen. Omondi**

**Contribution She Made On:** THE GOVERNMENT’S PREPAREDNESS IN MITIGATING EFFECTS OF THE IMPENDING EL NINO RAINS

**Sen. Omondi:** Mr. Speaker, Sir, what legal or disciplinary action will be taken against the department in case the El Nino is not felt or received? It is assumed that all parts of the country will receive El Nino rains. In areas where it will not happen, and money has been used, what action will the Government take against those officers who will have misled our people?

Secondly, how prepared is the Government to handle people with disabilities? How will the Government evacuate them if El Nino affects them? What feeding programmes and treatment will be put in place?

**Date 29th October, 2015**

**Member of Parliament: Sen. Nabwala**
Contribution She Made On: THE GOVERNMENT’S PREPAREDNESS IN MITIGATING EFFECTS OF THE IMPENDING EL NIÑO RAINS

Sen. Nabwala: Thank you, Mr. Speaker, Sir, in his answer the Deputy Majority Leader, should specifically touch on the seed maize farmers in Trans-Nzoia. There is a lot of rain, and the maize is still in the field. The Kenya Seed Company is not helping the farmers and they are likely to incur huge losses.

POINT OF ORDER
Date 29th October, 2015

Member of Parliament: Sen. Mugo

Contribution She Made On: THE LEGALITY OF LEGISLATIVE RECOMMENDATIONS CONTAINED IN THE PRESIDENTIAL MEMORANDA ON BILLS

Sen. Mugo: On a point of order, Mr. Chairman, Sir. I want to add my voice, and I have listened to the arguments and I am just wondering because I know that learned lawyers sometimes do twist words. They bring new meanings. If you put 10 lawyers in a room, there will be five different interpretations of the law.

Mr. Chairman, Sir, yesterday after considering this question, the Speaker made a ruling. Unless you are saying, yes he made a mistake, let us bring a Motion to debate him; I do not think it is right to reverse the Speaker’s ruling from the Chair.

Mr. Chairman, Sir, the learned friend, the Senator for Bungoma told us that Parliament is paramount and the Executive is down here, and yet he wants to be in the Executive from Parliament, because he has wanted to be the President. The President has more responsibility and we should not belittle the Presidency or the Executive. If---

Do not talk back. Mr. Chairman, Sir, if those who wrote the Constitution envisaged that the President had no role in law making, they would not have wanted the President to assent; to go and sign and put his signature. This power could have been given to the Speaker of the House since the House is so superior to pass the laws. I do not think it carries water to say that the President does not have a role in law making. If he is going to implement and sign it, tell me whoever signs anything that you do not agree with or you cannot implement?

Mr. Chairman, Sir, I propose that we go ahead with the ruling that was made by the Speaker, and do what we have to do, either way pass it or not. I think we have that choice to do. But to start twisting things here, this way or that way, I do not think it is healthy for this House. I thank you.

Date 29th October, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: THE LEGALITY OF LEGISLATIVE RECOMMENDATIONS CONTAINED IN THE PRESIDENTIAL MEMORANDA ON BILLS

Sen. Ongoro: Mr. Chairman, Sir, I would like to add a quiet voice of reason, having listened carefully to those who have spoken before me. Let me remind all of us that politics is a double edged sword. One time you are sitting on the Opposition side and in the next Legislature, you sit on the Government side. I would like us to consider this matter with a sober and clear mind.

Would we speak in the same way if Hon. Raila Odinga was the President and brought such a Bill to Parliament? I would like us to consider this matter very soberly, devoid of the consideration of who is occupying the Presidency.
I agree with a few Senators who have spoken. One, I do not think that the Speaker made a mistake in his ruling yesterday. I also do not believe that from where you seat, as you had stated before, that you find yourself between a rock and a hard place. However, having listened to some weighty matters that have been brought forward, if it is true that our mandate as a Legislature is in question here, if we proceed, and that we are required in this senior Chamber to consider a completely new clause, and if it is true that the powers of the Legislature, if we proceed this way, are at a threat of being reduced, then I plead with all hon. Senators to soberly consider this issue devoid of political affiliation. When the powers of the Legislature are reduced, it will not be the Opposition’s powers that are reduced, but your own powers will also be reduced as well as powers of future Legislatures.

Mr. Chairman, Sir, we do not want to kill this Bill or do anything extreme. All I am asking for is that we give ourselves more time in view of the weighty matters that have been brought forward, so that each one of us individually and collectively can have more time to interrogate this matter and come to a conclusion. Thereafter, we can come to a collective conclusion as the Senate. We can come back to debate on this issue in this Chamber with a lot of clarity of mind on which way to go, having considered a lot of legal opinions and after having an ample time to review the former and current Constitutions as we proceed. That is the best way to proceed.

I conclude by stating that I think almost everybody who has spoken from both sides of the House has a valid point. However, in view of these weighty matters, would it be proper for us to stay this matter and consider it at a later date when have a bigger picture of what we are dealing with?

MOTION
Date 29th October, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: MEASURES TO MITIGATE TRAFFIC CONGESTION IN NAIROBI METROPOLITAN REGION


ya msongamano wa magari, hatapishwa. Hoja hii itasaidia wagonjwa wasife njiani bila kufikishwa hospitalini. Msongamano barabarani huchelewesha wagonjwa na wanaweza wakaishiwa na hewa kwenyewe vifaa vya usaidizi.


Date 29th October, 2015

**Member of Parliament: Sen. Kittony**

**Contribution She Made On:** MEASURES TO MITIGATE TRAFFIC CONGESTION IN NAIROBI

**METROPOLITAN REGION**

**Sen. Kittony:** Thank you Madam Temporary Speaker. I take this opportunity to reply and thank all the Members who have supported this Motion. It has generated a lot of interest and contributions, given its gravity. A lot of contributions are about accidents, insecurity, scarcity of time and time wasted to reach offices and to take patients to hospitals. It has been proposed by a number of speakers that a Bill should be drafted. We will do a research and write up on the enactment of a Bill to help alleviate the traffic problems. The enacting of legislation will support a number of issues in its environs and the paralysis we are seeing in our cities.
Madam Temporary Speaker, we see quite a number of encouraging situations such as better traffic lights when we visit other cities of the world. The Nairobi County should adopt such modern systems of traffic lights. When you visit our neighbouring county Rwanda, you will find that Kigali has better facilities on roads than we have. The challenge that we have is the policies that I have mentioned. I will take the challenge and bring up a Bill to address that. In the meantime, we should enact a legislation to allow the high-capacity public transport system to operate in the city. We should pass a law to ensure that all deliveries are done only at night but not during the day. Transporting cabbages or potatoes from all over the county during the day causes congestion. Most of the drivers from upcountry do not know the city well. Therefore, they cause more problems. As it has been mentioned, even if fear is instilled into motorists, passengers and everybody else who uses our roads, the challenge will still remain. We should draft a Bill so that the Ministry of Transport and Infrastructure looks at these issues. The Nairobi County government should also ensure that heavy commercial vehicles use bypasses. We should also have clear signs on roads because sometimes, you will find that motorists are not given early warnings. You may find that roads are being repaired or constructed and that creates a lot of time wasting.

Madam Temporary Speaker, this is a very important Motion. I am happy that enough support has been given to it. I can assure you that I will do more research and draft a Bill that will help in alleviating problems of transport and congestion, not only in Nairobi but also in other cities. The other issue is about motorcycles which have become a menace. Motorcycles have caused very many accidents. I am a Member of the Committee on Health and when I visit any hospital, I find wards specially reserved for motorbike accidents. Why should we have such? We need to alleviate traffic problems. I thank those who have supported this Motion. With those few remarks, I thank you.