Date 15\textsuperscript{TH} September, 2015

Member of Parliament: Sen. Kittony

\textbf{Contribution She Made On:} \textsc{Disappearance of Twin Babies at Pumwani Maternity Hospital}

\textbf{Sen. Kittony}: Thank you, Mr. Temporary Speaker, Sir. I beg to lay the following report on the Table of the Senate today, 15\textsuperscript{th} September, 2015. Report of the Standing Committee on Health on the Statement sought by Sen. Mugo on the circumstances that led to the disappearance of twin babies who were delivered at the Pumwani Maternity Hospital on 6\textsuperscript{th} January, 2015. The Committee has deliberated and we have completed our report. I now lay it on the Table of the House.

Date 15\textsuperscript{TH} September, 2015

Member of Parliament: Sen. Omondi

\textbf{Contribution She Made On:} \textsc{Status of Registration and Issuance of National Identity Cards}

\textbf{Sen. Omondi}: Mr. Temporary Speaker, Sir, I also want to add my voice on the issue of IDs. There is an outcry because IDs are produced with errors, either one number missing or an error in the names. Could the Chair also tell us what will happen during election time if Kenyans are locked out because there are errors in their IDs? There is carelessness in officers who are registering applicants and issuing IDs or there is a hidden agenda to sabotage and make sure that some areas do not vote or register as voters. I request the Chair to answer the House what will happen if this menace will continue. It has been identified through banks whereby Kenyans are not able to open bank accounts or benefit by borrowing loans because their IDs have errors.

Date 15\textsuperscript{TH} September, 2015

Member of Parliament: Sen. Wangari

\textbf{Contribution She Made On:} \textsc{Status of Registration and Issuance of National Identity Cards Circumstances Surrounding the Teachers’ Strike in Kenya}

\textbf{Sen. Wangari}: On a point of order, Mr. Temporary Speaker, Sir. Whereas I appreciate the importance of the matter and knowing the procedures of this House, is it in order for Sen. Billow to ask a totally different Statement from what has been asked?

Date 15\textsuperscript{TH} September, 2015

Member of Parliament: Sen. Omondi

\textbf{Contribution She Made On:} \textsc{Status of Registration and Issuance of National Identity Cards Circumstances Surrounding the Teachers’ Strike in Kenya}

\textbf{Sen. Omondi}: On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Billow in order to request for a Statement touching on only two counties when the education sector in this country is in a crisis and most public schools are not running? Is he in order to select only two counties?
Date 15TH September, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: STATUS OF REGISTRATION AND ISSUANCE OF NATIONAL IDENTITY CARDS CIRCUMSTANCES SURROUNDING THE TEACHERS’ STRIKE IN KENYA

Sen. Ongoro: Mr. Temporary Speaker, Sir, while I really appreciate the importance of this question, I want to also state that Sen. Billow is completely in order to ask the question that he has asked. This is because we are all aware that while we now are talking about the rest of the country because of the delayed learning process, some parts of this country; namely, Mandera, Wajir and Garissa counties, have been suffering this consequence for almost a year, and they are part of this nation. So, I believe that he is totally in order. Could the Chairman while giving an answer on what is happening to the rest of the country, also give an appendage on what the Government is doing to correct the situation that has been obtaining in these three counties? He is totally in order.

Date 15TH September, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: STATUS OF REGISTRATION AND ISSUANCE OF NATIONAL IDENTITY CARDS CIRCUMSTANCES SURROUNDING THE TEACHERS’ STRIKE IN KENYA

Sen. Ongoro: On a point of order, Mr. Temporary Speaker, Sir. With due respect to the Chairman, this scenario has been obtaining for quite some time. Our children are out of school and we have candidates who are supposed to be preparing for examinations. The Government states that it needs two more weeks. Which further consultations do we need? The grandstanding between the two sides is not helping the Government, nation or our students. Would I be in order to compel the Chairman, who I believe has been on top of things, to give a comprehensive answer to this House, so that we know how to contain the situation? Two weeks is too long and the situation is already out of hand. Would I be in order to plead with you to compel the Chair to give us the answer today?

Date 15TH September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: REPORT ON THE PETITION SEEKING THE DISSOLUTION OF MAKUENI COUNTY

Sen. Wangari: Mr. Temporary Speaker, Sir, I am in agreement with Sen. Ongoro. Two weeks is such a long time since it is a crisis. We are in the third term and examinations are expected to be undertaken any time soon. Two weeks is, therefore, really unacceptable.

POINT OF ORDER
Date 15TH September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: REPORT ON THE PETITION SEEKING THE DISSOLUTION OF MAKUENI COUNTY
Sen. Wangari: Mr. Temporary Speaker, Sir, I also want to thank Sen. Mutula Kilonzo Jnr. for bringing this matter to this House. We may not blame the President the way he acted this time round because it is the law. If you read the County Governments Act on the way dissolution or a suspension is supposed to happen, he was not bound by the law to bring that Report here as it is right now unless we were to go for a suspension or dissolution of the county. We are the first Senate under this Constitution. Therefore, we will be doing this for posterity. Ten to 50 years down the line, we want it to be said this Senate acted in accordance with its constitutional mandate. Therefore, it is in order that we have that report here because we need to have legislative interventions. Some of these provisions like those in the County Government Act do not need a referendum to be amended. We should pick out these issues from the Nyaoga Commission. Otherwise, it will be a waste of public resources. We must use this as a benchmark for other counties. This is because it has brought out issues that many other counties have not been able to bring out. Therefore, it is in order that we have that report brought here so that we can deliberate on it and know how we can intervene in terms of policy and legislation for future generations. Thank you.

Date 15TH September, 2015

Member of Parliament: Sen. Ongoro

Contribution She Made On: The County Industrial Development Bill (Senate Bill No. 7 of 2014)

Sen. Ongoro: Thank you, Mr. Temporary, Speaker, Sir. After such an eloquent and elaborate contribution by the Mover, I was tempted to simply bow and sit down, but allow me to say a few things. I remember when I was in kindergarten there were many attempts this country went through trying to industrialise. All of us here can remember the Nyayo Pioneer Car and many other attempts. However, we have always gotten it wrong because of the approach. This country cannot develop in any manner if we remain a consumer economy. All you need to do is to station yourself in one of our airports just for one day and see what Kenyans carry coming back into the country. They are heavy laden with all manner of goods from abroad. On the other hand, when foreigners are leaving our country, they carry small bags containing curving of an elephant or a lion. So, we are really just a consumer economy. This is the most lethal kind of poverty. It has a way of creating a vicious circle of a consumer mentality that makes us to just keep consuming and importing. It is a pity that we export our raw materials at almost one per cent of the price of whatever we import back. Mr. Temporary Speaker, Sir, the Mover has already given us statistics. I will not belabor on them. The fun of consuming tea labeled English tea has always really annoyed me. It is simply Kenyan tea which is exported to England, repackaged, exported all over the world, and sold to us at a hundred times more the price of our own tea. This is because over the years, we have not laid a lot of emphasis and resources into attempting to turn this economy into an industrialized economy. Mr. Temporary Speaker, Sir, Clause 3 is on the objectives and intent of this Bill. It talks about promoting and facilitating industrial development in our counties. Now that the attempt to have a national approach has failed over the years, this synthesized approach is the best because it goes further to promote and facilitate industrial development in the counties. It goes further to decentralize this approach, not just at the county level, but also at the constituency and ward level. It is very interesting. This is a winning approach because I believe that every county in this
nation has raw material. If we properly managed our resources and did the necessary research, every county would have something to export. The fallacy of selling or exporting our raw materials almost for free and then importing the finished product of the same, at almost a hundred times more, cannot help our economy to flourish. This is actually turning this nation into a beggar nation.

Mr. Temporary Speaker, Sir, Clause 4 talks about the manner in which the County Industrial Development Board will be established and managed. Clause 10 is on the establishment of the County Industrial Development Committee. Clauses 12 and 14 are on the Ward Committee. You will realize that Sen. (Eng.) Muriuki, in his hype manner, and now with a lot of wisdom and experience, like what he did in the Ninth Parliament when he introduced the Constituencies Development Fund (CDF), has now put in place at the very onset what was put in place five years later after the introduction of CDF into one piece of legislation.

If we pass this piece of legislation and if this format that is laid here in this Bill is strictly followed, then we can now allow counties to compete with other nations that are industrializing and also allow counties to start competing even among themselves. In fact, this approach will even encourage counties to start importing and exporting among themselves. In my opinion, what is missing here, and I believe that the Mover is listening, after having read through all this, is that then we will have a small coordinating platform at the national level. This platform will coordinate the counties so that whatever else comes from there; the exports and imports within the counties we now have, a national platform of engagement with other nations rather than have 30 counties exporting the same thing in their own different ways to the same way and competing among themselves.

Mr. Temporary Speaker, Sir, without belabouring, I will allow Members to give their contributions. I beg to second this Bill.

Date 15th September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: The County Industrial Development Bill (Senate Bill No.7 of 2014)

Sen. Omondi: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute.

Mr. Temporary Speaker, Sir, I support the County Industrial Development Bill (Senate Bill No.7 of 2014). I thank Sen. (Eng.) Muriuki of Nyandarua County for coming up with this very important Bill that touches on the development of our counties. As custodians of devolution, this is the roadmap because a county is a government on its own. It must sustain itself and offer quality services to the people within the county. If there is industrialisation, I believe that we will have more development within counties. Counties will sustain themselves because a lot of activities happen in industries which are commonly referred to as the Jua Kali sector.

Mr. Temporary Speaker, Sir, the Jua Kali sector is very important when it comes to matters of development. From my understanding, I believe this is an area where a lot of activities like training take place for those who cannot pursue academic studies because of some reasons. They normally join the Jua Kali sector so that they get some skills that could make them sustain their lives.
Mr. Temporary Speaker, Sir, I also support this Bill because industrialisation will create job opportunities to Kenyans. When people are trained and gain knowledge, at the end of the day, they seek employment in areas where they have been trained.

If we devolve industrialisation and every county supports it, we will produce well trained Kenyans within counties who will support the economy of those particular counties rather than having everybody coming to Nairobi to seek for training and employment. Finally, they end up spending their earnings in Nairobi County.

Mr. Temporary Speaker, Sir, industrialisation will also reduce disasters in this country. For example, sometime back, many people lost their lives at Sachang’wan Town when they were siphoning oil from a tanker. Such disasters occur simply because of transporting crude oil or unfinished products for long distances.

Counties should support industrialisation in order to reduce risks and ensure that there would be no transportation of unfinished products to come up with refined and finished products since that would be done within counties. If that happened, it would also improve the economy of a county since raw materials produced within a county would be sold within the county. Therefore, long distance transportation of raw materials for people looking for ready market will be reduced. There will be ready market within the county since farmers or people possessing certain raw materials will sell them within the county. Money obtained from the sale of raw materials will be used to develop the same county.

Mr. Temporary Speaker, Sir, industrialisation could also provide an opportunity for benchmarking visits where counties will benchmark from one another. Counties will be known for producing quality products that can be sold and consumed not only within a county, but also in the country and outside.

Mr. Temporary Speaker, Sir, the issue of industrialisation is well thought. Indeed, it will help our counties that are struggling to ensure that they give quality services to the people. Counties that are trying to sustain themselves will manage and create job opportunities. This will nurture talents of young Kenyans because services and industries will be closer to the people. Each person will be trained according to the capacity, knowledge and their understanding. It will also reduce the distance to training centres and the problem of paying rent to those young Kenyans and persons with disabilities who may find it difficult to train in Jua Kali or in the industrial areas where they will have to seek accommodation. The training condition will not allow them to maintain consistency in their training. However, if it is within the county, we will have day scholars whereby they train and go back to the homes to the living standards that they are used to. This will ensure that Kenyans within their counties can support themselves and make the economy of their counties grow. At the end of the day, our economy will flourish throughout the country. Mr. Temporary Speaker, Sir, with those remarks, I beg to support.

Date 15TH September, 2015

**Member of Parliament: Sen. Wangari**

**Contribution She Made On:** THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO.7 OF 2014)

**Sen. Wangari:** Mr. Temporary Speaker, Sir, I congratulate the Mover of this Bill.

Knowing the history of the kind of Bills that Sen. (Eng.) Muriuki brings to Parliament, there is no way that we can fail to support what he has brought on the Floor. He is known for very
progressive and revolutionary Bills. The County Industrial Development Bill (Senate Bill No. 7 of 2014) fits that description.

Mr. Temporary Speaker, Sir, it is a pity for us to be importing everything. For example, even toothpicks that we use in our houses are imported from China. We also import many other things that we definitely should not be importing, that is just to affirm what was referred to as a consumer mentality. We should not make our country a dumping ground for all manner of things.

Mr. Temporary Speaker, Sir, last week, a Chinese shop was raided for having counterfeit goods that were not even labelled or approved for our market. Some of these cases are what drives me to think that we are sitting on a goldmine. This is something we should have done immediately we attained Independence in 1963. It is sad that we are discussing about putting it in a legal framework in 2015. However, it is better late than never. It is a good start that we are having this discussion. We are having it when we have serious dynamics in terms of population. We have thousands of young people that we churn from our universities every year. Every year, we have thousands who are released to the job market, but where do they go if we do not develop industries. Where will they be employed? We are dealing with millions that are now actually getting desperate in terms of getting jobs. Just recently, the Kenya Ports Authority (KPA) had a problem with the dock workers and they advertised some 28 positions. They received more than 3,000 applications. That is how serious it is.

The Judiciary Service Commission (JSC) advertised for about 1,000 positions, but more than 80,000 Kenyans applied. Even the short listing for them is a nightmare. They are now looking for companies to assist them do short listing. It is that serious. We are staring at a crisis because we are not creating employment opportunities for our youth.

Mr. Temporary Speaker, Sir, industrialization can create employment, wealth and put money in our peoples’ pockets. However much we want to sit in hotels in Nairobi and say that we are now a middle level income country, it does not mean much to wananchi. Can they afford three meals a day? I sit in the Committee on Labour and Social Welfare. Right now, we are dealing with the cash transfers to the elderly, persons with disabilities and orphans to the tune of Kshs18 billion this year. In Nakuru County, for example, last week, they were doing identification. We, as a country, cannot afford to reach all the elderly people. People who cannot afford a meal a day are many. It is that serious.

So, even if we broadcast to the nation that our economy is doing well, what does it mean to ordinary Kenyans? Yes, ours is a middle level income economy. If this does not translate to money in the pockets of Kenyans, it has no meaning to us. We want an economy that will help us sustain our families, take our children to good schools and afford healthcare, among other amenities. Those are the things that concern Kenyans.

Mr. Temporary Speaker, Sir, we are now in 2015. We are dealing with post Millennium Development Goals (MDGs). As we now transit MDGs to sustainable goals, we are looking at a time when we are doing an evaluation. Have we made any steps in terms of eradication of disease, making universal health and education affordable and compulsory for everyone? We cannot make these steps if Kenyans cannot afford a meal a day. This is a basic need. When we talk about industrialization and put it in the context of the Constitution of Kenya, 2010, it gives us a perfect opportunity in terms of growing our areas by tailor-made industries. Let us not just talk of the nyayo car and the numerical machining complex. We have always sung about it. Let us not talk about Export Processing Zone (EPZ) in Athi River. We are now talking of what is available in Nyandarua. When you hear Sen. (Eng.) Muriuki talking about
potatoes, it is because he knows potatoes drive local politics. His people are big producers of that commodity. We must now have these tailor made industries. If you to semi-arid areas like mine in Gilgil Constituency, we have very good weather for sunflower.

We used to produce a lot of sunflower, but we abandoned it because there was no market for it. We need these industries that resonate with what is on the ground. The fact that it will involve counties means that every county will create industries that are relevant to the people, making life of the residents better and improving their living standards. The benefits of industrialization have been enumerated by the Mover, Seconder and many other Senators here.

Last week, there was a report on how many Kenyans are facing starvation. Even in my county, we need relief food because we are anticipating poor harvest. Crops have dried because of the bad weather. I am very sure we will be appealing for relief food from the Government. If we had a market for other drought resistant crops, we could have sensitized our farmers on what to grow. We do not want to continue growing maize only. We need to grow other drought resistant crops. Our farmers can grow sunflower and other crops if we have industries for value addition in Naivasha, Gilgil and Bahati. We do not have to get corn oil from outside. We do not have to import some of these things. In terms of contribution to food security, industrialization is key. We will be food secure and compete internationally. Enough food will become affordable because we will enjoy large-scale production and economies of scale. We should have more efficient running systems in the counties and get lower prices and quicker production.

Mr. Temporary Speaker, Sir, I want to support this Bill. As we move to the next level of passing it, I want to laud the fact that the Senator has considered very seriously the people’s participation. The ward forums that have been provided for will ensure that the Constitution and the principles of togetherness and cohesion and public participation are taken care of. Residents can give suggestions through the established mechanisms and the structure that has been provided so that no one comes from Nairobi to decide what people in Mandera will do. People in Mandera will tell you how they do it. People in Marsabit will prescribe what fits them at that time. It is very key that we make sure that the people’s participation is protected in every law that we pass in this House.

Mr. Temporary Speaker, Sir, in that breadth, I know that some amendments will be made at the Committee Stage. In terms of streamlining the membership of the different bodies that have been established, it is important that we bring on board people with disabilities. It is not an option, they should be included in the different committees that have been established because they are in different sectors in this country. Therefore, we must bring them on board. We should look into the future with hope in terms of industrialization. We should make sure that our children have a place to go after they are out of school. We should guarantee that if we take this seriously, cooperation at different levels of Government must be emphasized as articulated in Article 189. There are no people that belong to the national Government and others to the county governments. We must work in unison and bring the more than 70 per cent of the budget that we leave in the national Government to benefit people in the counties. This conjunction and meeting point has to be provided for in a legal framework so that these two levels of Government realize that they do not have a choice, but to work together. That way, *wananchi* can get maximum benefits of these laws that we are talking about.

Having done that, in 20 or 30 years to come, we should remember the moment of moving this Bill because it will revolutionarize how we look at industries and how our children and our children’s children will say; were it not for those that were before us having done what we have, we would have had a bigger problem. I want to support Sen. (Eng.) Muriuki and hope that we
will enact this Bill into law and champion it. At the end of the day, any position is as good as the people sitting in it. Any law that we make, is as good as the people sitting in it. We must deal with bad manners in terms of forgetting the people and remember that Article 1 of the Constitution bestows the sovereignty that we only exercise on behalf of the people. We should not forget them even as we put that leadership in this Bill. They are the people who will receive these complaints and the memoranda. We always act for their benefit or their interests. I support.
PETITION
Date 17TH September, 2015

Member of Parliament: Sen. (Dr.) Zani

Contribution She Made On: HEAVY BLASTING AND DUST FROM A QUARRY IN TARIU LOCATION, KWALE COUNTY

Sen. (Dr.) Zani: They are all my names in the correct order.

Mr. Speaker, Sir, I just want to stand in solidarity with these petitioners on this Petition that has come from Kwale County that is on a very key and important issue. We wonder, especially in the light of having bodies like NEMA, for example, and the extent to which residents and communities still have to suffer because of exploitation of resources in those counties. Whereas we know, through exploitation of those resources, there should be gain, what we are seeing more and more is the flouting of specific provisions that have been given, for example, even regarding quarrying. When it comes to things like blasting, it is meant to be done very far off, away from areas where people live, because the drastic effects of all these are very well known and have been very well documented. It is very bad when communities have to be put at risk because the natural resources that should bring them gain is what is being used to their disadvantage.

The petitioners are very clear on the disadvantages and we hope that this Petition can be handled expeditiously. Apart from the residents of Tariu, there are other residents also in areas where the exploitation of natural resources is causing much headache in terms of health and opportunities. We gather from the Petition that even houses have developed cracks. We are going to have a catastrophe in Kwale because those buildings will come down and kill people. Is that the time when we will act? I am happy that this Petition has come because I am sure that the Senate will look at it and give a good way forward for the people of Kwale County. Thank you, Mr. Speaker, Sir.

Date 17TH September, 2015

Member of Parliament: Sen. Sijeny

Contribution She Made On: HEAVY BLASTING AND DUST FROM A QUARRY IN TARIU LOCATION, KWALE COUNTY

Sen. Sijeny: Thank you, Mr. Speaker, Sir. I wish to support this Petition and applaud them because these Kenyans have chosen to follow the right channel; nonviolent and very professional ways of solving their problems. I am sure after this Petition is determined in detail, these problems will be sorted out once and for all. The people will be given a chance to consider the challenges NEMA is experiencing, if any. This is dealing directly with “Wanjiku” or what we call “Wanjiku”. It looks at their health, economic and social status which cannot be ignored because we are pro-poverty. We are trying to eradicate poverty and if the innocent or poor “Wanjiku” in the rural areas cannot enjoy their peace quietly, then why are we here as leaders? It cannot be accepted. I support and believe that we will get the final answer or solve the dispute.

Date 17TH September, 2015

Member of Parliament: Sen. Sijeny
Contribution She Made On: POLICY INTERVENTIONS TO MITIGATE TRAFFIC CONGESTION IN NAIROBI METROPOLITAN REGION

Sen. Kittony: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion:-

THAT, AWARE that traffic congestion in Nairobi Metropolitan region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;
CONCERNED that the economic cost of the congestion is estimated to be Kshs.1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;
APPRECIATING the Government’s effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District; the Senate now calls upon the Government to consider formulating additional policy interventions to mitigate the problem by:-

1. Enacting legislation to allow only high capacity public transport to operate in the city; and
2. Creating regulations to:-
   a) Require all deliveries to business premises to be done at night;
   b) Require construction on roads that are in use to be done at night; and
   c) Reroute heavy commercial vehicles to use the bypasses

Thank you.

Date 17TH September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: DETERIORATION OF STANDARDS IN THE MEDICAL PROFESSION

Sen. Wangari: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 45(2)(b) to seek a Statement from the Chairperson of the Committee on Health on the deteriorating medical standards with specific reference to quack doctors and medics. In the Statement, the Chairperson should:-

1. Enumerate the statistical figures of registered genuine medical practitioners and quack doctors and medics in Kenya.
2. Explain the action that is taken on quack doctors and medics who are netted in the swoops by the Ministry of Health.
3. Enumerate the number of cases of quack doctors and medics before the courts of law and state the outcome of cases before the courts of law that have been heard and determined in the last ten years.
4. Explain what Kenyans should look out for in authenticating credentials of doctors and medics in both private and public hospitals and the steps that the national Government is taking to educate Kenyans on how to distinguish between genuine legally registered and quack doctors and medics.
5. Explain the steps that the Government has taken, if any, to enforce the medical policy that a male doctor should always be accompanied by a female colleague when attending to a female patient.
6. Explain the measures that the Government takes to continuously regulate and harmonise the curriculum used in private medical colleges.
7. Give the status of the recent cases of children who were injected with wrong vaccinations and the rape case against Mr. Mugo wa Wairimu.

Thank you.

Date 17TH September, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: DETERIORATION OF STANDARDS IN THE MEDICAL PROFESSION

Sen. Kittony: Mr. Speaker, Sir, I realize that the Statement has a lot to deal with, and the Committee on Health has been quite active on some of these issue. The Committee will give a reply in two weeks.

Date 17TH September, 2015

Member of Parliament: Sen. Kanainza

Contribution She Made On: DEATH OF MS. MAUREEN TATA AND THE DETERIORATING HEALTH STANDARDS IN THE COUNTRY

Sen. Kanainza: Mr. Speaker, Sir, I had sought a Statement from the Committee on Health on 23rd July, 2015 before we went on recess concerning a very serious matter about the death of Maureen Tata at St. Francis Mission Hospital in Kasarani which was caused by the doctors’ mistakes. I am still waiting for the response.

Mr. Speaker, Sir, I remember very well giving the answer to the House before we went on recess. I think the Senator was not in at that time.

Mr. Speaker, Sir, it was before we went on recess. If we check in the HANSARD, I am sure that we will get the exact date. At around that time, she was busy making arrangements for her wedding. So, she is excused.

Date 17TH September, 2015

Member of Parliament: Sen. Chelule

Contribution She Made On: ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDs TO EXECUTE TENDERS WON

Sen. Chelule: Mr. Speaker, Sir, I stand to inquire about a Statement that I requested before we went for recess from the Standing Committee on Labour and Social Welfare regarding access to finances by youth, women and people with disabilities.

Date 17TH September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDs TO EXECUTE TENDERS WON

Sen. Wangari: Mr. Speaker, Sir, I was not there when that Statement was requested but I will follow it up to make sure that we respond within a week.

Date 17TH September, 2015

Member of Parliament: Sen. Omondi
Sen. Omondi: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity. I want to register my disappointment with the way the Chairman of the Committee on Education has responded to this issue. I wonder if he is comfortable the way my colleagues have been saying when he reads a statement that is misleading the House and the country. It is so shameful that we, as a country, cannot solve the issue of teachers’ salary, once and for all. I will request the Chairman to tell us if it is not misleading to state that learning is going on in some schools. That is misleading this House. I want to say that Kenya is not a poor country, but it is just because somebody somewhere does not want to listen to teachers. It is time that we respected the rule of law. The Supreme Court of Kenya is the highest court in this country and it must be respected. Teaching is a profession that must be recognised and respected. We, legislators, cannot sit back and listen to such a response and accept that this is what is happening. Everybody, be it nationally and internationally, knows that there is a crisis in Kenya. The only solution is to look for the best and possible way to address this issue, once and for all. Give teachers what belongs to them as awarded by the Supreme Court.

Date 17th September, 2015

Member of Parliament: Sen. Omondi

Sen. Kittony: Mr. Temporary Speaker, Sir. I think I wanted a clarification from the Education Committee Chairman to tell us those public schools he is alleging learning is going on. He should not assume that the pupils he is seeing in the gallery are from a public school. I want the Chairman to tell us those public schools where learning is ongoing. Is he in order to mislead this House by telling Kenyans that learning is going on when parents are having learners in their homes?

Date 17th September, 2015

Member of Parliament: Sen. Kittony

Sen. Kittony: Mr. Temporary Speaker, Sir, I have a Statement to issue that was requested by Sen. (Prof.) Lesan on the issues of Kenya University Colleges and Central Placement Services (KUCCPS); selection and placement of students in the medical training centres. Mr. Temporary Speaker, Sir, I have the statement, but I believe that it has been overtaken by events because the matter has already been taken to court. I, therefore, seek your indulgence if I have to read it because it might be sub judice.

Date 17th September, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDs TO EXECUTE TENDERS WOn
Sen. Kittony: Mr. Temporary Speaker, Sir, a Statement was sought by Sen. (Prof.) Lesan from the Standing Committee on Health. The specific information sought was:

1. Explain whether the Government is aware that the KUCCPS selected and placed students in the various medical training centers in the country.
2. Further explain whether the Government is aware that the Kenya Medical Training College (KMTC) also selected applicants and has since issued admission letters to the student selected to join the colleges.
3. Explain the fate of the students who were selected by KUCCPS and have no admission letters to any of the medical training colleges.
   (a) Yes, the Ministry of Health is aware that the KUCCPS selected and placed students in the various medical training centers in the county.
   (b) Yes, the Ministry of Health is aware that the KMTC also selected applicants and has since issued admission letters to the students selected by the college.
   (c) The KMTC was created by an Act of Parliament CAP 261 of 1990, with the mandate to train middle level health professionals for the healthcare delivery system. The college academic board has the responsibility of selection and placement of students to KMTC. Following the enactment of the Universities Act of 2012, and the KUCCPS, there ensued confusion among the members of the public regarding the selection of the students to the KMTC. The Universities Act, Section 57, states that; notwithstanding any other provision of this Act, a university or a college may independently admit students to its programmes in accordance with its approved admission criteria. This shows that there is no conflict between the Kenya Medical Training College (KMTC) Act of ---

Further, Section 71 of the Universities Act of 2012 repealed various existing laws namely:-
(a) The Universities Act Cap.210;
(b) The University of Nairobi Act Cap.201, and;
(c) The Acts of the Moi University, the Jomo Kenyatta University of Agriculture and Technology (JKUAT), the Egerton University, the Maseno University and the Masinde Muliro University of Science and Technology (MMUST) to the extent that the KMTC Act was not repealed by the enactment of the Universities Act of 2012.

The responsibility of admitting students to KMTC remains with the institution. Nonetheless, the Kenya Universities and Colleges Central Placement Service (KUCCPS) has, on two occasions, selected and placed students to KMTC thus creating confusion among members of the public. On 30th September, 2014, the National Assembly’s Committee on Health met with all the stakeholders. These included; the KMTC, KUCCPS and the Ministries of Health and Education. It gave direction that the KMTC Board should continue admitting students to its colleges as per its mandate. Contrary to this guidance, the KUCCPS admitted students for the academic years 2014/2015 and 2015/2016.

Regarding the admission for 2015/2016, the KUCCPS, on 20th July, 2015 forwarded to the KMTC a list of 2,302 students selected for various courses in the institution with a fee note of Kshs3,453,000 for placement services.

On 25th July, 2015, in a paid advert in a section of the print media, the KUCCPS published the names of selected students to the KMTC. Meanwhile, the KMTC Board of Management had, in the month of April, 2015, sanctioned the selection process as per the provisions of the KMTC Act.
In this regard, the KMTC placed paid advertisements in the print media on 17th April, 2015 and 21st April, 2015, inviting applicants for its various courses. Further, the college undertook a radio campaign in the month of June, 2015, in which it informed members of the public that it is only the KMTC that has the mandate to select students for its courses. The college has since issued admission letters to the students selected to join the college in September, 2015.

Mr. Temporary Speaker, Sir, following the parallel admission, the Health Committee of the National Assembly discussed the matter with the Ministry and the KMTC Board of Management on 4th August, 2015. The Committee affirmed the earlier resolution that admission of students to the KMTC is the mandate of the KMTC Academic Board.

In view of the foregoing, the fate of students who were selected by the KUCCPS lies with the selecting institution which is better placed to address the subject. Meanwhile, the Senate may note that some of the affected students selected by the KUCCPS have sought legal redress and the matter is now in court. Thank you, Mr. Temporary Speaker, Sir.

Date 17TH September, 2015

Member of Parliament: Sen. Kittony

Contribution She Made On: SELECTION AND PLACEMENT OF STUDENTS TO MEDICAL TRAINING INSTITUTIONS

Sen. Kittony: Mr. Temporary Speaker, Sir, I sympathize with the fate of the students that were selected and have not been admitted. In view of what has led to the heated debate by Senators, it is a right that the Committee on Health should continue to pursue and get an answer from the Ministry. As a senior citizen and as a mother, I really sympathize with the students. It is fair that our Committee is given another chance to seek more clarification from the Ministry of Health and these institutions. I beg your indulgence.

Date 17TH September, 2015

Member of Parliament: Sen. Kittony

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

Sen. Kittony: Mr. Temporary Speaker, Sir, thank you for giving me this chance to discuss the Motion that I had tabled in this House to the Ministry of Transport and Infrastructure.

THAT, aware that the traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs and longer travel times. I would like to say that the congestion is one of the key concerns---

Mr. Temporary Speaker, Sir, the Motion reads:-

THAT, AWARE that traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;

CONCERNED that the economic cost of the congestion is estimated to be Kshs1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;

APPRECIATING the government’s effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District;

The Senate now calls upon the Government to consider formulating additional policy
interventions to mitigate the problem by:
1. Enacting legislation to allow only high capacity public transport to operate in the city; and
2. Creating regulations to:
a) Require all deliveries to business premises to be done at night;
b) Require construction on roads that are in use to be done at night;
c) Reroute heavy commercial vehicles to use the bypasses.
Mr. Temporary Speaker, Sir, having said that, it is clear because we have witnessed and seen what really happens in the city, especially at peak hours when people want to go home. It is getting more worrying, especially when you want to reach home after working late. For security reasons, it is worrying when cars are piled up in the streets because you do not know what will happen next.
I would like this debate and this Motion to be considered seriously. Traffic congestion is one of the key concerns affecting the performance of the transport system in Nairobi.
In 2008, the economic cost of traffic jams in Nairobi Metropolitan region was estimated at Kshs1.9 billion annually, on account of cost of additional time spent on travel due to congestion. The problem has now gotten worse. I have the following recommendations;
(1) Policy brief Paper No. 2/2015 Kibra that was mentioned.
(2) Traffic control in Nairobi metropolitan has been wanting. It is now believed that some of the traffic interventions such as installation of traffic lights in most of the Central Business District (CBD) have not worked despite enormous resources being put into them. They lead to even more confusion and more congestion. We have witnessed this and each day it becomes worse. It is recognized that fully eradicating traffic congestion is not affordable and possible, especially in an economically dynamic urban area such as Nairobi. Expansion of roads infrastructure is expensive and has wide ranging economic, social and environmental effects and may, therefore, not be an ultimate solution.
The findings that I got and think will help in a great deal are as follows:
Increasing road capacity would reduce overall traffic congestions in the interim. However, this result should be treated with caution given that increasing capacity of all roads by 50 per cent may not be economically feasible.
Building of the northern and southern bypass roads has reduced traffic congestion by 11 per cent whereas decentralizing the CBD through creating multiple centres of attraction in the Nairobi Metropolitan City has had the least effect on reducing traffic congestion by 10 per cent. For instance, the establishment of the shopping malls and recreation centres outside CBD; that is, malls along Thika Superhighway, Ngong and Langata roads.
Nairobi Governor, Dr. Evans Kidero, has set up a Transport and Urban Decongestion Committee to look into these solutions to deal with this congestion, but they have not managed. The Committee released their interim report in June, but still things have not improved. The report acknowledges the two approaches of reducing traffic flow by increasing road capacity supply and reducing traffic demand. It recognizes various ways of reducing vehicle traffic, for example, road space and rationing; possibly controlling the number of vehicles in the City by the last digit of the plate number during the week days, investment in mass transit systems, for example high capacity occupancy buses, light rail, metro road pricing policy, congestion pricing, urban planning and design.
Mr. Temporary Speaker, Sir, the Nairobi Metropolitan Traffic Decongestion Programme’s aim is to relieve the present traffic, but it is really far from achieving this. So, we need to look at increasing unit direction, one way traffic movement in Moi Avenue, Koinange Street, Tom
Mboya and the rest. An expert has to be consulted. The Committee that has been constituted by
the Governor for Nairobi is not enough. I am proposing this because of the fears that people are
developing, especially, when the traffic is not moving; you are scared in the car and do not know
what is going to happen to you next. As a matter of urgency, to remove the fear from the people
and make the traffic flow, there should be a better way to do it. A law has to be enacted to be
able to make it flow.
The other day when we had President Obama in the country, it was impossible for some of us
who live at the periphery to access the city centre. We have not seen this in other countries, so
why should it be in Kenya? Nairobi is expanding very fast. It is time that we enacted laws that
will be more appropriate for our traffic to flow for citizens of this country to move without fear. I
have been very scared, especially when we leave this House at 6.30 p.m. or 7.00 p.m. You do not
know what will happen to you next before you reach home.
My concerns are very wide and I think many Kenyans will really share and appreciate that these
findings will go a long way in formulating laws that will make this country and this city a better
place for us and our grand children to enjoy in the future.
Mr. Temporary Speaker, Sir, with those few remarks, I request the Senator for Homa Bay to
second this Motion.
Date 17th September, 2015

Member of Parliament: Sen. Mugo

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

Sen. Mugo: Thank you, Mr. Temporary Speaker, Sir for giving me the opportunity to support
this overdue Motion about measures to mitigate traffic congestion in Nairobi Metropolitan
Region. I also congratulate the Mover for bringing this Motion and the Seconder.

Mr. Temporary Speaker, Sir, it is a big agony for, especially, Nairobians getting to their places of
work or business. I want to assure Sen. Sang that even from where I live; sometimes it takes
hours to get to the city centre. The congestion is all over the city. I do not think that there is any
area that is spared. I encourage him to work hard as a young man, that when he gets to my age,
he will live in those areas. It did not come overnight. When I got married, my first home was in
Makadara. So, you can see where we started. I am sure that you will also get where you want to
go.

Mr. Temporary Speaker, Sir, Nairobi and many other cities--- I have been to Mombasa and I
have seen the same problem. It becomes very difficult to drive in Nairobi, especially during rush
hours. I have heard of people who have missed their international flights because they could not
get to the airport on time. We have reached a stage where something must be done.
I remember that the late Sen. Mutula Kilonzo had come up with a comprehensive plan on how to
solve traffic congestion in this city. Together with Sen. Ongoro, who was the Assistant Minister,
they visited several cities to see how best to go about this problem. I am sure all those plans are
still intact somewhere. We do not have to always reinvent the wheel. That another team has to
visit Singapore, Dubai or another big city to see how it is done. For example, we can utilize the
plans which were developed by the late Sen. Mutula Kilonzo when he was the Minister in that
sector.
In addition, there have been other studies. I congratulate the Ministry of Transport and
Infrastructure, formerly Ministry of Roads. We have seen what they have done. They have tried
to give this city a facelift. For example, the Thika Superhighway is a success story but it is now congested. People now complain that they cannot make it to the city on time; sometimes they spend two or three hours depending on what time they left Githurai and Ruiru areas.

Mr. Temporary Speaker, Sir, it is quite clear that with those efforts, although there are some good results, we still need to do more. I encourage Governor Kidero as well as the Ministry of Transport and Infrastructure to work together and come up with a way to solve this problem. Some of the areas that we feel need real attention are the roundabouts. They cause more congestion and chaos than solving the traffic problem. We have seen in other cities that there are no roundabouts anymore. They have roads on top of other roads. I believe that if we construct bypasses we will solve this problem. We can also copy what other big cities are doing. They have just as heavy traffic, some of them even much more than we have.

Although during rush hour, they still have traffic, but not the kind that we experience in Nairobi. Although highways are the responsibility of the national Government, but then, the responsibility of some urban roads falls within the county. So, there is need to work together so that we can solve this problem. As we have seen in big cities, we welcome the one way street which is being introduced. I believe that it will help to solve a bit of the problem. We need to develop good public transport in the cities. That is what the late Sen. Mutula Kilonzo was working on. We have seen that the development of the train services has started. It is true that we all cannot fit on these roads.

When there is proper and organized public transport, people leave their vehicles on the outskirts of the city and jump on the organized tram or any mode of transport and get to their destinations quickly. This relieves the congestion problem of parking which is another big headache. There is no way we will solve congestion in the city unless we adopt the methods which have been adopted by many other cities. We have professionals who are qualified in transport system in the city. I was very impressed by one young lady who is doing a PhD in planning. We need to utilize such young people so as to show us the way. We should not keep on with the old thinking.

I thank my colleague Sen. Kittony for this timely Motion. I urge her to come up with a Bill or amendments to some of the laws we have which will help us to implement the good ideas which will emanate from this Motion because we need it.

We have also seen that most of the time thugs attack passengers where the vehicles have stopped and people have no way of escaping. Congestion brings with it a myriad of problems which we need to solve. I believe if the two administrations put their hands together we will definitely come out with an answer. Let us get moving and dosomething about the traffic.

Sen. Kittony, I hope you will follow this up with the Committee on Implementation to see that it is implemented.

Date 17TH September, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: Policy Interventions to Mitigate Traffic Congestion in Nairobi Metropolitan Region

Sen. Omondi: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to add my voice to this very important Motion. First, I want to thank the Mover of the Motion who is also my Vice Chairperson in the Committee on Health. I join my fellow Senators who have congratulated her for working tirelessly and showing that we are young leaders that need to work extra ordinary. We should lead by example so that we can bring the change that we want to be
seen in this country. The issue of traffic is of concern. I have been hearing the issue of traffic jam in Nairobi since the time I was very young and when I did not know where Nairobi was. It has been a culture that the traffic menace in Nairobi is as usual every time. It is time to join hands, think outside the box and work towards achieving a permanent solution regarding the possible ways that can help our country to change the way the issue of traffic in Nairobi has been perceived. I cannot forget to mention something on areas where Kenyans get a lot of wastages; my colleagues have been talking about wastage in fuel. When we talk about fuel, we need also to talk about time management because a lot of time is wasted. I want to agree with Sen. Sang that, indeed, when I come from Western I better calculate my time to enter the CBD at around 10.00 p.m. If you leave western very early and arrive in Nairobi at around six in the evening, you are likely to enter your House at around nine or ten midnight. You would have wasted a lot of time.

We also look at wear and tear, whereby we are always using and holding emergency brakes because of the congestions and causing the road users a lot of money in terms of wear and tear. It is also a health hazard because most of these people use Air Conditioners (AC) because they stay in the traffic for more than three hours, with the windscreens locked. They must use AC for them to survive for the long periods that they are on traffic.

Mr. Temporary Speaker, Sir, I support this Motion by saying that we should think outside the box and have plan B on what can be done. This is going to be a relief to persons with disabilities whom are the people that I represent in this House. They also use tricycles and wheel chairs, on the same congested roads, which sometimes causes additional injuries to them. If we use alternative means of transport it will decongest the city. We will ensure that we are changing the living standards of other users who are marginalized. They will have space of using the same, roads. When we talk about the menace that is brought about by the traffic jam in Nairobi, most of the motor vehicle accessories are broken while people are stuck on the road in the traffic jams, or during rainy season and when people are stuck at one point. At the end of the day, they find themselves losing some parts of their accessories of their motor vehicles.

Mr. Temporary Speaker, Sir, I support this Motion, having in mind that, indeed, it is a concern for each and every Kenyan. We, as legislators, must work towards relieving Kenyans who cannot come here and state the challenges they are facing. I remember one time when I was requesting a traffic officer to allow me because I was getting late and he told me that you are the legislators, stay there so that you understand that you are failing to do what you are supposed to do. The most vulnerable unit is the traffic, because it reaches at time when I have lunch with my colleagues at Kenyatta International Conventional Centre (KICC), but because I cannot cross within the buildings am forced to use my vehicle to come to Parliament. It takes me another 30 minutes to just move from the KICC to this Chamber. It is a concern and, indeed, a menace within the city. It increases the cost of fuel, repairs and other things. The people in charge need to be more aggressive, as the late Hon. Michuki was. If you do something, be proactive for you to succeed. With those remarks, I thank the Mover of the Motion and I support.

Date 22nd September, 2015

Member of Parliament: Sen. Ongera

Contribution She Made On: ISSUANCE OF TITLE DEEDS IN MERU COUNTY
Sen. Ong'era: Thank you, Madam Temporary Speaker. I am seeking a clarification to that question asked. What is the relevance of the name of the former Cabinet Secretary, the Hon. Charity Ngilu in that question? Why is her name coming up, when clearly know that we have our illustrious son from Kisii Hon. Fred Matiangi who is the Acting Cabinet Secretary in that Ministry right now? I do not know what inefficiency has been brought in because I have just heard the distinguished Senator for Meru say that there is inefficiency from that Cabinet Secretary. I do not know how that connects with the question. Madam Temporary Speaker, I do not think the distinguished Senator from West Pokot heard what I said. I said our illustrious son from Kisii who is the Acting Cabinet Secretary in the Ministry of Lands, Housing and Urban Development. I did not say that the illustrious son happens to be a Gusii. I said our illustrious son who is a Gusii from Kisii. That is a fact that is known in the public. I am merely stating a fact.

Date 22nd September, 2015

Member of Parliament: Sen. Chelule

Contribution She Made On: ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDs TO EXECUTE TENDERS

Sen. Chelule: Madam Temporary Speaker, as much as Sen. Murkomen is claiming that Sen. Mshenga Kisasa is my friend, this is not a matter of friendship. I requested for this statement about one and half months ago. I also requested for the same last week. I was promised that they would give me answers this week. I now seek for your guidance. I request her to tell me exactly when the Committee will give us the answer.

Date 22nd September, 2015

Member of Parliament: Sen. Chelule

Contribution She Made On: ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDs TO EXECUTE TENDERS

Sen. Chelule: Thank you, Madam Temporary Speaker. May I also take this opportunity to welcome members from Vihiga County Assembly. It is unfortunate that they came at a time that we had some issues among ourselves. However, they must be learning a lot. I hope they know that we, as the Senate, are here for them since we represent counties. We believe that they will deliver to the people of this country because we want devolution to succeed. It will not, if they will not be alert. No wonder my fellow Senator from Vihiga County was very much alert talking about parties. In the Committees, we do not work on the basis of our political parties, but we deal with issues pertaining to the people of this country. It was very unfortunate to mention political parties.

Date 22nd September, 2015

Member of Parliament: Sen. (Dr.) Zani

Contribution She Made On: ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDs TO EXECUTE TENDERS
Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. I support this, as complicated as it might, be by informing Members that the provision that Sen. (Dr.) Khalwale is talking about is also included in Article 7(3)(b) of the Constitution that says:-
“The State shall –
(b) promote the development and use of indigenous language, Kenyan Sign language, Braille and other communication formats and technologies accessible to persons with disabilities.”
Therefore, apart from English and Kiswahili being national languages, we are to also promote indigenous languages.
On a point of order, Mr. Temporary Speaker, Sir. As a scholar, the assertion that the “state will promote” allows us. This is not a static law. It is a law that is alive and to which we can make interpretations. The state here promotes. Therefore, even when we move into the debate of using indigenous languages because that will be a big debate within county assemblies, we need to put that into consideration.

Date 22nd September, 2015

Member of Parliament: Sen.

Contribution She Made On: ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDs TO EXECUTE TENDERS WON

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. Let me start by making a comment about something that Sen. G.G Kariuki said. I think it is important and I wish this Bill does get to the President for assent because this is one of the avenues that is going to be clear for us to do what Sen. Hassan Omar talked about; creating oversight for the public. They are the most critical. We have experienced it in the Senate where we have had many petitions coming in. As the Senate, we have had opportunity to discuss those petitions. What I like about these petitions - I have been happy to sit in some of the Committees, is that there is a lot of investigation that goes on. It creates an opportunity for people to be called, be they Members of County Assemblies, governors, County Executive Committees Members (CEC) or the Clerks of county assemblies, and asked questions. When they come and give this information, it means they are really opening and giving a lot of light about some of the questions that may be the petitioner has asked about.

As they do that, because Committees are open and I believe also Committees at the county assemblies are open and that we should encourage more people to come to those Committees to listen, then it gives more information to the public. Even though under the Constitution, every citizen has a right to access information, the procedure and the process for doing this is not clear. Remember, we are coming from a state of repression where people did not ask questions and felt they cannot question the Government, where people felt they wait and whatever services they are given, they are lucky to have those services.

The Constitution of Kenya 2010 has opened up the space for Kenyans. If Kenyans do not take this space now, we will never get another chance because the power of the people is insurmountable. It is a power that nobody is able to replace. All citizens should seek answers for issues that those answers are not given. They should come out of the market place, go to the governor’s office, County Assembly, galleries, listen and ask questions and even demand that all these things that are in the strategic plans eventually be implemented, and ensure that the projects that were promised within the specific counties have been adhered to and that those specific projects have been actualized.
They can ask about the costs or the contactors. For devolution to work, Article 10, and especially the principles of Article 10, specifically public participation cannot be ignored. That is why I support the view that people should now have that civic education. Empower people who in this country have never been empowered before to realize that they can raise these questions. Before they do that, because they might not be able to do it as a group, they have a chance to do it in the form of petitions.

For a long time, petitions have been coming into the Senate and we have been trying to answer them adequately. Even at the county assembly, it is possible to bring these questions and have them answered properly. I remember in one of the committees when we were visiting various counties, we went to one of the counties and met our counterpart committee. As we were having discussions with Members of that County Assembly, a Committee Member asked us as Senate, what we were doing to address the scarcity of water in their county. We told them that it is not for us to do that. They have the power. They should be part and parcel of the planning process, they need to indicate what needs to be done in the counties, and they need to hold the county government accountable.

I think this particular Bill comes at the right time and it tries to bring into effect Article 37 where each person has a right to demonstrate, assemble and present petitions. It is something that we should be able to do willingly and easily. It is something that we have been encouraging people to do. What has been missing is the procedure. That is why this Bill is very critical. The procedure for doing that has not been clear and I think even as we started off, it seemed like petitions were going to be handled at the national level but here is a chance for us to cascade the receiving of petitions to the county assembly level and I think that is very critical. That cascading to the county level will also be able to contextualize issues and be able to answer specific questions in specific county assemblies. People in those county assemblies should understand what is going on and what is missing in those county assemblies. There should be a general interest by everybody of what is happening in the county assemblies, and that this should not just be a club of a few. That county development is for everybody. It needs to be enshrined in plans of the various counties. This becomes very critical.

In the Bill, there are very specific provisions that have been done on how that Petition should be formulated. This is very critical. But if I look at part (e) where the subject matter must be indicated, I think that is important so that there is no confusion about what the Petition is all about. It might be a Petition within petitions. So it is important to have the header of that Petition clear so that there is no confusion about what is happening and, therefore, handle multi-petitions without realizing what the key issue is meant to be. That becomes very critical.

The idea that the petitions must have the names and addresses is very important because, one, it gives the identification and that these are issues coming from specific counties. I think more importantly, it gives the weight and the trust that is needed in specific petitions. I have seen petitions with about 50 or 200 members. It will be great to have a petition with almost the whole adult population from a specific county so that county governments can begin to feel the weight of the people they are in charge of and so that they can be able to tell that this comes from the people. It will also help Members to authenticate and know that these are the members who stay in a particular county and they are the ones who have presented these particular petitions. This will help people to understand that this is an area with many other people and everybody should come on board.

It should also be counter-signed by the member presenting the petition; that is the Member of the County Assembly. This Bill says that a Member of the County Assembly cannot bring a petition,
but they can do it on behalf of a petitioner. They can only sign as they present that Petition. So, the Member of the County Assembly is the one who can bring the Petition that has been signed by the petitioner to the county assembly. That is also important as it will create order on how things need to be done.

Mr. Temporary Speaker, Sir, in this Bill, it states that a petition to the county assembly shall be submitted to the Clerk, which makes it very easy and straightforward. That is the process that we also have here at the Senate. It is even clearer that for that process to proceed, it should not take a lot of effort. The fact that a petition shall be considered in accordance with the Standing Orders is very critical because it means that it is an obligation and it has to be. This is one of the best ways to bring some of the nagging and sensitive issues to the county assemblies because the forum is that once the petition has been put into place, then it must be dispensed off.

It was interesting to hear what Sen. M. Kajwang had to say about a petition that went to a particular committee and then they realized that it was in the wrong Committee and that was the end of it. Maybe as we talk about this Bill, we should think about amendments to show if such a situation happened, then there will be a revision process to ensure that the particular petition goes to the specific committee or how to deal with it including invoking petitioners to petition again across certain issues. We do not want to lose many of the petitions because of the technicalities and maybe some of them are actually stage managed rather than real technicalities, if it is a sensitive petition. The idea that feedback also has to be given to the petitioner is important so that they know what is happening. However, I find Clause 6 very interesting that supporting documents have to be given to the county assembly. Many times in many of the petitions, I always have a little bit of worry when documents are being presented especially those that cannot be authentisticated. There is no way to ensure that these are the original documents that were used at the specific time and if there were meetings, if the minutes presented were the actual minutes for the meetings yet they are documents that cannot not be vetted. I know that when people are giving evidence, they do so under oath. There are people who when speaking under oath, they tell the truth but there are others who even when they speak under oath, might not tell the truth.

Mr. Temporary Speaker, Sir, it is, therefore, very critical at this point to ensure that if there is any documentation, then there is a process of vetting that document so that by the time it comes, even the committees which these petitions are committed to understand how those documents have come to the fore. As I conclude, I would like to say that evidence that is presented is critical because it leads us to conclude a situation and answer the right questions as the fact finding process is critical and important. Therefore, the paperwork and the Statements that are given are very critical and they have been carefully understood. We can have an entry point for participation from the members of the public.

As we look at this Bill and make amendments, it is critical for us to think about the sort of penalties we are going to give for misinformation, so that anybody coming to give information or evidence about any subject matter on a petition, knows that there is going to be some penalty or consequence for misinforming, misdirecting or giving the wrong information. At the end of the day, when these petitions have been processed and everything has been handled and processed through petition, it is very important to also disseminate this information and make it a public document that Members of County Assemblies (MCAs) can read and look through to see what is happening. I think that county assemblies have not realized how much power they have in terms of holding the county governments to account. By having this Bill passed into law, it will enable them to have that sort of power which is very critical to us. It will enable counties to feel that...
they have a sense in which they are participating and that they can actually hold the county governments to account. I, therefore, congratulate the young Senators in the Committee on Legal Affairs and Human Rights. I have heard that the Committee on Legal Affairs and Human Rights constitutes quite a number of young and vibrant Senators. Cascading work is the direction to go. As we have devolved institutions, we need to devolve further some of the functions and responsibilities held at the national level to the county level. That will help in faster accountability and progression of information and faster, easier and nearer participation from members from various counties. Thank you, Mr. Temporary Speaker, Sir.
Date 23rd September, 2015

Member of Parliament: Sen. Omondi

Contribution She Made On: CRITERIA FOR APPOINTMENT/REGIONAL DISTRIBUTION OF APPOINTMENT TO PARASTATALS
Sen. Omondi: Mr. Speaker, Sir, I take the responsibility to liaise with the Chairperson and the Vice Chairperson. If allowed, we will issue the Statement next week.
Date 23rd September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: COST OF FERTILIZER FOR TEA FARMERS
Sen. Wangari: Mr. Speaker, Sir, the suspicion is wrong. I am not a Member of the Committee on Agriculture, Livestock and Fisheries.
Date 23rd September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: REPORT OF THE SELECT COMMITTEE OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW
Sen. Wangari: Mr. Speaker, Sir, I also join my colleagues in congratulating the Murkomen Committee for a job well done. Let me remind us of where we began as the Senate when we were sworn into office. This is one issue that we really coalesced around and were ready to go. We only had a problem when we had cracks emanating from political standings and parties. That is how that collapse came about.
Now that we have revived it, we must cement the foundation on which we began and that cannot be achieved if we think of ourselves and move as Members of our political parties. We must realize that as the first Senators under this Constitution, it will be in history if we do not cement the foundation of the Senators’ office. Most probably 20 years down the line, most of us will not be Senators. We want those who will come after us to see the job that we will have done.
I also attended the meeting that was held by this Committee at the Sarova Stanley Hotel and I think we still had pending issues. So, it is definitely a good idea that has been suggested by Sen. Wako, that this Committee also takes Senators along with them. That way, all of us can own the process, even those who were not in the Committee. We will then thrash out what we need to so that when we get out with it, there will be no stopping or looking back.
Date 23rd September, 2015
Member of Parliament: Sen. Omondi

Contribution She Made On: VISITING DELEGATION OF STAFF FROM BUNGOMA COUNTY ASSEMBLY
Sen. Omondi: Thank you Mr. Speaker, Sir. I rise to join you in welcoming the visiting delegation of staff from Bungoma County, being a neighboring county to Kakamega County, which is my county. As I join you to welcome them in this Senate, I want to say that I am so happy that I have seen the leadership of women amongst the delegation. Thank you.
Date 23rd September, 2015

Member of Parliament: Sen. Omondi

Sen. Kanainza: Mr. Speaker, Sir, Sen. (Prof.) Lonyangapuo is out of order. This is my dress code. I am not a primary or high school student. This is my attire and I believe that I am properly dressed to be in the Senate this afternoon.
Date 23rd September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO.42 OF 2014)
Sen. Wangari: Mr. Temporary Speaker, Sir, I also join you and Sen. Hassan in wishing our Muslim brothers and sisters a happy Idd ul Hajj.
That said, I rise to support the Bill that has been brought by Sen. Sang. It is very progressive. We should have enacted it one or two years ago. The role of the Senate and especially our mandate that is explicit in Article 96 is to make sure that we help institutionalize and operationalize the counties.
Being the first Senate and the first county governments under this Constitution, it is very important that we lay a good foundation on how these county governments are run. This is one office that not much is known about it yet it plays a very crucial role. In fact, I would say that they have a very funny office on Haile Selassie Avenue. I have been there and the role that office plays is not commensurate with how it looks. It looks like a forgotten office. It cannot handle what we are doing now even as Parliament because every time we have to push to have this legislation out in the Kenya Gazette.
Mr. Temporary Speaker, Sir, doing that for other 47 units is not a small fete. So, I congratulate Sen. Sang. In the era we are in, first of all, we have an enlightened community.
People want to know what is happening. That has been backed by the Constitution that we are operating under. If you go to the counties today, and we see even in the media, citizens are asking questions. They want to know, for example, if an appointment was made, who was appointed, were the minorities and persons with disabilities considered, as Sen. Mutula Kilonzo Jnr. has said.
These issues are in law and guaranteed under Article 35 of the Constitution. Not only that, if you look at Chapter 2 of the Constitution in terms of good governance, we have the issue of transparency and accountability. The only way we can rule out under-hand and funny games
in the counties is to have this information available to the public. There is no better way than to have this done in an official manner. If there is a Bill that you want to access, you can get it without having to go to the county assembly; you can just walk into the printer’s office and as a public entity or as a private citizen, access the information you need.

Mr. Temporary Speaker, Sir, we have been speaking about the issue of public participation because many of the counties do not carry forward what exactly people want to see. The ideal situation after five years of devolution should be that services are closer to the people. We can have more bed capacities in hospitals that have expensive bedcovers and curtains.

Priorities are misplaced. We are seeing so many of these. The only way is not to wait until it is out and make a very good story about it but to arrest these upside down and lopsided priorities before they happen. The only way to do that is to have this information.

The office of the printer will go a long way. First of all, in making sure that information is out there. This will help to stamp out corruption and ensure that even the laws that we have are enforced; for example, the 30 per cent access and also in terms of appointments. How do we audit the implementation of these laws if this information can only be released at will and when one feels like releasing it? It should be compulsory for any government institution at whatever level to provide this information to the public. Then we will follow up even on the laws that are made at the county level.

I had written a letter to the Commission for the Implementation of the Constitution (CIC) because its role – I feel there is a gap on what is being legislated at the county level because we do not have someone who is following up on the kind of legislation in terms of aligning it with the Constitution and making sure that it does what is meant to do.

We can then, look at the kind of legislation that is coming out of the county assemblies. You can access it as a Senator or a private citizen. We can follow what is being done. This is not a choice. Unless we empower these counties, this will remain an excuse. That, we have to come to Nairobi and queue; it will remain an escape route; that in any case, every legislation, order and Act has to go through the small house at Haile Selassie Avenue. If we can devolve this office, like the Bill is suggesting, then we will have efficiency, proper oversight and information flow that is required in the counties so that we can ensure that devolution works.

That way, by the time we are doing an audit of five years of devolution, then we can say “we are here today, we should have been here if we did this better, we should do better in the other term.” When we come back to office, in whatever capacity in 2018, we should not talk about the teething problems. This baby must have grown teeth and we should have done away with the milk teeth. We should be having permanent teeth because we would have had five years of laying the foundation. If we will have the same problems after the next election, then we would have failed in our role as legislators or Senators and custodians of devolution.

The importance of this Bill is that it will make county governments effective and work properly. I join Sen. Sang in saying that this is the right spirit; that, we can access information. We are doing the right thing. We should pass this Bill to be assented to in good time so that it is operationalized and is working in the right direction. Thank you, Mr. Temporary Speaker, Sir.

Date 23rd September, 2015

Member of Parliament: Sen. Wangari

Contribution She Made On: THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO.42 OF 2014)
Sen. Ong‘era: Thank you. Mr. Temporary Speaker, Sir, for giving me this opportunity so that I may also support and contribute to this Bill. Like my other colleagues let me also congratulate the distinguished Senator from Nandi Hills, Senator Sang and the “duke” of Makueni, Sen. Mutula Kilonzo Jnr. for moving and seconding, respectively, this Bill. This is a very important and timely Bill in the history of this nation because it supports the principle of devolution. As you know this House is the guardian angel of devolution.

This Bill is in line with our mandate under Article 96(1) and (2), and as read with Article 110. Therefore, in devolving and centralizing services from the national Government, we as a Senate are going to do a very commendable thing by taking the services closer to the people.

When I look at this bill it contains the necessary provisions. I can see that under Clause 4, Sen. Sang has proposed that there is need to establish the office off the county printer. Going further, I have seen that there is also a provision for what kind of criteria, education or experience that is necessary for this county printer. This has been illustrated and set out under Clause 9 of the Bill. The functions and day to day responsibilities of the office of the county printer have been set out. One of the functions, if I could read, is the implementation of policies and programmes of the office and reporting on to the County Executive Committee (CEC). Under Clause 10 there are clear linkages between the office of the county printer and the county executive government.

Under this section we note that the county public service board shall, in consultation with the County Secretary, appoint such members of staff as necessary for the running of that office. Under miscellaneous provisions, the distinguished Senator has gone on to highlight that when the office of the county printer is actually set up it will not be a function that will be used for the raising of taxes, and imposition of charges of public funds. I think Clause 11 is very important, so that we do not misinterpret the role of the county printer; that the county printer will be printing private documents, or documentation, such as printing of T-shirts and other things. This will be purely matters that are related to the proper functioning of government in terms of documentation and bills for the county assembly.

Devolving services to the counties, and bringing particularly documentation and publications of these documentations, closer to the people becomes very important. As you have heard, my colleagues have actually highlighted incidents where people have had to travel from very far, for example from Kisii just to come here to Nairobi to get a deed plan. There are Widows, for example, who are seeking to get letters of administration. To get those letters published can take five or six years. With this Bill, I hope that these services will now be closer to our people and therefore, they will be able to enjoy the fruits of devolution.

Secondly, with the publishing of Bills, I am very sure that for the very first time, the county assembly will be able to deliberate on their Bills expeditiously so that they can turn them into law. Therefore this is a very important Bill and we give all the accolades to Sen. Sang and his colleagues for coming up with it.

One thing I wanted to speak about is the office of the Government Printer. There have been several incidences where this office colludes with unscrupulous public officers. When we have legislated on a law, and inducted what should be done, when the actual Act comes out, you will find that they have written their own things or they have vested interest, from other public officers. They have now written a different law that we had not legislated. This has happened before; you recall, in the Tenth Parliament, such incident did occur and it actually brought a lot of public outcry.

As we give opportunities for the opening up of the office of county printer, we hope that they will publish legislation that actually has been passed by the county assembly. We hope that this
county printer’s office will not be misused by unscrupulous governors, to use it for their own political gains, for example, to print T-shirts and posters for campaigns. We want it to be used for the right services and that is, to ensure that government publication and government documents and Bills or Acts of Parliament or Acts of the County Assembly that are passed, are properly printed out and the people get the necessary services. With these remarks, I beg to support.

**STATEMENTS**  
**Date 24th September, 2015**

**Member of Parliament: Sen. Chelule**

**Contribution She Made On:** ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDS TO EXECUTE TENDERS WON  
**Sen. Chelule:** Mr. Temporary Speaker, Sir, I requested for this Statement before we went for our last recess. When we came back on Tuesday, I was promised by one of the Members of that Committee that the report will be ready in one week. It seems like there is a lot of confusion in this Committee because the Chairman is stating that it will be ready in two weeks but on Tuesday I was promised by one of the Members in that Committee that it will be ready in one week.

Since the Statement that I requested needs time because it is a comprehensive report of what he has mentioned about the people who have benefited from *Uwezo* Fund, both the rural and the urban, I think it is reasonable for me to give them time. We need to have that comprehensive report. I will give him the two weeks that he has requested for.

**Date 24th September, 2015**

**Member of Parliament: Sen. Omondi**

**Contribution She Made On:** ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDS TO EXECUTE TENDERS WON  
**Sen. Omondi:** On a point of order, Mr. Temporary Speaker, Sir. I want to register my disappointment on the way the issues of Statements sought on behalf of the marginalized groups are taken. The matter is very grave and as we take long to respond to these issues, we are not putting into consideration financial and budgeting period. Marginalized groups---

**Date 24th September, 2015**

**Member of Parliament: Sen. Omondi**

**Contribution She Made On:** ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDS TO EXECUTE TENDERS WON  
**Sen. Omondi:** Mr. Temporary Speaker, Sir, there is a lot of noise. I would like your protection from Sen. Sang.

Mr. Temporary Speaker, Sir, there was loud consultation. I was registering my disappointment in saying that the category of people with disabilities, women and youth are the ones losing on what the Constitution has provided for them. Two weeks adding to two months is too long. I want to register my disappointment because I am not comfortable with the way this Statement---

**I want to agree that even if we wait for so long, the manner in which these**

**Date 24th September, 2015**
Member of Parliament: Sen. Nabwala

**Contribution She Made On:** ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDS TO EXECUTE TENDERS WON

**Sen. Nabwala:** Mr. Temporary Speaker, Sir, I agree with you and want your direction. My concern is about duration and the way the Statement is going is going to be answered. On a point of order, Mr. Temporary Speaker, Sir. Since the Jubilee Government is a digital Government, we do not need to have a delay of six months for us to be able to get the information, unless the chairpersons of these committees are not working. In that case, we should declare a vote of no confidence in them.

**Date 24th September, 2015**

Member of Parliament: Sen. Chelule

**Contribution She Made On:** ACCESS TO FINANCES BY THE YOUTH, WOMEN AND PWDS TO EXECUTE TENDERS WON

**Sen. Chelule:** On a point of order, Mr. Temporary Speaker, Sir. I mind about this Statement very much. Since I am very much interested in the answers, patience is important. I hope that the Chairman is taking this matter very seriously. I want him to understand that I am requesting for this Statement for the third time now. I hope that he will deliver the Statement in two weeks’ times as he has promised.

**Date 24th September, 2015**

Member of Parliament: Sen. Nabwala

**Contribution She Made On:** STATE OF FUNDING FOR SPECIAL NEEDS SCHOOLS

**Sen. Nabwala:** Thank you, Mr. Temporary Speaker, Sir. On 12th March, 2015, I sought a Statement from the Chairperson of the Committee on Education on the status of funding for special needs schools. Could the Chairperson tell us – although I cannot see him in the House – the status of funding to these schools?

**COMMUNICATION FROM THE CHAIR**

**Date 24th September, 2015**

Member of Parliament: Sen. Ong’era

**Contribution She Made On:** REPORT OF THE COMMISSION OF INQUIRY ON THE PETITION SEEKING THE SUSPENSION OF THE COUNTY GOVERNMENT OF MAKUENI COUNTY

**Sen. Ong’era:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also support this historical Motion that has been brought to the House. From the outset, let me congratulate Sen. Mutula Kilonzo Jnr. for seeing it fit to bring an important Motion to this House. Let me also congratulate the Seconder of this Motion, the distinguished Senator for Nandi.

Mr. Temporary Speaker, Sir, may I also express my sympathies to you for what happened to you when you raised these matters that were very historical. Indeed, you had the oversight, like a giraffe; that these matters will be serious in the Republic. Today, you have been validated by actually presiding over the House as we discuss these matters.
Mr. Temporary Speaker, Sir, this issue is, indeed, the elephant in the House. If this elephant is not slain and we do not face this monster, we will never ever resolve the issues of land in this country. Land injustices have stemmed from a very long time, right from the British colonial times when the colonial forces decided to amass and take the prime lands of our people and occupy them. To date, quite a number of subjects, who are Kenyan citizens, are actually living in those lands. Some were given to the so-called “fat cats” in this country.

As we all know, land in this country also became a political reward; that each succeeding President decided to award fertile and the very best of prime land to their cronies, thus forcing massive eviction of many communities. I have in mind what happened to the Marakwets and the Pokots, who lost large tracts of land which were occupied by other citizens of this country. If this elephant is not clearly faced, historical injustice will continue in this country. It is the high time that the NLC actually decided to deal with its core mandate; that is to establish legislation that will clearly deal with this issue. As I indicated earlier on, we need to slay this monster, once and for all.

The NLC has bogged itself down with very mundane delays and tasks. Instead of dealing with this core issue, they have dealt with issues of approval of staff and ensuring that they have infrastructure. For the NLC to say that they have a fight with the Ministry of Lands, Housing and Urban Development is an excuse. They need to deal with this core task which does not even need an office for them to sit in, to prepare legislation which can be brought quickly to Parliament for debate and passage.

Mr. Temporary Speaker, Sir, in this country statistics have told us that only 20 so-called “fat cats” own large tracts of land. If I am right, they own close to 35 per cent of the landmass in this country. This is, indeed, theft. We need to have a solution, so that these “fat cats” can be exposed. We need to see their faces, because we cannot have 35 per cent of the landmass in Kenya being occupied by only 20 citizens, when we have a population of close to 47 million Kenyans. We must face the reality and this monster. If we do not do so, very soon this country will crumble. I began by saying that there is an elephant in the house. If we leave it to continue growing fat and fat, soon it will break the door and the house, which is, this country where we all stay. Therefore, it is necessary that we address historical land injustices. We must mitigate and resettle all the communities that have been affected, who live in the most arid of areas in this country, while their fertile valleys are being occupied by other communities.

Mr. Temporary Speaker, Sir, with those few points, I support this Motion and hope that this legislation will come to this House very soon, before we finish our term, so that we can pass it. We will be remembered for what we have done for this country.

Date 24th September, 2015

Member of Parliament: Sen. Nabwala

Contribution She Made On: REPORT OF THE COMMISSION OF INQUIRY ON THE PETITION SEEKING THE SUSPENSION OF THE COUNTY GOVERNMENT OF MAKUENI COUNTY

Sen. Nabwala: Thank you, Mr. Temporary Speaker, Sir. I would like to thank the Mover of this Motion which is very key in settling matters concerning land. The NLC was formed for the purpose of sorting out most of these land matters which is an uphill task. This is because the majority of land is in a few hands of the rich people. Most of them are the politically-correct. They acquired the land at the expense of the poor person. The poor people are the majority in this country, but they live in slums. For example, in my area, we have a slum where somebody
lives on less than a point of an acre. There is no space for him to even build a toilet or bury the dead. This piece of legislation is very important as it will help the country to move forward and also help us to address the issue of large tracts of land which are in the hands of a few. Majority of Kenyans have no land. We have the “haves” and the “have nots”. The have nots live in abject poverty. These are the squatters I am talking about.

Mr. Temporary Speaker, Sir, in my county, we have about six or seven large tracts of land without title deeds. This land was given to people over 50 years ago. It is sad that someone has lived on that land for more than 50 years, but he does not have a title deed. This is the place where they have known to be their home. The Ministry of Lands, Housing and Urban Development has issued title deeds to the rich who in turn evict these poor people from their parcels of land. Some time, they burn their houses as they evict them.

We have had a case like that of Mengo Farm in Trans-Nzoia County, where somebody went and acquired a title deed and came in the night with a lorry full of people and tried to evict the occupants of the land. The occupants of that farm countered that eviction attempt and as a result, seven people died. That was not the first time. That is not the only farm where people are targeting the poor in Trans-Nzoia County. This is happening because I think the white settlers who lived there left in hurry; people moved into those farms and they have lived there for many years.

Mr. Temporary Speaker, Sir, when someone lives on a farm that has no title deed for more than twelve years and you have had your kids there, I think by legislation, that person should be given one or two acres. The trend that we are now witnessing is that our people are being evicted and then that chunk of land is taken by one person who has acquired it by getting the title deed from Nairobi without the people on the ground knowing anything about it. I think that should also be made very clear in this piece of legislation because Trans-Nzoia County is under threat.

We also had this incident in Chepchoina Farm where people were also allocated land and they were not issued with title deeds. After five or ten years, they were evicted. This needs to be corrected so that when someone is allocated land, you have your title deed which is your security, and you can even take it to the bank and borrow money to advance.

I also thank the Mover of the Motion because this piece of legislation will correct the iniquities which have been created between communities. Community land brings a lot of conflict. You will find people fighting over it because there are no boundaries. Someone just comes and declares that that is his or her piece of land and then communities fight and kill each other. If we have clear legislation, then nobody will interfere with somebody’s piece of land.

Mr. Temporary Speaker, Sir, this is a very good legislation. It is constitutional and if implemented, we will correct many things and also bring people to be somewhere where they can also benefit from this land that people were given for free. For them, even if it is a fraction of an acre, you have to pay for it. A fraction of an acre in Kitale costs about Kshs80,000. These people do not have any land and most of them live in rentedgrass thatched houses. So, when someone wants to acquire that land, you simply go to the Ministry of Land, Housing and Urban Development, corrupt officials there and come and evict these people. There are a lot of injustices in Trans-Nzoia County. When this piece of legislation is committed to our Committee, I will bring information about the land in Kitale which has problems so that the issue can be looked into.

Date 24th September, 2015
Member of Parliament: Sen. (Dr.) Zani

Contribution She Made On: REPORT OF THE COMMISSION OF INQUIRY ON THE PETITION SEEKING THE SUSPENSION OF THE COUNTY GOVERNMENT OF MAKENI COUNTY

Sen. (Dr.) Zani: Mr. Temporary Speaker Sir, it is really quite a sad debate and an emotive one. I am happy Sen. Mutula Kilonzo Jnr. has brought it because we have discussed in many forums and even my brother Sen. Madzayo ended his contribution, by thanking Sen. Mutula Kilonzo Jnr. It is important maybe to make an amendment and put a deadline to when that Bill should be done. If we leave it open-ended, we will find ourselves exactly where we are.

The fact that, this Bill is not in place, I guess there is a problem somewhere. That problem is interference of the National Land Commission (NLC). That Commission has not operated independently. We saw that interference when title deeds were given out in the Coast region where I come from, and we talked about it. Why do you not look at all parcels of land and deal with them comprehensively, instead of dealing with I piecemeal? Giving land titles without checking whether that land had previous titles, it is not fair to use Indeed. There are some people who got those title deeds and when they tried to borrow loans from banks, they were not able to. That is why the Constitution of Kenya 2010 gave birth to put NLC. Otherwise there would not have been need for that Commission if it is not able to perform. There are many commissions which were established to operate independently.

I feel sorry for my brother Swazuri because I know him from the University of Nairobi. He is a don and has dealt with land issues for a very long time, and he is very professional. It would be interesting to know what has happened within the time he has been in office. He has never been given the support to operate effectively. It is not good especially for the people from the Coast, in a case where one of us has been put into such a position and they cannot deliver. This is because somebody will say: “We have given it to one of your own, where you have serious land issues, and nothing has happened.” That is why it is very important to push and try to give teeth to this the National Land Commission (NLC), so that it does what it is meant to do.

Mr. Temporary Speaker, Sir, if we observed Article 60(1)(a) of the Constitution which advocates for equitable access to land, we, the people from the former Coast Province, could not be further from the truth. The issue of land in the former Coast Province has been there for over 50 years. All we have been doing about it is talking and talking. There has not been any action, as the Coast remains one of the most impoverished areas in this country. A lot of that impoverished state comes from lack of land, because it is on land that you can put labour, plant some crops and then sell the produce to make a profit and built hotels.

As a Committee, we have been going to the Coast and seeing what is happening there. When you inquire who the land and hotel owners are, you will find that it is not the indigenous people of the Coast. People are fond of saying that people from the Coast are lazy but that is not true. We do not want to hear such clichés being used against our people. People have to understand what the situation has been in the Coast and try to come up with comprehensive ways of ensuring that the situation changes once and for all.

With the downward trend in the tourism sector, people there cannot even survive because tourism used to support very many people, apart from those who were working in the hotels. People who worked in the hotels supported their families at home by taking them to schools and, for example, buying tomatoes and cassava which is grown in Kwale.
They could do very well. They also supported the fishermen. A fisherman knew where to take their fish. Where will the fishermen at the Coast take their fish because there are no visitors at tourist hotels?

Moving away from the issue of hotels, the indigenous people of the Coast are not the land owners even where land exists for other businesses enterprises. We should not bring the argument that they sold land. What else could they do? Unfortunately, that is the truth. Land has been sold at throwaway prices out of desperation. It is now 50 years later but there is still marginalisation because other parts of this country have moved forward, consolidated and kept their parcels of land. How many people from the Coast can be found all over in any of the other regions, yet you will find people from other regions at the Coast? If you looked at the statistics, it will make you to think about issues of land especially in the Coast.

Mr. Temporary Speaker, Sir, I happened to be a Member of the task force that had been established by the former Prime Minister to look at the historical injustices. One of the issues that we looked at was land. At that time, we were under a Coalition Government and made progress. When that office ceased to exist, we did not get any more funding. That work could not continue, although it was important and needed to be done. We needed to go through all the various counties within the former Coast Province, establish what was going on and how it could be addressed.

There is nothing as bad as dealing with a population of people who carry very many grievances. We are restricted to using either English or Kiswahili language at any given time. However, there is a Kiswahili word I would really want to use to capture the situation about what people feel. The word is “mlipuko”. At one point, people will explode because they have been holding that for long. If there is somebody who is decent, calm, progressive and polite, then, that person is from the Coast. If these kinds of injustices are bottled up over and over again, we will move into a situation that is not good for us. That task force, therefore, did not complete its work.

I am looking at the insight of the former Prime Minister setting up the task force in lieu of trying to identify and address this issue as something very important. A lot was achieved because we were in a grand Coalition Government. We are missing a lot because the input that we had on our side of the Grand Coalition is not there anymore.

This would have been very critical. It would have been important for the task force that was looking at historical injustices to continue.

Mr. Temporary Speaker, Sir, I also happened to be part of another team that was working in Mariakani on digital mapping. We were identifying what area should be used for what. We were surprised about what happened after mobilising the community and telling them what our work was. We were trying to demarcate the areas as residential, commercial, industrial and cemeteries for burying the dead, areas for establishment of schools and so on. We went round doing that. We were supposed to have an aeroplane that was to pass over Mariakani to do the general mapping. We informed members of the communities there about that exercise.

You would not believe what happened. The moment the beacons were put, they were removed the following day. People in Mariakani told us: “We have been touched by land issues. We have been bitten by a snake called land issues and we are going to be alert.” We had to tell them what exactly we were doing because, obviously, they thought that somebody wanted to grab their land overnight. Therefore, matters of land grabbing are real.

Mr. Temporary Speaker, Sir, as you travel to Mombasa through Mariakani, you have seen walls around people's compounds. Most of that land was community land. You will find that somebody bought the land fraudulently from one of the brothers in a family. We were told
stories of how a wall is put round that land and somebody has to exit through a spot or be closed in. That is family land that, for one reason or another, has been taken by somebody else. We need to think about all these issues and try to find ways and means of bringing them to a stop, figuring out exactly how we will do that. We will not come out of poverty without addressing these specific land issues.

When title deeds were being given and the Cabinet Secretary at the time was hon. Charity Ngilu, we wanted the issue consolidated at that particular moment. We wanted them to find out exactly what was meant to happen. We suffered a lot from the disconnect between the Ministry and the NLC. However, we should not look at it at a conflict level and leave it there. We should look at it in terms of what can be done to ensure the implementation of the agenda that Article 67 of the Constitution advocates for.

I know we have started talking about community land and creating clarity about that in the Community Land Bill that we discussed in this House. However, it is very critical to generally have a very broad agenda. It cannot just be business as usual. It has to be something that we need to put up and handle once and for all. This should never come to pass as something that we just talked about and nothing happened.

Mr. Temporary Speaker, Sir, it was shocking when we had an ad hoc Committee on natural resources. One of the places that we visited was Kasigau in Taita-Taveta to look at mining that was taking place there. As we drove, we saw chunks and chunks of sisal land which is not owned by the indigenous people. Therefore, who are the silent owners of those parcels of land? We were even told a story of somebody who had been killed by members of the community. Something is going on about some people who move to specific communities to utilise and exploit natural resources, be it land, gold or anything else. At the end of the day, the indigenous people do not get anything. That creates a lot of problems, divisions and insecurity.

Mr. Temporary Speaker, Sir, it has been mentioned here by other contributors before me that the same situation is obtaining in Kwale. As you go to the beach, on the left side, you will find owners of big hotels and land who are not indigenous Digo. However, because the Mdigo is quiet and cannot bring that to the fore, he will decide to just get fish and call it a day. That person has been ignored and that land has not been adjudicated. The people are just living from day to day without clear ownership of land. It is not something that is difficult to do. We should be serious about it and get it out of the way.

The Truth, Justice and Reconciliation Commission (TJRC) Report has been mentioned by Sen. (Prof.) Anyang’-Nyong’o. It is in the public domain. That becomes the first reference point for this Bill. We should get information from that Report because that has gone into details. Maybe we just need to know why that Report has not been discussed. It has been in the National Assembly for a couple of years. It needs to come to the fore. We need to discuss it and find a way forward. We can also look at it in terms of industry, what people in the coast grow and how they go about it right through the kind of industry and farming they can do.

In the Coast, we have been very rich in the production of cashewnuts, but in Kilifi, that industry has died. We are also rich in sugar cane growing; for example, Ramisi Sugar in Kwale, but that industry has also collapsed. In addition, there is cassava growing in the Coast. I remember as a child, we would go and find a lot of cassava, we ate and enjoyed it. Nowadays, you look for it and you do not get it. Maybe somewhere along the line, people realised that they are not getting as much from the land as they ought to get. Of course, then the national and county governments have to come out very strongly to support that subsector because this is a source of income which is very important for our people to move forward.
Many parcels of land which were mentioned by Sen. Madzayo have been sold and resold. All sorts of issues crop up, for example, you find that one family has sold the land, they have a title deed and another family has come and sold the land and they have a title deed. This leads to congestion and it becomes almost impossible. In the case of Mariakani, in areas like Sangasini, for example, which were meant to be curved out to be industrial-commercial areas, you find people settling there.

There are people who bought land in certain places in Mariakani which were meant to be rural residential but now you find next to you, there is someone who is doing some industrial activity, for instance, storage of goods and lorries. So, in the morning instead of listening to the sweet music of birds and going to milk your cow in peace, you are wondering about how much damage you are doing to your lungs and body system because you do not even know what you are smoking in a free environment. Where you are meant to be breathing in fresh air, you are smoking in all the hazardous waste that has been emitted by the industries.

There is no organization and planning. For example, the digital mapping that we put into place in Mariakani is on paper yet we handed it over. It should be with the county government. It is a question of activating it. So, it is a question of saying; what happened? Why do we want to do post-planning? Where we have already planned, can we go to that so that we address the issues that have already been addressed and sort them out in a manner that will make it possible for people to live in harmony?

We will not have peace in Kenya if we do not address these issues. As I said earlier, we need to find ways and means, even have an investigative committee. One of the Committees of this House, maybe the Committee on Land and Natural Resources needs to look for a forum where they will call members of the National Land Commission (NLC), discuss, tease out and find out from them exactly what is happening, where the bottlenecks are, how they can address those specific bottlenecks and what sort of help do they need to be put into place for them to do that; go back again to the communities; talk about the historical injustices, especially land injustices and find out how can they be rectified---

Date 24th September, 2015

Member of Parliament: Sen. Mbura

Contribution She Made On: REPORT OF THE COMMISSION OF INQUIRY ON THE PETITION SEEKING THE SUSPENSION OF THE COUNTY GOVERNMENT OF MAKueni COUNTY


PETITION
Date 29th September, 2015
Member of Parliament: Sen. Lesuuda

Contribution She Made On: LEGAL FRAMEWORK FOR VOTER REGISTRATION AND VOTING

Sen. Lesuuda: Mr. Deputy Speaker, Sir, I also support the petition, but most importantly, one of the critical issues that we are having in the same lines of voter registration is the issuance of identification cards. It is an issue that this House will be able to deliberate on. It is an issue that young people in different parts of the country have been having for a long time. Thank you.

Date 29th September, 2015
Member of Parliament: Sen. Ong’era

Contribution She Made On: LEGAL FRAMEWORK FOR VOTER REGISTRATION AND VOTING

Sen. Ong’era: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this petition. I would like to support the petition which has been brought by a son of the wonderful and illustrious people of Kisii County and who is a resident of Kakamega County, David Gesicho. I support this petition because in the voting process, getting registration in this country is vague, haphazard and often not clear. Therefore, there is clearly a need for a legal framework.

We have selective issuance of identification cards in this country. Some regions are highly favoured more than others. That is why you find that in some regions, there are so many identification cards lying in the Deputy County Commissioners’ offices. However, in some regions like Kisii County where I come from, you will find that there are no identification cards there at all. Double registration should come to an end. For example, why should we have voter registration for a voting card and also to get an identification card?

I support the proposal by Sen. Wako that when students are registering for their Form Four exams, they should also be issued with identification cards. I am thinking that, at that time, we can also have people registered as voters. With those few remarks, I support the petition.

Date 29th September, 2015
Member of Parliament: Sen. Wangari

Contribution She Made On: THE DECLINING PROFITS IN THE TEA INDUSTRY

Sen. Wangari: On a point of Order, Mr. Deputy Speaker, Sir. Knowing that we are a House of rules and procedures, did you see the way Sen. Emma Mbura crossed the Floor to the other side disregarding all the rules of this House?

Date 29th September, 2015
Member of Parliament: Sen. Ong’era
**Contribution She Made On:** THE DECLINING PROFITS IN THE TEA INDUSTRY  
**Sen. Ong’era:** Mr. Deputy Speaker, Sir, further to the statement request by my brother, the distinguished Senator for Nandi County, I would also like to know the criteria on which tea bonus is paid. This is because some farmers from some regions, particularly from central region, get paid a lot of money, while the farmers from Kisii County get a paltry between Ksh36,000 to Ksh39,000. I would like to know the basis on which bonuses are determined and paid. I know that the fertility of Kenyan soil is the same throughout the country.  
**Date 29th September, 2015**

**Member of Parliament: Sen. Lesuuda**  
**Contribution She Made On:** STATUS OF IDP RESETTLEMENT AND PLIGHT OF INTEGRATED IDPs  
**Sen. Lesuuda:** Mr. Deputy Speaker, Sir, I rise to issue a Statement that was requested by Sen. Khaniri regarding the countrywide status of resettlement of Internally Displaced Persons (IDPs). The Ministry has responded to the issues he had asked. It is quite a detailed statement. However, I will run through some of the issues he raised.  
**Date 29th September, 2015**

**Member of Parliament: Sen. Chelule**  
**Contribution She Made On:** STATUS OF IDP RESETTLEMENT AND PLIGHT OF INTEGRATED IDPs  
**Sen. Chelule:** Mr. Deputy Speaker, Sir, I am rising on the same issue. I have been requesting for a Statement from a Standing Committee. Every time a different Member of the Committee stands here, he or she promises that a statement will be answered in a week. Sometimes, the Chairman answers, sometimes the Vice Chairperson responds and sometimes a Member comes with a response. What happens when answers are revolving among the Members and not brought to the Floor of this House? I am only seeking for your guidance. Not the same but for example in my case. It may happen to this case. The Chairman is here today and he has promised to come back after one week. You will be surprised that next week, the Vice Chairperson or a Member of the Committee will also promise to come back with the answer after one week. What happens? I am only seeking your guidance.  
**Date 29th September, 2015**

**Member of Parliament: Sen. Chelule**  
**Contribution She Made On:** STATUS OF IDP RESETTLEMENT AND PLIGHT OF INTEGRATED IDPs  
hii kwa sababu sitakubali kwamba wa zee hawawezi kufanya kazi ambazo walifanya wakiwa wadogo. Otherwise---

Pole, Bw. Spika wa Muda. Kwa mfano, kuna mama ambaye alikuwa anapenda kushona vibuyu, nangu ama vikabu, kungekuwa na nafasi ama nyumba ya wazee katika kila kaunti ndogo ambapo wanaweza kukutana, wakipenda wala si kwa kulazimishwa na watengeneze vitu ambavyo zinawahusu utamaduni wao. Hii iswiile nyumba imetengwa kwa sababu wazazi ama watoto wao hawawezi kuwalinda.

Jambo la muhimu ni kuwaelimisha pia watoto na hata sisi kwamba umuhimu wa kuwatuza wazazi wetu hivi cwa mwenye kufanya kazi ambapo wakikuthibiriwa. Wakizungumza, kuna mamakukuwaga wakana na nafasi wako kwa sababu wazazi ama vatoto wako hawawezi kulazimishwa na watengeneza vitu ambavyo zinawahusu utamaduni wao. Hii isiwe ile nyumba imetengwa kwa sababu wa zee hawawezi kufanya kazi ambapo wanaweze kukuza, wakikuthibiriwa kwa sababu wazazi ama vatoto wao hawawezi kuwalinda.

Jambo la muhimu ni kuwaelimisha pia watoto na hata sisi kwamba umuhimu wa kuwatuza wazazi wetu hivi cwa mwenye kufanya kazi ambapo wakikuthibiriwa. Wakizungumza, kuna mamakukuwaga wakana na nafasi wako kwa sababu wazazi ama vatoto wako hawawezi kulazimishwa na watengeneza vitu ambavyo zinawahusu utamaduni wao. Hii isiwe ile nyumba imetengwa kwa sababu wa zee hawawezi kufanya kazi ambapo wanaweze kukuza, wakikuthibiriwa kwa sababu wazazi ama vatoto wao hawawezi kuwalinda.

Jambo la muhimu ni kuwaelimisha pia watoto na hata sisi kwamba umuhimu wa kuwatuza wazazi wetu hivi cwa mwenye kufanya kazi ambapo wakikuthibiriwa. Wakizungumza, kuna mamakukuwaga wakana na nafasi wako kwa sababu wazazi ama vatoto wako hawawezi kulazimishwa na watengeneza vitu ambavyo zinawahusu utamaduni wao. Hii isiwe ile nyumba imetengwa kwa sababu wa zee hawawezi kufanya kazi ambapo wanaweze kukuza, wakikuthibiriwa kwa sababu wazazi ama vatoto wao hawawezi kuwalinda.

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3. The 2,593 Turkana IDPs who were settled on land donated by the then Lodwar Municipal Council and Turkana County Council. The Government is constructing houses for them on the donated plots.
4. There were 932 IDP households who were paid Kshs400,000 each in lieu of land.
5. All the other IDPs numbering 165,846 households were categorized as integrated, living among the various communities in the country and were programmed to be paid Kshs10,000 per household as start-up capital.

Let me now move on to the more specific issues that were raised by Sen. Khaniri.

The first question was on the comprehensive and up to date data of IDPS in the country generally, and in Vihiga County in particular and it is provided in annexure 1. IDPs in Vihiga were categorized as integrated IDPs and 814 IDPs were registered, out of whom, 447 were paid start-up capital of Kshs10,000. The rest are yet to be paid the amount.

The second question was on efforts made by the Government towards the operationalisation of the Protection, Prevention and Assistance of Internally Displaced Persons and Affected Communities Act 2012, which included the following:-

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012, was gazetted on 4th January, 2013 through the Kenya Gazette Supplement No. 220(Acts No. 56) and became effective on 18th January, 2013.

Following the enactment of the Act, the following has been done to operationalize it:-

i. The Chairman of the National Consultative Coordination Committee (NCCC), Mr. Aden Wachu, was appointed by His Excellency the President on 19th February, 2014, and subsequently gazetted on 28th February, 2014 vide Gazette Notice No. 1361.

ii. The National Consultative Coordination Committee was gazetted on 3rd October, 2014 by the Cabinet Secretary vide Gazette Notice No. 6853.

iii. The Secretariat of the NCCC has been constituted and offices secured.

iv. The Committee has taken over from where the previous Board left and has held several planning meetings, met and visited various Internally Displaced Persons (IDPs) groups and it is already implementing planned crucial activities.

c) On what the Government is doing to address the plight of integrated IDPs who were victims of violence between 1992 and 2007 and who formed the bulk of IDPs in the Western region, I wish to state as follows:-

The previous Government intervention programmes were specifically targeting 2007/2008 post-election violence victims. The Ministry was aware of the existence of victims of previous violence but could not address their plight or resettle them because there was no framework that defined how far back in time we could go in resettling IDPs or what other categories of IDPs could be assisted. With the coming into force of the “Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012”, the National Consultative Coordination Committee which is the body legally mandated to make these determinations; the issue of previous victims will be dealt with. One of the challenges that will, however, be faced in addressing their plight is to determine their numbers as they were never officially profiled.

d) Comprehensive data, inclusive of names from the 2008 government exercise for all profiled IDPs is provided in various tables in annex 2. The data includes lists of IDPs and forest evictees settled in GoK procured farms, list of payment of various cash transfers made to IDPs including those paid Kshs10,000 start-up capital, Kshs25,000 for reconstruction of burnt houses and Kshs400,000 resettlement in lieu of land.
e) On comparative analysis of how much money in total has been spent by Government in resettling IDPs from outside western region including an analysis of compensation provided per household, I wish to respond as follows:-

For the last five years, the Ministry has received Kshs4,291,142,912 as distributed in Table 1 here below:-

**Table 1: Analysis of Budget Estimates for the Financial Year 2008-2015**

<table>
<thead>
<tr>
<th>FINANCIAL YEAR</th>
<th>RECURRENT KSHS</th>
<th>DEVELOPMENT KSHS</th>
<th>TOTAL KSHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/2009</td>
<td>0</td>
<td>950,000,000</td>
<td>950,000,000</td>
</tr>
<tr>
<td>2009/2010</td>
<td>28,326,422</td>
<td>0</td>
<td>28,326,422</td>
</tr>
<tr>
<td>2010/2011</td>
<td>26,129,707</td>
<td>0</td>
<td>26,129,707</td>
</tr>
<tr>
<td>2011/2012</td>
<td>0</td>
<td>350,204,000</td>
<td>350,204,000</td>
</tr>
<tr>
<td>2012/2013</td>
<td>20,073,577</td>
<td>1,672,672,200</td>
<td>1,692,745,777</td>
</tr>
<tr>
<td>2013/2014</td>
<td>19,839,893</td>
<td>510,000,000</td>
<td>529,839,893</td>
</tr>
<tr>
<td>2014/2015</td>
<td>8,897,11,11</td>
<td>705,000,000</td>
<td>713,897,113</td>
</tr>
<tr>
<td><strong>TOTAL ALLOCATION</strong></td>
<td><strong>4103,266,712</strong></td>
<td><strong>4,187,876,200</strong></td>
<td><strong>4,291,142,912</strong></td>
</tr>
</tbody>
</table>

In addition, in 2013/2014, the Ministry received Kshs2,742,652,968 from other Ministries which was pooled together under the cash payment programme. Kshs2,342,652,968 was received from the Ministry of Lands, Kshs200,000,000 from the Ministry of Interior and Coordination and Kshs200,000,000 from the National Treasury. The Ministry of Devolution and Planning contributed Kshs407 million towards the programme.

The resettlement programme in general has utilized approximately Kshs15 billion since its commencement in 2008 and the amounts have been spent as follows:-

**Table 2: Amounts allocated and utilized for IDPs resettlement**

<table>
<thead>
<tr>
<th>ITEMS</th>
<th>AMOUNT</th>
<th>CUMULATIVE TOTAL</th>
<th>SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procurement of land</td>
<td>3,279,100,360</td>
<td></td>
<td>From Ministry of Lands for purchase of Land</td>
</tr>
<tr>
<td>GoK Support</td>
<td>4,776,351,167</td>
<td></td>
<td>Special programmes</td>
</tr>
<tr>
<td>Food</td>
<td>966,766,245</td>
<td></td>
<td>Special programmes</td>
</tr>
<tr>
<td>Non food</td>
<td>117,615,000</td>
<td></td>
<td>Special programmes</td>
</tr>
<tr>
<td>Turkana houses</td>
<td>1,000,000,000</td>
<td></td>
<td>Special programmes</td>
</tr>
<tr>
<td>Sub-total</td>
<td>10,139,832,772</td>
<td></td>
<td>Mobilize from Ministries of Land, Interior, Treasury</td>
</tr>
<tr>
<td>Cash payment</td>
<td>3,149,652,960</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub-total</td>
<td>13,289,485,740</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADB project for construction of houses, farm inputs to 22,000 returnee IDPs</td>
<td>1,700,000,000</td>
<td>1,700,000,000</td>
<td>ADB project Loan</td>
</tr>
<tr>
<td>Grand Total</td>
<td>14,989,485,740</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

i) Through “Operation *Rudi Nyumbani*”, 74,847 households were successfully persuaded to voluntarily return to their previous farms. They were assisted as follows:-

(a) All were each paid Kshs10,000 as start-up capital
(b) 37,843 households among them received Kshs25,000 each for reconstruction of burnt houses.
(c) 71,473 houses were constructed for them (about a house for each household).
(d) Other humanitarian support such as relief food and non-food items was provided.

ii) 6,158 IDP households were resettled on Government procured land.

(a) Each received Kshs10,000 start-up capital.
(b) 2.25 acres given to each household.
(c) A two-roomed mud walled house (4,845 houses in total constructed).
(d) Other humanitarian assistance provided.

(i) The Government is constructing 2,593 permanent houses for Turkana IDPs. The land was donated by the then Turkana County Council.
(ii) Each household will get a permanent house.
(iii) Each household got 2.25 acres.
(iv) Each has been given Kshs10,000 start-up capital.
(v) Through cash payment programme, 934 IDP households and 7,139 forest evictee households were paid Kshs400,000 in lieu of land resettlement.
(vi) 165,846 integrated IDP households were to be paid start-up capital of Kshs10,000 each. To date, 75,293 IDPs are yet to be paid. All the rest have received the start-up capital.
(vii) Out of the 640 Kenyan IDP households in Uganda (refugees), 397 were persuaded to return home. Each of the returning household was paid Kshs37,000 (Kshs25,000 for burnt up houses and Kshs12,000 for transport). The remaining 246 households were brought back in April 2015 and each was assisted with Kshs100,000 for households of up to three persons and Kshs150,000 for households of more than three persons.

(e) The Government also provided other humanitarian assistance that included food, tents, construction of hospitals, dams, roads and psychosocial counseling, *et cetera*.

(f) Information regarding where IDPs were before they were displaced, where they moved to and the various interventions done is contained in annex 1 and in responses of (a) and (d) above. The Ministry has not yet undertaken a study to conclusively determine the current situation of the IDPs. We also do not know exactly who among the IDPs are genuinely in tented camps as proper profiling has not been done. I am, however, aware the National Consultative Coordination Committee is in the process of profiling them to determine their numbers. I am also aware that there are many masqueraders claiming to be IDPs and agitating for assistance, worsening the perception on IDPs resettlement programmes.

(g) The Government is profiling those IDPs who were not profiled in the last profiling exercise, especially the so-called integrated IDPs. The National Consultative Coordination Committee has undertaken to re-profile all IDPs to determine who among the genuine ones are yet to be resettled and the status of those considered resettled. However, there is fear that some people are taking advantage of the situation to claim IDP status for purposes of benefiting from resettlement programmes. This is especially the case with those claiming to have been missed in the initial profiling as the process of establishing their status this late in the resettlement process is very complicated.

There is also fear of the ever expanding demands of the IDPs, whose solutions are not economically feasible and needs to be carefully controlled. IDPs have developed a culture of changing their demands immediately one is met. Some of those who were assisted to return to their farms during “Rudi Nyumbani operation” are now demanding the same treatment as those who have not been settled. Those paid Kshs400,000 are now demanding Ksh1 million, those settled on farms are in addition demanding cash payment and the integrated IDPs want both land resettlement and cash payment.
In the current Financial Year (2015/2016), the programme has been allocated an amount of Kshs2.205 billion which will be utilized to profile and settle those who have not been assisted in the past.

In conclusion, I wish to request all leaders to assist the Government to conclude this programme by calling upon all those affected to forget the past and engage themselves in nation building like other members of the society. It should also be understood that the Government’s intention in the programme has never been to compensate the affected households but rather to assist them to pick up their lives and continue living like other Kenyans. Thank you.

Date 30th September, 2015

Member of Parliament: Sen. Nabwala

Contribution She Made On: Operationalization of the Protection, Prevention and Assistance of IDPs and Affected Communities Act, 2015

Sen. Nabwala: Mr. Deputy Speaker, Sir, the issue of IDPs is a very serious matter particularly in Trans Nzoia County. In 1992, people in my community – especially those living up the mountain – suffered very much when a civil war broke out. Some were killed while others were chased away. I have an example of a man whose three-acre farm was grabbed by a community, whose name I will not say, living up the mountain. The man is now a squatter living on a small piece of land. We also have other IDPs living at market centres. Therefore, it is a very desperate situation in Trans Nzoia.

I am surprised by the report from the office of Ms. Waiguru. Profiling was not done in Trans Nzoia County. As the Senate Minority Leader suggested, we need a special committee which will look into the matter again. When you fly over the Mau Forest, you will see very new houses being put up. That makes you wonder where people were settled after being removed from the Mau Forest and why they are going back. That is a very serious matter as it affects climate change. Thank you very much, Mr. Deputy Speaker, Sir.

Date 30th September, 2015

Member of Parliament: Sen. Ong’era

Contribution She Made On: Operationalization of the Protection, Prevention and Assistance of IDPs and Affected Communities Act, 2015

Sen. Ong’era: Mr. Deputy Speaker, Sir, thank you, for giving me this opportunity. I begin by thanking the Chairperson for reading this Statement. I am totally dissatisfied by what the Cabinet Secretary has outlined in the contents of that letter.

I wish to seek further clarification on the following issues:-
1. The basis of determining the criteria for classifying some IDPs as total and others integrated and also the basis on which they allocated the Kshs400,000, Kshs10,000, land and others houses. These criteria are skewed, unreasonable and extremely biased.
2. The statement of the Cabinet Secretary; “forget the past and build the nation”. This statement is callous and negates the spirit of national cohesion, integration, reconciliation and resettling all IDPs.

Sen. (Prof.) Anyang’-Nyong’o did not tell you that he and I greatly suffered particularly in moving the IDPs who were in Naivasha. We moved them quickly because their lives were under threat. Therefore, when we got people who could accommodate them; these are now what is called “integrated IDPs”. It is a pity that these IDPs can just be given a paltry Kshs10,000.

As I speak, there are still IDPs in Ekerenyo in Nyamira County and in Nyamache in Kisii County where I come from. Therefore, we cannot just be told to forget the past; our spirit is still
wounded, we are still bleeding hence we cannot hear anything of a callous statement that says “forget the past and let us build the nation.”

Mr. Deputy Speaker, Sir, I support what the Senate Minority Leader has said. Let us have a Committee of this House formed to interrogate these issues. I also support what Sen. (Prof.) Anyang’-Nyong’o said; let us have a forensic audit done on how this money is being spent and allocated.

Date 30th September, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: OPERATIONALIZATION OF THE PROTECTION, PREVENTION AND ASSISTANCE OF IDPS AND AFFECTED COMMUNITIES ACT, 2015

Sen. Lesuuda: Mr. Deputy Speaker, Sir, it is important that I am not pre-empted on what I want to say.

Mr. Deputy Speaker, Sir, as the Vice Chair of the Committee, I have listened carefully to the issues that have been raised by hon. Senators. I must say that they are grave issues of national importance. I must also say that they cut across the political divide, all of us and different parts of this country. I agree that there are new issues that have arisen from this Statement; some of them concern the whole issue of how the Internally Displaced Persons (IDPs) were identified, the criteria and the classification of who was paid what.

What the Senate Minority Leader has suggested is what the Committee would agree to; that we have a select committee to look into those issues. We will also call the CS to answer some of the issues. The select committee will interrogate further some of the questions and issues that have been raised here. I am sure that Sen. Khaniri will then do it in the appropriate manner in this House.

Therefore, I want to add that I agree with my colleague on the issue of forgetting. It is a matter that we need to look at so that we can deal with it once and for all as a country. This House is in a position to look at it through a select committee of this House.

Mr. Deputy Speaker, Sir that would be done through the procedures of this House. A Motion will be brought either by a Member of the Committee or Sen. Khaniri to request for a select committee. It could be done through the procedural way of this House.

Date 30th September, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: VIOLATION OF ARTICLE 245(4) BY THE CS, INTERIOR AND CO-ORDINATION OF NATIONAL GOVERNMENT

Sen. Ong’era: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. I rise to seek a Statement pursuant to Standing Order No. 45(2)(b). This Statement is directed to the Chairperson of the Committee on National Security and Foreign Relations regarding the letter written by the Cabinet Secretary, Ministry of Interior and Coordination of National Government, Maj. Rtd Hon. NKaisserly directing the Criminal Investigation Department (CID) and the National Cohesion and Integration Commission into areas they should investigate with regard to the speech made by Sen. Muthama on 23rd September, 2015 at Uhuru Park.

Is the CS aware that such an order is a violation of Article 245 (4) of the Constitution that states that:

“The Cabinet Secretary responsible for police service may lawfully give direction to the Inspector-General with respect to any matter of policy in the National Police Service, but no person may give a direction to the Inspector-General with respect to –
1. the investigation of any particular offence or offences’
2. the enforcement of the law against any particular person or persons; or
3. the employment, assignment, promotion, suspension or dismissal of any member of the National Police Service”.

Date 30th September, 2015

Member of Parliament: Sen. Nabwala

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

Sen. Nabwala: Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to seek a Statement.
I rise pursuant to Standing Order No.45(2)(b) to seek a Statement from the Senate Leader of Majority regarding the Government’s preparedness for the impending El Nino rains. In the Statement, the Senate Leader of Majority should explain the following:-

1. The administrative policy and legislative measures that the national Government and county governments have taken to mitigate the effects of and create public awareness of the impending El Nino rains.
2. Explain whether the national Government and the county governments have put in place early warning systems.
3. Explain the measures that the national Government and county governments have taken to expedite the process of availing resources to prepare for the El Nino rains and deal with its effects.
4. Explain the measures that national Government and the county governments have taken to ensure that the impending disaster is turned into opportunities through water harvesting and storage.

MOTION

Date 30th September, 2015

Member of Parliament: Sen. Ong’era

Contribution She Made On: EXTENSION OF MANDATE OF SELECT COMMITTEE INQUIRING INTO THE AFFAIRS OF KENYA AIRWAYS LTD

Sen. Ong’era: Thank you Mr. Temporary Speaker, Sir, for giving me this opportunity. I also support the extension sought by the distinguished Senator for Kisumu and the further amendments sought by the distinguished Senator for Siaya.
I hope that when this report is presented in this House, we shall be told the truth about the ghost companies that have been registered in Cayman Islands - the three companies. We want to see the faces behind these companies. I hope that this Committee will do a thorough inquiry so that the truth as to what is ailing our beautiful and lovely airline which was the pride of Africa can be known. I thank you.

Date 30th September, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: EXTENSION OF MANDATE OF SELECT COMMITTEE INQUIRING INTO THE AFFAIRS OF KENYA AIRWAYS LTD

Sen. Lesuuda: On a point of order, Mr. Temporary Speaker, Sir. Is the distinguished Senator for Bungoma County in order to insinuate that Sen. (Prof.) Lesan put in a lot of nothing just because he does not agree with the content of the Bill? I do not think that it is in order.
Date 30th September, 2015

Member of Parliament: Sen. Ong’era

Contribution She Made On: EXTENSION OF MANDATE OF SELECT COMMITTEE INQUIRING INTO THE AFFAIRS OF KENYA AIRWAYS LTD

Sen. Ong’era: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity so that I may contribute to this Bill. Let me begin by congratulating Sen. (Prof.) Lesan for bringing up this Bill which attempts to provide for home based care for senior citizens.

Article 9 of this Bill provides for family and community care of senior residents and citizens of this country. What Sen. (Prof.) Lesan meant was the establishment of a welfare fund or scheme for senior citizens of Kenya. However, this has not come up clearly under the Bill and it is something that the distinguished Senator should look at.

Mr. Temporary Speaker, Sir, we know that our African society, particularly in Kenya, has not reached a point where we can have a mass evacuation of our elderly citizens. Perhaps, this needs to come out clearly. In the Bill, I have not seen a clear distinction of how senior citizens will be kept in these homes.

In Section 28, the distinguished Senator has elaborated clearly how the care for senior citizens will be done in the homes and their facilitation in terms of quality care for the citizens. This would be a very good thing, had he established within the Act how the welfare state could be provided and whether there will be funding for such activities.

Mr. Temporary Speaker, Sir, I have challenges in certain sections that have been raised by the distinguished Senator and which are here for debate. These are Sections 6, 10, 12, 16 and 17, which I oppose.

In Section 6 of this Bill, there is no way we can start involving the national Government in this particular exercise, especially for the provision of care for the senior citizens, when we are devolving services and bringing them closer to the people. It would have been better if Section 6 dealt with the county governments because they are closer to the people and senior citizens and could know the problems facing them. Section 2 attempts to establish an Authority. This means that we will go back to nationalizing systems of governance when we have devolved these systems. Therefore, I do not support the establishment of an Authority. This matter could have been left to the county governments to manage within their departments and take care of home based care for senior citizens.

Section 10 which I am also opposed to says that:
“Each county government shall establish and implement community based programmes for the care and protection of senior citizens residing within their counties.”

This would be a very expensive exercise for the counties to carry. We know that they do not even have enough funds for services that they have been allocated, for example, early childhood care and roads construction, which could have been left within the management of the national government. If this Government cannot pay the salaries of teachers, how would they manage to establish home based care for senior citizens because there will be over a million of such houses which will be provided for senior citizens?

Section 12 of the Bill goes on to say that the executive committee members shall be delivering home based care. This is an onerous task that we are giving the county governments which are already burdened with more programmes. This would rather be left to the management in an African home set up where we have managed to take care of our elderly and we will continue to do so with a lot of dignity and care. I am opposed to Section 16 which provides that a county government may establish and maintain residential home for senior citizens. This is the same
issue of funding because it will be a very expensive exercise for county governments to undertake.

As I said, if the national Government cannot pay teachers where will they get money for the establishment of these homes? Section 17 which I’m again opposed to, say:-

“That a person who intends to establish a home for senior citizens shall make an application for registration to the executive Committee in the prescribed form.”

With due respect to the distinguished Senator, if he could look at the law under the Children’s Act which provides a guideline on how those homes should be established, I would request that we harmonize this law to avoid conflict of laws.

The intention by the distinguished Senator in presenting this Bill is very good. I would urge him to look at some of these clauses, redefine them, so that they can give us a Bill that can be supported and we have a bi-partisan approach in supporting our senior citizens.

Some of the things I would have been pleased to see, included in this Bill would have been; how do we continue paying our senior citizens because there is a fund that the government has established? I would have been happy to see a clear legislation that clearly states the amount the senior citizens would be receiving, establishment of a fund that can manage them without removing them from the love and care of their home-based area.

We know that a number of our senior citizens are not receiving this money established by the State, especially in the western part of this country. Many of them have never been paid for a very long time. If they are paid, it is very skewed, say, in a very small area where the area chief decides to pay those close to him or her. This fund needs to be looked at, so that all our senior citizens are properly put into the necessary data clearly, with their names so that they can benefit from the fund. We do not want to see a skewed way in which the fund operates. I support.

Date 30th September, 2015

Member of Parliament: Sen. Lesuuda

Contribution She Made On: EXTENSION OF MANDATE OF SELECT COMMITTEE INQUIRING INTO THE AFFAIRS OF KENYA AIRWAYS LTD

Sen. Lesuuda: Mr. Temporary Speaker, Sir, I would also like to contribute to this important Bill. Just like my colleagues, I also have some reservations to this Bill. I presume the intent from the able distinguished Senator, Sen. Lesan, is definitely wellthought and has good motive. However, the content of the Bill leaves a lot to be desired, especially in the context of how we, as Kenyans, or Africans, have continued to live, especially with our family members and how we take care of our parents.

When I look at the definition of senior citizens at 65 years, which my father is just about to reach, I think of him being detached from us and put in a home. At whatever state that he would be, I would tend to rethink about it. It has nothing to do with affluence, whether you can take care of your family member or not, but it is about the attachment that we, as Africans, have for our relatives whichever state they are in. It is something that we pride ourselves in.

When we look at the culture of the Western nations, they have provisions of having homes, where at a very early age, a child goes away and has no link with the parents. It is nothing to be desired. It is nothing we, as a country, or a people who value togetherness and being with our families, would want to adopt.