February 2017 KEWOPA MEMBERS HANSARD (SENATE )

Chairs

Date: February 22nd 2017

Member of Parliament: Sen. Elizabeth Ongoro

Contribution she made on: Chaired the session (Temporary Deputy Speaker)

COMMITTEE OF THE WHOLE HOUSE

Date: 14th February

Member of Parliament: Sen. Martha Wangari

Contribution she made: ALLEGED BREACH OF THE CONSTITUTION AND OTHER LAWS BY THE NAIROBI CITY COUNTY EXECUTIVE

‘Mr. Deputy Speaker, Sir, I also support the petitioner. This issue has been canvassed before. In fact, the one reason that governors are very confident to show up in the CPAIC confidently is because the devil is not in the monies that we take to the counties. The real devil is in the revenues collected and spent at source. That has happened in Narok County as well as many other counties. It is therefore an issue that we must get a way of expediting because this is an election year and people’s heads are focused in the campaigns. The investigation will, therefore, be frustrated just the way the audit of assets and liabilities with the Transition Authorities was
frustrated. We must get a clear answer from the Auditor-General because they have cited resources and minimum manpower. We must get a way of making sure that this happens soon. The 60 days should be at the maximum. It should be expedited because the country is crying. The arrogance you see with the county governments is because there is nothing that we can do and our mandate is restricted to the money that is allocated to them by the national Government and not the revenue that they collect. We must also address this in terms of policy and constitutional review whenever we do it. It is an issue that we really need to take up.’

Date: 14th February

Member of Parliament: Sen. Martha Wangari

Contribution she made: NEED TO ADDRESS INSTANCES OF CONFLICT OF INTEREST IN PUBLIC SERVICE

‘On a point of order, Mr. Deputy Speaker, Sir. Could the Senator explain to this House who he is referring to as Kiambu Mafia?’

‘No, Mr. Deputy Speaker, Sir. This is a House of records. If that information is in the public domain, could Sen. (Dr.) Khalwale take the trouble to tell this House and the country who is or was Kiambu Mafia?’
Date: 14th February

Member of Parliament: Sen. Judith Sijeny’

Contribution she made: NEED TO ADDRESS INSTANCES OF CONFLICT OF INTEREST IN PUBLIC SERVICE

‘Mr. Deputy Speaker, Sir, I would like to commend the person who has brought this Petition. This is a nation that everybody must have a hand in developing. As they say, change begins with you. This Kenyan citizen has decided that in order to get Kenya back to where it was; a country of integrity, corruption-free and one with peace--- Kenya was never known for corruption as it is nowadays. We find the people in the civil service are the same people who are supposed to be protecting the money or the interests of Kenyans. They are also the ones who ensure that they get the maximum out of it. If this Petition is looked into properly, we will certainly yield the fruits of devolution because the resources will trickle down to Wanjiku instead of remaining in the pockets of a few people. In the transport sector, for example, it is the police officers who control most of the public vehicles. They always ensure that Wanjiku suffers and is unable to do business because someone is protecting their interest. I support.’

Date: 14th February

Member of Parliament: Sen. Judith Sijeny’

Contribution she made: DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS SATIVA PLANT

‘Mr. Deputy Speaker, Sir, fortunately the gentleman is known to me. However, the Committee should deal with this matter very carefully. It is a very sensitive issue. Decriminalization is not
the right way because as Sen. Billow says; our youth and little children as young as 10 years old are being given this substance. It is destroying a whole generation. As it has been said, it has to be done very carefully. I know of countries like India where it is legalized – when I was there, it was in the streets; the way you buy cigarettes. I did not see people misbehaving. So, I do not know what it can be. In Kenya we have to be very careful. Sen. Okong’o here is saying that what Sen. (Eng.) Muriuki was saying is not true; that, when you take it – he is an expert, so, perhaps it is not that those who take are very useless. It is only if you abuse it. However, I would like this issue to be dealt with very sensitively.’

Date: 14th February

Member of Parliament: Sen. Martha Wangari

Contribution she made: DECRIMINALIZATION AND LEGALIZATION OF THE CANNABIS SATIVA PLANT

‘Mr. Deputy Speaker, Sir, there is a reason Sen. M. Kajwang asked whether there is anyone in this House who schooled in Tonga and there was none. Maybe he should tell us where those who schooled in Tonga High School ended up. Mr. Deputy Speaker, Sir, as much as there is freedom to present any petition as has been granted by the Constitution, I also feel that, in some instances, this right is being abused. My view on the Petition is that as the investigation is done by the Committee, let us also investigate the bad effects of cannabis on communities. As we struggle with drug abuse and extradition to different countries on these issues, the Committee needs to investigate the bad effects to communities, young men who are unable to raise families due to consumption of bhang and our kids who have refused to go to school due to the consumption of cannabis sativa. Mr. Deputy Speaker, Sir, I must say Sen. Okong’o is a public property since he
will be running for presidency. So, he should tell the House why he is an expert on cannabis sativa.

‘Yes, Mr. Deputy Speaker, Sir.’

‘Mr. Deputy Speaker, Sir, you understand why that necessitated the explanation of the “expert”. However, I would like the Senator to explain whether he still partakes---‘

‘He said he is an expert and he has used it. Could he tell us whether he is still using it today or it was those days when he was a juvenile?’

**Date: 14th February**

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

**Contribution she made:** THE PLIGHT OF FORMER COUNCILORS UNDER KENYA’S DEFUNCT LOCAL AUTHORITIES

‘On a point of order, Mr. Deputy Speaker, Sir. It is on the same, if you allow. It is just to back up your ruling. I sat in the Committee on Labour and Social Welfare that deliberated on this issue. We called the former councillors. We had many proper meetings. We need a report from the Committee on Implementation. Let them tell us how far the issue has been resolved. That would be the right way instead of redoing it again.’
Date: 14th February

Member of Parliament: Sen. Lisa Chelule

Contribution she made: THE PLIGHT OF FORMER COUNCILORS UNDER KENYA’S DEFUNCT LOCAL AUTHORITIES

‘On a point of order, Mr. Deputy Speaker, Sir. I heard Sen. M. Kajwang saying that some arrangements have been made at the county governments for some councillors to be paid. Is that procedural? If so, why can’t other counties be paid?’

Date: 14th February

Member of Parliament: Sen. Martha Wangari

Contribution she made: RE-CONSIDERATION OF DECISION TO DEFER THE COUNTY PENSION SCHEME BILL

‘Mr. Deputy Speaker, Sir, I will be brief. I do not rise to challenge you. However, I still do not feel convinced why we need to stand down the First Reading of this Bill.’

‘Mr. Deputy Speaker, Sir, just what the Chairperson has presented to the House.’

‘Mr. Deputy Speaker, Sir, I hear you and I am well advised.’

‘Moving forward, this Bill has gone through pre-publication consultations by the time it got here. It is an urgent Bill. As we approach elections, I do not know why we need to delay the First Reading and yet we have 30 days of interactions if anyone has any issue to raise on the Bill. I urge that you reconsider that the First Reading be done. Let any other interactions be done during public participation.’
Date: 14th February

Member of Parliament: Sen. Beatrice Elachi

Contribution she made: RE-CONSIDERATION OF DECISION TO DEFER THE COUNTY PENSION SCHEME BILL

‘Mr. Deputy Speaker, Sir, first, we should understand that this is a very sensitive matter. Last year when we were about to embark on this Bill, we had a lot of consultations with the Council of Governors and a lot of interruptions came in. If the Majority Leader has the Bill that he is talking about, he should meet with the Chairperson, sit and agree and then next week we move on without the interruptions we are having so that this Bill moves forward. The Bill deals with the lives of those who are currently employed at the counties. Governors are political officers who are about to go to campaign. They will forget the remuneration and pensions of the staff at the counties. If we tackle this Bill, we will have helped the counties.’

Date: 14th February

Member of Parliament: Sen. Martha Wangari

Contribution she made: RE-CONSIDERATION OF DECISION TO DEFER THE COUNTY PENSION SCHEME BILL

‘Mr. Deputy Speaker, Sir, I do not intend to argue with the Chair on the ruling. However, it is important that we be heard on this matter. First, it was better when you did not give any reason for stepping it down. The reason that the Majority Leader has given is even worse. That, because there is another Bill that is being developed, the work that the committee has put into this process is all in vain. These are people who are outside the legislative framework and who we have
involved as stakeholders. I am very compelled to think that this precedence will haunt us in future because it is not right. As a rider on your ruling, you can indicate on when we expect this back on the Order Paper so that we can plan for it. It is not fair to the process and the work put into this progress.’

Date: 14th February

Member of Parliament: Sen. Janet Ongera

Contribution she made: VARIATION OF PERIOD FOR PRESENTATION OF REPORT ON THE REVIEW OF THE STANDING ORDERS

‘Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I support this Motion. I would like to commend Sen. (Dr.) Machage for bringing it up. Indeed, it is a reasonable request, bearing in mind that our term is almost coming to an end. We would like to leave a House that is well grounded on the rule of law with clear procedures and provisions that the future generations of the Senate proceedings will follow. With those few remarks, I support.’

Date: 14th February

Member of Parliament: Sen. Judith Sijeny’

Contribution she made: VARIATION OF PERIOD FOR PRESENTATION OF REPORT ON THE REVIEW OF THE STANDING ORDERS

‘Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I commend Sen. (Dr.) Machage for coming up with this. It is quite timely and sensitive to the fact that this is a pioneer in all terms and conditions. We have learned through wide experience. I speak as a Member of this Committee. I would like to assure Sen. (Prof.) Anyang’-Nyong’o that we have had the privilege
of benchmarking. We have gone to Canada, to the British Colombia Parliament and Australia. We have had several meetings. We take into consideration the proposal that we have a Kamkunji and share the rich information and knowledge that we have acquired before tabling the Report. We would like the next Senate to have a better atmosphere for legislating and protecting the interests of the counties and Wanjiku at large. I, therefore, beg to support.’

‘Mr. Temporary Speaker, Sir, as the vice chairperson of the committee where this Bill was referred to, the Roads Committee, I wish to confirm that we really engaged all the stakeholders and it was really interesting that almost everyone concerned appeared. There was a lot of suspicion especially within the existing authorities. Some believed that the Bill and the Senate would scrap their existence. There were very rich deliberations and the issue of classification of roads and especially the trunk and county roads was also very sensitive. This Bill, as the Majority Leader illustrates, gives us a clear-cut definition and classification to avoid a lot of internal wrangles and suspicions. This Bill also tends to correct the issue that now we have a bi-cameral government system. County governments came in to place and we have to harmonize the law and recognize the role of the county governments. The Council of Governors had a special interest in this Bill. They participated and cooperated every time. In fact as the Committee on Roads, we ended up performing the role as arbiters and allowing the stakeholders. At first, it was very heated. We gave them an opportunity to iron out their issues and differences. They came up with resolutions which by the end of the day were relatively agreeable to all. If there are only one or two issues which one side was not happy with, it will be ironed out and when we table our report it will be discussed before the Committee Stage and bring everyone on board. Mr. Temporary Speaker, our brothers and sisters from the National Assembly also had a special interest in this Bill because they were given a classification of some roads which they
will be in charge of. We have no problem because what we are really protecting is the county
government and we do not want anyone to interfere with their space. If it is the role of the
national Government, so be it. Even though this Bill is coming a bit late, it is better late than
never. These are things that we should have started from the word go. However, there were a lot
of consultations and as usual when many stakeholders are interested, it takes a lot of time. I do
not know why they started with the National Assembly. However, Kenya has a bicameral
system, and it is okay; we still have a role to take care of counties. There was also other
contentious issue and that it is funding. Everyone wanted to be given adequate funding and
nobody wants to be incapacitated in any way so that they can exercise their responsibilities. By
the end of the day, we had built consensus and any issue which remains can be dealt with. There
were proposals of how to deal with any disputes between the county governments. Kenya is
really growing. There are some roads which are international, connecting one country to another.
They are not only passing through the national highways and some are passing through county
governments’ roads. That classification may be in dispute on who is in charge. However, as we
continue to collaborate with all stakeholders and exercise our role of oversight over counties, we
will ensure harmonization of laws and the road network is clear. With those few remarks, I beg
to second.

(Question proposed)
Date: 14th February

Member of Parliament: Sen. Beatrice Elachi

Contribution she made: VARIATION OF PERIOD FOR PRESENTATION OF REPORT ON THE REVIEW OF THE STANDING ORDERS

‘Mr. Temporary Speaker, Sir, I rise to support this Bill. It brings out one of the key functions that have been very contentious between the national and the county governments. It is a Bill that has been well elaborated but also that has key issues that as we continue debating on it, we will have to look at. One of the key issues within this Bill is that we are now able to define and classify the different roads that were bringing conflict between governors and the national Government. The classifications have gone up to the small feeder roads. However, what Kenyans would want to see is a road that has been done in quality and can be used for 20 years or so. As much as we look at the different authorities in place in the transport sector, many of the roads are done and we do not have a road. We therefore, continue wasting taxpayers’ money. Those who do this business always say that we are better off doing a murram road because they know it is just a matter of pouring the murram and they make their profits. I wish in the Bill, that going forward that there would be a clear amendment that when you are constructing a road, you are given the responsibility to maintain that road before they hand over to either the county government or the national Government. That way, if anything happens within a stipulated period of time, they are able to take responsibility because it is them who did the road. Mr. Temporary Speaker, Sir, they have talked about inter-governmental relationship. I hope the four authorities will be able to work hand in hand. We do not want to have any conflicts when there is a road on a highway that is passing thorough county A, B and C or in terms of compensation. One of the things killing our
country is how we as politicians interfere in that compensation. Government pays a lot of money yet the road assist in terms of our economies and market. When we are dealing with land compensation in our country, it is so high that we do not understand why we lack a law to deal with it. We have seen examples where buildings are marked with an ‘X’ because people build on the roads. We also need a law that cautions that if one builds a structure on the road knowing very well it was a road reserve, they do not deserve compensation but because sometimes we fear facing some of these things candidly, people have taken advantage. As we bring in this law, we should support each other and ensure Kenyans have good roads and at the same time they understand that there is a law that says the authority has a responsibility to come and make guidelines. These guidelines should help county governments in deciding whether an approval of an authority will do. At the same time, the national Government should understand there are county governments and therefore, when doing a trunk road, they have a responsibility to sit down together and agree. If that is done, we will have harmony and we will see better roads crossing in the regional counties. For instance, there are roads which have been done from one end of a county to the other. Another example is in Embu where a national road is being done by the governor. All this is because of lack of this legislation. The other issue is the penalties put in place. Sometimes water runs through the road and the road is damaged. We need civic education so that we can know when there is a road passing by, what are the implications if we damage it? Also what are the implications on the contactor who was given the road if he damages the road yet the timeframe he was given has lapsed? It is really important so that Kenyans can know what is lawful and what is not in this. In Clause 100, there are the responsibilities of county governments. The proposed law says that each county government shall within its Area of jurisdiction be responsible for the construction and maintenance of county roads in accordance
with the provisions of part two in this schedule. I hope in future, governors will be doing what is within their functions. One of the things that governors have done haphazardly is to take different functions which are not even theirs. They spend county monies that would have done something for their counties, on some things that they are supposed to. We should have a law that says that if county roads are Class ‘E’ as specified in this Bill, they should concentrate on that. We also have roads that go through parks. How do county governments benefit from those roads because they are the ones who sometimes manage those parks? Some of those parks have private owners who also have a responsibility so that tourists coming in can go through. I hope that has been taken care of in the Bill. We should not have conflict between the county governments, the parks and the national Government. The Bill proposes that each authority will look at ways of collecting revenue on roads. We need toll stations on different roads. A few key national roads should have tolls and that way we ease traffic on other roads. Kenyans who believe in time keeping and all that, will not mind having a toll where they pay and find that it is fast. At the same time, if I pay through a toll, we need a next road that has a toll that leads me straight into town so that you do not come so fast and get clogged in traffic in the next level of the road. Those are some of the proposals we need to think about, going forward. As the Senate, we need to ask ourselves whether the classifications are again too many. Fine, we need A, B, H, and J because they are the key highways. C and D might go to the urban areas. However, classes G, K and L which have gone to urban would have been taken back to the county governments because they are for shopping streets in the urban areas. The county governments should work together with the national Government because we need better roads. The budgets of these roads are also very critical. How much should we pay for a kilometer? It would have been important, that as they classify, to ensure that it does not matter whether it is a county or a national road;
money allocated per kilometer would have been put at a standard level. This would ensure that quality and maintenance of that road is sustained for many years. This would avoid redoing the whole thing when for instance the road is being taken from one class to another. These are some of the things we should look at as a country. As we move forward, let us build a country knowing we are building the country the way Europeans built their countries. That we cannot go back in years to change something. We should build knowing this is taxpayers’ money. County roads will one time become a connection between different counties and therefore become highways. Therefore, as they classify and take the roads, they should look at how they feed in. If it is going into the next county or constituency, it should be done properly because you do not need to keep re-carpeting it. For instance, looking at the Nakuru highway, there is new technology. They have talked about maintenance yes, but there are very good technologies today of re-carpeting a road and saving money. We re-carpet our roads with so many patches that one cannot even understand. Hopefully, we should get contractors who re-carpeted Thika Road before it was redone into a superhighway. One could not have known it was re-carpeted. We should learn from that and I can see we have brought in engineers. The other concern might be, when one looks at all the authorities, the same institutions run across. It is good. However, they should look for different institutions and cluster and know whether the highway could be doing better than the urban. This would be as a result of the competition and different values in terms of their quality. There are also those who believe in the value in terms of quality. You will find that the same institutions are located along highways in urban centres. That does not bring competition in institutions. If we do that to different institutions, we will have different results and be able to compare and contrast. Mr. Temporary Speaker, Sir, having said that, I beg to support
Date: 16th February

Member of Parliament: Sen. Godliver Omondi

Contribution she made: ESTABLISHMENT OF SPECIAL FUND FOR REMITTANCE OF NHIF CONTRIBUTIONS FOR PERSONS LIVING WITH DISABILITIES

‘Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- AWARE that about 15% of the Kenyan population are persons living with disabilities; APPRECIATING that the Government has taken several measures to avail certain privileges through the National Council for Persons with Disabilities to registered persons living with disabilities; NOTING that the National Hospital Insurance Fund (NHIF) is a contributory health insurance cover and the remittance of contributions for persons living with disabilities by government for the cover, is not among the privileges extended to persons living with disabilities; COGNISANT that most persons living with disabilities have difficulties engaging in gainful income generating activities that would enable them pay the contributions to NHIF, hence are without any medical cover; FURTHER CONCERNED that many persons with disabilities are unable to access medical services leading to high mortality rate; NOW THEREFORE, the Senate recommends to the National Government to put in place the following measures through the Ministries of Health and East African Community, Labour and Social Protection- (i) Undertake vetting of all persons living with disabilities in Kenya to ascertain those who are unable to afford payment of contributions to the NHIF; and, (ii) Set aside a special fund for remittance of contributions to NHIF for those persons who are living with disabilities and cannot afford to pay the contributions. I thank you.’
Date: 16th February

Member of Parliament: Sen. Catherine Nabwala

Contribution she made: THE SECOND EDITION OF THE HANDBOOK FOR PARLIAMENTARIANS ON INTERNATIONAL HUMANITARIAN LAW

‘Mr. Deputy Speaker, Sir, I beg to lay the following paper on the table of the Senate today, Thursday 16thFebruary, 2017. The Second Edition of the Handbook for Parliamentarians on International Humanitarian Law co-published by the Inter – Parliamentary Union (IPU) and the International Committee of the Red Cross (ICRC)’

Date: 16th February

Member of Parliament: Sen.(Dr.) Agnes Zani

Contribution she made: ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

‘Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.45 (2)(b) to seek a Statement from the Chairperson of the Standing Committee on Education regarding the ongoing strike of lecturers of public universities. In the Statement, the Chairperson should; (i) Inform the Senate on the progress made so far on the lectures Collective Bargaining Agreement (CBA) 2013-2017; (ii) Explain the efforts being made at ending the impasse; and (iii) State the efforts that have been made by the Cabinet Secretary or Education and the Principal Secretary of the said department of Education in attaining the CBA2013-2017. I thank you.’
Date: 16th February

Member of Parliament: Sen.(Dr.) Agnes Zani

Contribution she made: ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

‘Mr. Deputy Speaker, Sir, I also wanted to speak along the same lines so that, if possible, we do some whipping. I also wish to seek for the indulgence of this House that even that clause that is in contention; that we look at it in terms of our understanding because we debated it in a different way. In between, if we can find a way whether we can meet as Senators, at a Kamkunji, so that we have a consensus about this; then we come back here to vote, we do so in a united manner. Secondly, to avoid a constitutional crisis in the 12th Parliament because the law states that for the House to be constitutional, one-third of the representation should be women---. If we do not do this, the arrangement will not have been put in place. This is what this Bill seeks to do. This is critical. I have just come from another meeting where all eyes are on the Senate. The Senate can save this country from that constitutional crisis.’

Date: 16th February

Member of Parliament: Sen. Catherine Nabwala

Contribution she made: ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

‘On a point of order, Mr. Deputy Speaker, Sir. I also want to concur with your communication that this is a very important Bill as it touches on the Constitution. As we speak, Parliament is not properly constituted and the whole country is looking at the Senate to see what we are going to
say about the two thirds gender parity. At the IPU where Sen. Mutula Kilonzo and I sit, we know that the two thirds gender rule is closely followed and our President also attends those meetings in New York. It is high time we looked at this Bill critically so that the affirmative action for the two thirds gender principle is put in place.’

Date: 16th February

Member of Parliament: Sen. Judith Sijeny’

Contribution she made: ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

‘Mr. Deputy Speaker, Sir, I want to make further information. I beg to be guided. It is the language of the Senate. I am used to the language of the court. Mr. Deputy Speaker, Sir, I wish to thank you for the communication and wish to further inform my colleagues that as the sponsor of this Bill, I have tried, together with other stakeholders, to engage everybody and consult widely. Consultation is never closed and I thank the Speaker who has given me and the women of this country another chance to pass this Bill and correct the constitutional situation. I wish to inform Sen. (Dr.) Khalwale and any other person who may have an issue that we will convene a meeting on Tuesday at 12.00 p.m. - the venue will be circulated later - so that we can go and discuss and agree on a way forward so that when we come back in the afternoon, we do not have any further pending issues. I urge all the Senators to attend so that we can move forward so that we stop going round the same issues.’
Date: 16th February

Member of Parliament: Sen.(Dr.) Agnes Zani

Contribution she made: VISITING DELEGATION FROM NGINDA GIRLS’ SECONDARY SCHOOL

‘Mr. Deputy Speaker, Sir, let me also join you in welcoming the girls from Nginda Girls High School. When I walked in and saw all those girls up there, I felt very happy. I just want to motivate you, even as you go on with your education; education is the key. The future is bright. You will get to where you need to be. I also urge you to take up political and administrative leadership positions. This is what we are all fighting for so that the women of Kenya can be heard – that they can articulate the issues that the women of Kenya need to hear. You can be true to your world. I would like you to focus on your education. I wish you all the very best in all that you do. In the next few years you will be heading to the universities. Choose wisely what you want to do. Always make the right decisions for yourself and for this country.’

Date: 16th February

Member of Parliament: Sen. Godliver Omondi

Contribution she made: VISITING DELEGATION FROM NGINDA GIRLS’ SECONDARY SCHOOL

‘Mr. Deputy Speaker, Sir, I join you in welcoming the visiting school. I am also proud to see girls whom we trust will be where we are in future and be good leaders. It reminds me of those days when I was in primary school. We used to have debates. I did not know where it would lead me to. I thank God that I now understand that whatever we do in school leads us somewhere. I
want to urge girls not to shy away from debates in school. That is a learning process that will help them to be good debaters in future when they join politics. I congratulate them for visiting us and learning what happens in this House. With those remarks, I welcome them.’

Date: 16th February

Member of Parliament: Sen. Catherine Nabwala

Contribution she made: VISITING DELEGATION FROM NGINDA GIRLS’ SECONDARY SCHOOL

‘Mr. Deputy Speaker, Sir, I also join you in welcoming the school from your county. We are very proud to see girls who are focused. In last year’s examination results, girls took top positions. Out of 20 top students, 16 were girls. We are very proud that the equation is being changed. As we talk about the two thirds gender principle, in another five years, it will be the men who will be crying to have that two thirds gender principle in place. So, I encourage you to work hard, stay focused and know that the sky is the limit. I thank you. You are most welcome.’

Date: 16th February

Member of Parliament: Sen. Godliver Omondi

Contribution she made: CONCERN OVER PENDING COMMITTEE REPORTS AND MANAGEMENT OF HOUSE BUSINESS

‘On a point of order, Mr. Temporary Speaker, Sir. I join Sen. Sang to register my disappointment. We have a lot to do. The days that are remaining to the end of the 11th Parliament make me feel uncomfortable. I request the leadership under your Chair to give us guidance. As Sen. Sang has said, we must take responsibility. This country is not moving in the
right direction. The Kenyan people are looking up to us as leaders to give direction and hope. If we will not take the responsibility to give Kenyans hope, then, we are taking the wrong direction. We request you to give us direction on this.’

‘On a point of order, Mr. Temporary Speaker, Sir. Was the leadership of this House in order to cancel all committee meetings? The meetings of committees were closed up to 31st January, 2017. No business was being transacted. All this mess is because the committees were limited, their hands were tied. Are we serious with our work?’

‘: On a point of order, Mr. Temporary Speaker, Sir. I am still not comfortable with the answer you have given me. With the health crisis we have been having, the Committee on Health could not meet simply because there was a directive from the leadership that no committee should meet. This caused things to run out of hand. The health crisis was not seen as urgent. Is this in order?’

Date: 21st February

Member of Parliament: Sen. Joy Gwendo

Contribution she made: VISITING DELEGATION OF MEMBERS OF THE PARLIAMENTARY NETWORK ON WB AND IMF

‘Thank you, Mr. Speaker, Sir. This visit has been educational for them and for me too. Yesterday, we managed to meet the Country Director of World Bank who happens to be a woman because we still fight to be on the decision making tables but she is there as the country director of the World Bank. She welcomed us the same way you have welcomed them to the
Senate. The previous field visit that the Parliamentary Network took, we went to Indonesia and they were trying to compare Indonesia to Kenya. I must bring back to this Senate that they have learnt a lot and we as a country are very far despite the way we look at our country negatively. They have learnt a lot from devolution from what the Speaker told them about our country. I want to take this opportunity to thank you for giving me the chance to be in that board and also thank the House for the support that I have received and for interacting with the Parliamentary Network. As a point of information, the Parliamentary Network is a platform created for Members of Parliament from different countries to look at their governments and question what those governments are doing.’

Date: 22nd February

Member of Parliament: Sen. Dullo Adan

Contribution she made: APPROVAL OF THE SENATE CALENDAR FOR 2017

‘Mr. Speaker, Sir, I do not agree with what Sen. Mutula Kilonzo Jnr. has said. We are taking our work very seriously. That has been my tradition as the ViceChairperson of the Committee on Security and Foreign Relations. It is unfortunate that I lost a relative yesterday and I just reported back yesterday. I had not had a look at the Order Paper. However, we will keep taking our work seriously in future. I thank you.’

(Sen. Karaba walked around the Chamber from one Senator to another for assistance)
Date: 22nd February

Member of Parliament: Sen. Martha Wangari

Contribution she made: VISITING STUDENTS FROM IKALUENI PRIMARY SCHOOL, NUNGUNI, MAKUENI COUNTY.

‘Mr. Speaker, Sir, as I welcome the pupils from Ikalaueni Primary School from Makueni County. I also want to note that Sen. Mutula Kilonzo Jnr. has been very consistent in bringing children here to learn; not once or twice. He has done very well as to also being a role model to them. Being number one and especially a Matiang’i number one, should actually be congratulated and I hope that they can be able to learn and be encouraged that they will be here where we are seated today in the next few years to come. So, congratulations.’

Date: 22nd February

Member of Parliament: Sen. Judith Sijeny

Contribution she made: VISITING STUDENTS FROM IKALUENI PRIMARY SCHOOL, NUNGUNI, MAKUENI COUNTY.

‘Thank you, Mr. Speaker, Sir, I also wish to congratulate the students. I know it is not easy to read and concentrate but you have done well. I wish to congratulate your teachers too and the parents who have worked tirelessly toiling hard in their farms to ensure that you get all that you need so that you can get your education. Take advantage of it; the fact that you are there is a privilege, first, from God and from everybody else. Do not abuse it; continue being good children. I am happy that we are hearing about you for the first time because you have performed well. You have not burnt your school or dormitories or anything. We want you to continue
working hard and be a good example, not only to the county, but to the entire nation and indeed to Africa and the world. The sky is the limit. We were once in primary school---

Date: 22nd February

Member of Parliament: Sen. Zipporah Kittony

Contribution she made: THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO.16 OF 2015)

‘Mr. Speaker, Sir, I would also like to add my voice on this. It is very disturbing that this issue has dragged for a long time. I would like to support the sentiments of Sen. Mutula Kilonzo Jnr. Let us find a time when all of us are committed. When it comes to such an issue, we all need to be united so that we support it.’

Date: 22nd February

Member of Parliament: Sen. (Dr.) Agnes Zani

Contribution she made: APPROVAL OF THE SENATE CALENDAR FOR 2017

‘Mr. Speaker, Sir, I beg to move:- THAT, pursuant to Standing Order 28(1), this House approves the Senate Calendar (Regular Sessions of the Senate) for the year 2017 (February to August, 2017), laid on the Table of the House on Wednesday, 22nd February, 2017. This is a document that sets out the events in terms of what we, as a Senate, are expected to do. It helps us to be very clear on the dates that we are to be in this House. We know that we are soon going for general elections. We are winding up in terms of our sessions and our activities in this House. With this calendar, we will be able to prepare our contributions adequately. Apart from what is provided in this calendar, we also have our regular sitting sessions of the Senate and the committees. We also
have Committees which post their schedules of activities online. This helps Senators to know which Committees are meeting and on which day so that they prepare adequately. It is prudent that this House approves the Senate calendar for purposes of us knowing how to conduct ourselves. This is something that is routine for us to know the schedule of activities and follow it prudently. Being an electioneering year, it is important that the calendar comes out at this time. This will help us to plan our sessions in terms of when we will be out there in the counties and when we will be back here to transact Senate’s business. As we move towards the end of this session, we have constitutional Bills, other key Bills and Motions which we should dispense off immediately in this House. We also have the Petitions to deal with. Most of these Petitions were referred to relevant departmental Committees for consideration. I am sure those committees are working on those petitions. This calendar helps us to have our formal working plan as a Senate for this session. I beg to move and I request Sen. Ong’era to second.’

Date: 22nd February

Member of Parliament: Sen. Godliver Omondi

Contribution she made: APPROVAL OF THE SENATE CALENDAR FOR 2017

‘Thank you, Mr. Speaker, Sir, for allowing me to make my contribution to this Motion. I want to support the Motion because we need to move from an informed perspective by having a calendar that will direct us on when to be in the House and when to be in our counties meeting our people. It is important that this House is directed through a calendar that has been approved by Members of the House. For that reason, I support’
Date: 22nd February

Member of Parliament: Sen. (Dr.) Agnes Zani

Contribution she made: APPROVAL OF THE SENATE CALENDAR FOR 2017

‘Mr. Temporary Speaker, Sir. I rise to second this Motion. I would like to start by stating the importance of UNESCO in matters education. UNESCO has been in existence for a very long time. It has, at various times given initiative in terms of policy, direction in terms of education and it also does social audits. The forum allowed many educationist to come together to discuss various issues in the various countries who are members of UNESCO. For Kenya and the Kenyan delegation, the forum gave a very important chance to discuss some of the key issues that are pertinent in our own education system. The issue of laptops featured and recommendations have also been given in terms of the way forward for the specific provisions. Prince Haakon of Norway opened he education symposium and it is important to note that I really admire the way education is taken in the international context because to have such a dignitary come to open the forum, it sent a strong message to the delegates who attended that forum. Mr. Temporary Speaker, Sir, this particular forum takes place every two years and it is the supreme policy making body of UNESCO. It was good that we had a delegation so that the policy issues that would be discussed can be cascaded back to Kenya. I thank the Committee on Education which I am also a Member, especially the delegation that went for this particular forum, because they came up with this report in a very speedy and concise way. Looking at the issues, they are very critical. Kenya has also played an important role because they have been elected to the executive board for the period between 2015-2019 which is ongoing for which we have anchored ourselves into UNESCO. That means that we can catapult ourselves in terms of
the contributions that we are making. Together with other African countries that have been elected, it gives us a context. I am sure that during the meetings, this must have been a caucus group that met separately and discussed specific issues of education that afflict the African context. Mr. Temporary Speaker, Sir, it is clearly stipulated that the Committee participated in terms of the forum and the side events in setting up the 2030 Education Framework For Action (EFFA) stipulating the specific areas. The FFA indicates the goals that had been put forward in terms of what needs to be achieved by 2030 which is not very far from now. However, it also cascades various issues such as education for all which is critical. It also looks at the transition from primary to secondary school and the rate of transition. It also looks at the issue of secondary education and the expenses that go into it and the affordability of it. It also looks at quality education which is very critical and moves to other issues such as relevance of university education for the market and the way the courses are able to cascade downwards and meet the market forces. For example if it is an industrial nation, they should focus on industrial programmes. If they are an agricultural nation, they should focus on agricultural programmes. That framework was put together Another key component of this side event is education to prevent or counter violent terrorism. The youth are the most vulnerable, especially when it comes to violent terrorism and extremism in general. There is need to approach, cascade and formulate education in such a way that it begins to address the psychological and social context of the one pupil, addressing, for example, issues of integration and to what extent they are committed within their countries. There are certain countries that have moved on to have a very keen curriculum on patriotism. That is one way of addressing violent extremism. This can be an educational agenda that can slowly pass this information to the young and in the long run help to prevent and counter violent terrorism through education. The other one that was important but a
bit different and unusual in the context of Africa is the meeting on preventing and addressing violence in this violent and discriminatory sexual orientation and gender identity through education. This must have been raised by the western bloc. They have moved into issues of transgender. We have not moved to that extent in our educational systems in addressing it but one vital thing is the issue of gender identity: How people identify themselves to be and what their social construct is. In the African set up, we should look at our social construct in terms of how that blocks us from ascending and being able to break the glass ceiling that is sometimes put there by the society. In the western world, the idea is about sexual orientation. Whether somebody feels that maybe they are a boy but they want to be considered a girl or whether they are a girl and they want to be considered a boy or whether they are going through transgender. That was another issue. There is also, how to prevent and address this discrimination, especially in societies where it is very critical. Sometimes there is a lot of discrimination when children portray themselves of the opposite gender, and what would have been expected to happen to them. These were key issues. How will the education system address this? It is mainly through a curriculum. That brings us to an important issue; revision of the curriculum. How often is the curriculum reviewed? Who does the review of the curriculum? How is the reviewed curriculum implemented? Even as Kenya is thinking of adopting and changing its system from an 8-4-4 system to a 6-3-3 system where we will have a cascaded system of various years in education, the key tenet of that structure in terms of changing the education system is perceived as trying to get people more interested in Technical and Vocational Education Training (TVET) because it is very clear, for example, from an economy like Kenya which is a growing economy, we have a situation where we have a lot of unemployment because everybody is geared to the white collar sector yet there are so many other jobs that can be done, either in this context or neighbouring
countries where people can go with this sort of skills. That is one element of it. Another element is to create a whole balanced person so that this person is just not academically oriented. In the new system, we are talking about up to 70 per cent grading and 30 per cent not to be graded, maybe even to be graded on extra curricula activities. We are talking about a reduction of exams; trying to identify the skills and dealing with the creativity of people. In the process of dealing with this curriculum and identifying how to go about answering these issues, the curriculum is important. I am sure in this Committee, one of the resolutions that must have come with it is that; one, we should have a review of the curriculum but it needs to be consistent. And even when we will have a structural change all together, it is very important that this has been well thought, in advance, so that you do not mix up students and; two, end up in a very expensive and; three, end up with an expensive venture but not being able to deliver. That is exactly what happened with the 8-4-4 system. We were meant to address more of TVET but it ended up being like formal education. Money had been put into it, schools had bought books and experts had been brought on board to achieve something that probably had not been achieved and many years later, again, we are changing the system. It is very expensive as well. So, we need to think about it broadly.

How do we address the curriculum so that we can effect some of the issues appropriately for the decisions that were made by this Committee, especially in the side event that was attended at that particular time? One of the issues also that came up; in terms of observation, this is important because this is after the Committee had observed the various achievements that Kenya had made since UNESCO. However, there are specific issues that could have affected Kenya and other countries, for instance, Uganda, Tanzania and Rwanda but looking at this report, it seems very specific to Kenya. First, was the issue of laptops. Children could not be given lap tops if teachers were not trained. This is the situation we got into. This is another project roll out that has not
been well thought through, financed and making promises that cannot be delivered. In this case, we have; one, laptops had not been delivered holistically across the board and; two, teachers might not have been prepared. Three, should we have probably then had a situation where we have for example, desktops and about 20 students, for example, trying to learn from that systematically instead of having student having a lap top and having teachers having to take children through the use of these laptops which they had also not been trained. In this session, it was handled in terms of the teachers in the expertise in teaching and conducting how to use laptops but the whole area of the buildup of capacity to implementation of this project is vital. The Kenyan case is a case in project appraisal, projection and evaluation. These issues need to be looked at. In terms of a project becoming effective and being able to deliver all those path ways, it needs to be put in place very clearly. Secondly, is promoting TVET in creating employment opportunities for the nation’s ever increasing population. Recently, we have seen more initiatives from the Cabinet Secretary for Education who has been going round to ensure that polytechnics remain polytechnics. We have a situation in which not everybody will qualify to get into the universities. At one time or another, these polytechnics should be well resourced and equipped so that they give relevant information. In this Committee on Education, we have a chance to go to various communities and counties, and see the level of education in the polytechnics that had been put up. This is the mandate of devolved units. Being in the Senate, one thing that we take care of in the Committee on Education is both Early Childhood Development and Education (ECDE) and polytechnics. It has been impressive. In some counties, it has been taken very seriously. When we went to Turkana recently, we saw this. For example, we had very well equipped polytechnics that were offering very specific training. We just urged them to go into the sectors that are important to them. With the discovery of energy, oil and water; that should be
the main angle and stream of the sort of training that should come up so that whatever these young people are learning benefits them. The Committee has made various recommendations. They go along the line of discourse. One is formulating a policy on laptop projects. As I said earlier on, the process should have been looked into, so that there is sustainability of the project way before it was put into place. If this project will be considered in the future, then a clear policy on it has to be brought to the fore right from the beginning. It should have a sustainable angle, so that the direction it goes is clear. The other key recommendation that this Committee made from the observations that were made at the Committee level was that we need to work with UNESCO in teachers’ training on ICT integration in education. Information and Communication Technology cannot be overstated. Various countries have gone way ahead. We are now in the age of an information superhighway and advanced communication. The older generation is struggling with technology, but the younger generation is more up to it. There is no way we can achieve the developmental goals without ICT integration. The Committee on ICT of this House has been doing a lot of work in that direction to ensure that, that happens. On sexual education, there is need not to shy away from appropriate level of information in sex matters. Some people think that in sex education students will be taught how to do sex. However, it is about health and making the right choices. Mr. Temporary Speaker, Sir, I request for just two minutes.’

‘Thank you, Mr. Temporary Speaker, Sir. That appropriate level of education is key and we should not run away from it. On the issue of vocational skills, we need to allocate adequate resources. Lastly, the national Government should consider devolving infrastructural development funds. What comes out of the various counties we visit is that what has been devolved is Early Childhood Development (ECD) centres and polytechnics. Most Governors
have found it critical to move into the infrastructural part, because we have ECD that is developed with primary infrastructure that has not been developed. Moving forward, as we think about devolution, we need to empower them, so that they can do a little bit more in their counties, which will not contradict the Fourth Schedule. The Fourth Schedule is about policy being a national issue, but the infrastructure can be devolved without causing a lot of havoc in the education sector. Mr. Temporary Speaker, Sir, I beg to second.’

Date: 22nd February

Member of Parliament: Sen. Elizabeth Ongoro

Contribution she made: ADOPTION OF REPORT ON THE SECURITY SITUATION IN MANDERA, LAIKIPIA AND KAPEDO

‘Thank you, Mr. Temporary Speaker, Sir. I beg to move: THAT this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia County and Kapedo (Border Town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015. As you are aware, around that time we had a very volatile situation on matters security in that part of the country. Therefore, as the Committee mandated to look into matters security, my Committee undertook a fact finding mission and came up with a report that interrogated the issues that were happening at that time.

When you read that report, you realise that all the issues that were discussed or presented to the Committee are issues that could be handled and tackled very amicably by the security apparatus in this country. The security situation in this country like in this part of the country are actually issues that are so puzzling because most of them have to do with cattle rustling that has been
happening for over 50 years. However, with all the security apparatus that we have, it is a puzzle that we cannot just find a way of either having a station or taking these people for training or allowing the Government to support cattle rearing in such a way that no community finds it necessary to attack another community to take their cattle as they call it. They do not call it stealing. Mr. Temporary Speaker, I support and request Sen. (Dr.) Zani to second.

Date: 22nd February

Member of Parliament: Sen. (Dr.) Agnes Zani

Contribution she made: ADOPTION OF REPORT ON THE SECURITY SITUATION IN MANDERA, LAIKIPIA AND KAPEDO

‘Thank you, Mr. Temporary Speaker, Sir. I rise to second. First, let me start by reiterating matters security have really risen in terms of prominence especially now as we move into the elections period because every time there is some sort of competition then personal interest always comes in. Secondly, matters of security have also escalated because of the drought situation. The reason why I am saying that is that, in counties such as Marsabit, Moyale and Laikipia, we are having shortage of resources especially of pastures because of the drought. As a result of this, cattle rustling has become prominent. The sort of cattle rustling we are seeing now is not the cattle rustling that used to exist before. It used to be the cattle rustling that was a cultural issue where people used to come in from one community, they take cattle and then another community comes and take that cattle and they return it. It is not the sort of cattle rustling that we are seeing today. This is not to worry because now we find cattle rustling which is involving the usage of weapons, killing of people and we are leaving the cultural rustling as we know it. In the Joint Committee on Cohesion and Equal Opportunity where I am a Member,
we have tried to address this issue from a legal perspective. We have tried to amend the criminal act so that at the end of the day cattle rustling is a criminal act. However, as you know with issues legislation sometimes it becomes difficult. For example, Female Genital Mutilation (FGM) was legislated on, but when it comes to the actual action, there is a problem. The highlight of this problem was noted in the three counties where this Committee visited specifically in Mandera, Laikipia and Kapedo, overscale to the other counties. In fact, I would not be surprised if this Committee also still has initiatives to go to the various counties to be able to address this problem. One of the issues that have caused a lot of escalation in this is the issue of small arms which are rampant and everybody has this. Many times, people have been asked to surrender these firearms. At times, they surrender but many times, they do not and then it becomes a security issue. Mr. Temporary Speaker, Sir, another issue is that sometimes the security that is deployed in these areas is scarce. If you are looking at the number and the response in terms of being able to respond to a call for help, it becomes limited and even dangerous. Even those security personnel who are expected to go and address the issue are not able to address because they are worried for their own security. So, you find instances of County Commissioners who have been sent to Counties like Laikipia and Samburu; they do not stay there for a long time. Their average period for staying in a particular county is about two years after which they move to other counties. This is a dire situation. I am happy and I commend this particular Committee that went out to assess the security situation in these particular counties of Mandera, Laikipia and Kapedo. Mandera and Moyale counties experience cases of insecurity because of bordering communities or sometimes from the neighbouring countries. For example, you will find that one community stealing cattle from another community, and later on, they also steal from that community. It is a vicious circle. In Samburu and Laikipia counties, we found it is
difficult to address insecurity because some local politicians have been supporting their communities to gain access to pastures. This has escalated cases of insecurity in those particular counties. For a long time, intra-community or intra-county policing has not been successful in addressing the security situation in those areas. This is because when that is done, you find that you have isolated the problems of that county, you deal with them, but in most cases, the same problems recur in other counties. A problem in Laikipia County might be because people from Samburu County have infringed into Laikipia County people’ right and gone back. Residents of Laikipia County do not graze in Samburu County and they will tell you that they have remained within their confines. However, for as long as you do not have an intra-community county experience, where you bring everybody to the table to discuss what the issues are, then it becomes very difficult for these issues to be addressed. I am afraid that this happens in almost of counties. This situation escalates during drought because of lack of grazing pastures and scarcity of water. The security personnel cannot deal effectively with this situation because they are not well-equipped. They do not have proper housing. Sometime back, there was an initiative to make a review into this particular sector for the military and the police in order to improve their working conditions. A report was prepared and forwarded to the relevant authority. It is important to improve the working conditions of security personnel in those areas so that they become more effective in dealing with conflict situations in those counties. This report cites Turkana and Pokot boundary as a source of endless conflict. Again, it is because of scarcity of resources for both counties. There is a lot of hostility, suspicion and trepidation. When communities come together, they feel that they should give the other people a chance. Let us try to address this issue and have it solved immediately. We know of cases where one community fails to honour their agreement with other communities. Most of these agreements do not put a
condition that whoever contravenes that agreement is the one who needs to pay a huge penalty. This creates a problem. This leads to situations where one community agrees on a cease-fire, but the other community attacks forcing the other community to revenge. It is worrying when you hear narratives that breastfeeding mothers in communities like Turkana and West Pokot tell their sons or daughters that one day when they grow up, they will kill a Turkana and vice versa. That is the novel of entrenched hatred and suspicion. It becomes difficult to address this from an administrative point of view only. We need to have a cultural aspect; the local leaders and the communities begin to share experiences on what they can do. This is escalated when there are intra-county boundary disputes which also happen in most of these counties. We had had cases where people from one county infringe on the other counties and settle down. It is even worse when this is happening in counties with neighbouring countries. We have the case of Moyale County where people from Ethiopia come in because of the porous borders. This is because we have communities who live on one side and they have relatives on the other side who walk in and out. On the issue of registration and double registration of Identity Cards, you can actually put zero into the system and you get multiple Identity Cards. This is a disaster that we are waiting to happen in this country. We are now thinking of elections and how to win the election. We are giving Identity Cards left, right and centre so as to get the votes without realizing that the process of getting an Identity Card is a vetted process. To get an Identity card, we need to look at the Birth Certificate, the birth rates and we also need to know if one is a Kenyan. If you are going to give Identity Cards to our neighbors, we will have people who will come here, engage in criminal acts and then go back to their countries. We will not be able to control them because of a short-term measure which can become dangerous in the long-term. One of the observations made in this report was the presence of natural resources such as geothermal or oil which can be
a source of conflict. This is an area of natural resources. In areas where resources have been discovered and there is no clear policy of resource allocation, it becomes a centre for conflict. I remember when we were moving the Natural Resources Benefit Sharing Bill, 2014 in this House; these were the issues of consideration. We wanted these communities to feel that these are our resources and we are benefiting from these resources. It actually brings down the level of problems within the specific counties and creates a sense that these issues can actually be addressed appropriately. Various recommendations have been made. The first one is very important. It states that Parliament should fast-track a setting up of an independent commission as provided in Article 108 to consider county boundaries so that this is addressed, once and for all. It is in this Senate where Sen. Mutula Kilonzo Jnr. was addressing this. He brought a Bill to this House which talks about the county boundaries. They also state that there is need for political and administrative interventions to solve the problems of overlaps in the system of structure and administration, especially in Kapedo. This is to make sure that we have clear administrative interventions from whichever county. There should also be a clear angle of what these administrative interventions are so as to help them understand what is going on. We should reach a point in this country where the age of armed raids is a thing for the past. We are talking about a situation where people are killed. We are talking about a situation where many years later, we still have challenges in the security sector which should to be looked into. We need to look at the Constituency Development Fund (CDF). This report suggests that they look at how this CDF money can be used to address some of these issues. Lastly, they have also indicated as an observation and a recommendation moving forward, that police posts need to be adequately facilitated. Most of the time when you want a problem addressed, you will be told that there are no patrol vehicles, they lack petrol or police equipment such as radio for communication. This is
an observation that has been made. The security personnel should be well equipped. If that does not happen, it becomes difficult for them to be effective. The issue of security should also be looked at from a holistic point of view. The Committee has come up with a number of recommendations. However, moving forward, we need to look it as a holistic problem. As we move into the election, we need to look at some level of mapping in terms of security matters. What are the issues? How can interventions be made in good time? We also need to know what sort of interventions need to be made. This is because we sometimes have duplication of action where one sector thinks that this is something for the military or the police. We also have armed reservists who can help where numbers have reduced. As I come to the end, I want to give a case of Laikipia County where there is infiltration of illegal grazers from neighbouring communities to specific farms because of drought. That has caused a big problem in that county. This is because you find somebody comes to graze their cows in another persons maize plantation while firing in the air. Their cows eat the maize and beans that have been planted by a particular family. There is nothing that can be done. Sometime back, these used to be illegal grazers who would come into the farms because they were looking for ways and means of feeding their cattle. However, as we move on now, these look like armed gangs. They know you are not going to stop them because they have the weapons. You can actually not stop them from doing that. This is causing a lot of problems because that farmer has put that maize there so that they have something to eat. It becomes a question of choice between who is going to eat this maize. Is it the person who has the cattle because of the importance of cattle for certain communities in Samburu, Laikipia up to Marsabit or the farmer? They must feed the cattle, yet they are infringing on somebody’s property? Various recommendations can be made to control stocks especially during drought. A clear policy should be put in place to control stocking. One
organization can come and buy the livestock in advance before everything comes to an end. I think my time is almost up. I second.

(Question proposed)

**Date: 23rd February**

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

**Contribution she made:** TRACKING OF DEVELOPMENT EXPENDITURE IN COUNTY GOVERNMENTS THROUGH IFMIS

‘Mr. Speaker, Sir, just riding on what Sen. Madzayo has said, the procedure, normally, is that you give the exact time and then if you are not ready you can request for more time. Having said that, I think this issue is very important and needs to be fast-tracked as it was mentioned. I know we are getting into the campaign period and it is important that we get information early----

**Date: 23rd February**

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

**Contribution she made:** THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.2 OF 2017)

‘Thank you, Mr. Deputy Speaker, Sir. I also rise to support the Bill. This will be my last Bill to talk about in the Senate. When I go to the National Assembly, I will look at it better. This Bill is about a budget that will take us to the end of our term. As we head towards campaigns we need to ask ourselves whether the Senate has performed its responsibility to guide and protect the counties. Mr. Deputy Speaker, Sir, I want to thank the National Treasury for allocating the
monies that we had requested for the four headquarters. Sen. (Eng.) Muriuki will appreciate that there is an allocation that will go towards building their headquarters. Having said that, I wish to note that this money is coming late. I hope that the governor who is now campaigning will wait for the next governor to start the project Mr. Deputy Speaker, Sir, turning to the money for leasing medical equipment, I think it is important to have a schedule of the equipment that we are leasing. We should also know the exact number of vehicles leased in the different counties. This will enable counties to appreciate the figures that are presented. Mr. Deputy Speaker, Sir, it is important for us to consider the health sector. It is sad to note that the Senate has failed us on the health issue. The Senate should have sorted out this mess by telling our doctors that health is devolved; it is under the counties and we need the governors to sit down and agree. The doctors in Bomet and Kiambu counties, for example, are not on strike. Those counties understand that health is their responsibility and, therefore, they must take care of their doctors. I do not understand why the other 45 cannot deal with the matter. Since the role of the Senate is to protect the counties, Kenyans are wondering what we are doing to resolve the problem in the Health Sector. It is time we dealt with the issue as an institution. Mr. Deputy Speaker, Sir, looking at the Bill against Article 203 of the Constitution, you find that there are the national interests, where we have enhancement of security through police vehicles and helicopters. We have challenges facing the Pokot due to political interests. The problem is not cattle rustling. The national Government should request the Pokot to respect the counties that border them and the lives of their own people. It is sad that we allocate such amounts to Ministries and Kenyans continue to die because some people have refused to follow the law. It is very sad for us to allocate this amount of money to Ministries and Kenyans continue dying because of lack of basic necessities like food and medicine. We have drought in this country and leaders are busy campaigning
instead of assisting our people. Mr. Speaker Sir, the National Irrigation Board should supply fertilizer to farmers at subsidized prices. Farmers are busy preparing their farms ready to plant in March. They must provide our people with good seeds. We also hope that they can also account for what happened last year because farmers did not get good fertilizer last year. With regard to the youth empowerment, I hope the Government will allocate more resources them and enable them get more than 30 per cent of all the Government tenders. I hope the Treasury will pay all suppliers who supplied goods and rendered other services to both the national Government and county governments. It is a pity that they have not being paid. Most of them are now being auctioned by the banks. Their businesses are closing down. I urge both the National Assembly and the Senate to allocate more resources so that all suppliers are paid. As I speak today, there are a number of youth who supplied goods and service during the World Trade Organization (WTO) conference but they have never been paid. Mr. Speaker, Sir, Parliament has not been paying its suppliers. Right now it not easy to get venues for committee meetings outside Parliament because service providers have not been paid. Therefore, I plead with Parliament to pay its suppliers. It is sad for Senators or Members of the National Assembly to be told they cannot get services because Parliament has failed to honour its debts. If it is the issue of procurement, let them be sorted out before Members gets embarrassed in hotels. It is wrong. I want to look at the National Social Safety Net where we have elderly persons and orphans welfare and the presidential bursary. It has some good allocation. Kenyans must appreciate the work being done by the national Government. It has come up with good programmes to assist deserving cases. It is not difficult to know who have benefited from these programmes in all counties. For example, people from Kakamega, Nairobi, Nakuru and other counties have benefited from these programmes. All this is well documented by the Ministries in charge. It is a
matter of common sense for us to approve the budget here because those people are taken care of. With regard to the education sector, I do not think it is a good idea to devolve it. We passed a Bill here devolving functions of roads. However, I doubt whether in the next three months, this function will be fully devolved. I hope this money will not be misappropriated by governors during this campaigning period. That will be very unfair to our people. Many roads in counties are not completed. I urge governors to complete them. Roads in Nairobi County are in a pathetic state. For example, in Dagoretti North Constituency, there are few roads which are in bad shape. I urge all county governments that when they receive this money they complete them. Let them not start new ones before completing the ones that are already ongoing. With regard to the fiscal capacity and efficiency of county governments, I can see they have analyzed clearly what will happen in the 2017/2018 Financial Year. I remember in this Senate we told the Cabinet Secretary, National Treasury that it is important for him to have the cost of the itemized services so that when interrogating we can know how money was spent. We had proposed 60 per cent for development and 40 per cent for recurrent expenditure. As we go for campaigns I am sure many counties have a lot of debts that they have been unable to settle. First of all, there is no inventory. There are no records to show which projects have been completed and which ones are pending. I hope the governors are preparing such documents so that when we come in we will be able to know where to start. That is why today the Jubilee Government has followed the script of what former President Kibaki prepared. These are the first governors who are supposed to leave a foundation of the counties. I also hope the county assemblies will ensure there is a roadmap that will be followed by their successors. Going forward, we will be requesting county governments to prepare budgets per their constituency. If we are giving a county Kshs10 billion or 15 billion, then we need to show how much is going to a particular constituency. For example, if county
“A” gets Kshs10 billion then constituency “B” gets Kshs5 million. By so doing, we will not rely so much on the Constituencies Development Fund (CDF) because we know there is some amount allocated for developing a constituency. So, it is important that governors leave a good legacy showing what they have done and what is pending in their counties. Finally, I want to commend the Commission on Revenue Allocation (CRA) on the recommendations that they have given us. As we pass this Bill, I hope we will continue supporting our counties even if we will be going to an election. It is also important for us to safeguard the funds for the county governments so that the next governors will know where to start and move forward. With a good inventory, they will be able to know which suppliers to pay and so on. I beg support.’

Date: 28th February

Member of parliament: Sen. (Dr.) Agnes Zani

Contribution she made: THE SECOND ANNUAL LEGISLATIVE SUMMIT 2017

‘Mr. Speaker, Sir, I take this opportunity to commend both the Senate and the CAF for putting the second legislative forum together. The county assemblies are our closest partners in matters devolution. The First Legislative Summit enabled us to have that linking and it was very productive because we were able to discuss issues of commonality and forge a way forward on how to proceed as well as how to increase and have better inter-linkages and collaboration between the two bodies. It is great that we are going to have a second legislative forum. That means that it is getting entrenched as something that the Senate will always do. I hope that the next Senate will continue with these legislative forums. One of the things that we will look at is taking stock and looking into the future. More importantly, we will discuss about devolution, our situation as well as look into the elections that are coming up. That way, we will ensure that we
are streamlined to handle all these process well. The programme of the Summit is rich because we will have very many resource people who will come to talk about various issues. After that summit, we will come out strengthened and more collaborative and in synch with the county assemblies as it ought to be.’

**Date: 28th February**

**Member of parliament: Sen. Dullo Adan**

**Contribution she made: CLASHES ALONG THE ISIOLO/GARISSA BORDER**

‘Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.45 (2) (b) I rise to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the deadly clashes along the border of Isiolo and Garissa counties. In the Statement the Chairperson should: (a) indicate whether the Ministry of Interior and Coordination of National Government is aware that a motorcycle rider and two camel herders were attacked near Garbatula High School on 20th February, 2017 and that one of the herders died on 26th February, 2017; (b) indicate whether the Ministry is aware that on the morning of 25th February, 2017, gunshots were fired at Manyatta Water Point in Garbatula, Isiolo; (c) indicate whether the Ministry is aware that on the evening of 25th February, 2017, a lorry transporting market goods was attacked and one police reservist injured in the same area; (d) indicate whether the Ministry is aware that on the night of 26th February, 2017, Tana Village was attacked and huts and schools torched and people displaced; (e) explain whether the Government will deploy emergency security reinforcement to the area; (f) state and explain the steps the Government is taking to provide emergency accommodation and food to the displaced families; (g) state and explain the steps the Government is taking to ensure that learning resumes in the area; (h) state
and explain the steps the Government intends to take to settle the displaced families; (i) indicate when the Government intends to resume the boundary issues between Isiolo and Garissa; (j) indicate when the Government intends to decentralize administration by establishing an administrative unit for Gafarsa in Isiolo South Sub-County to curb insecurity in the area; (k) indicate whether the Government intends to recruit Kenya Police Reservists in the area to complement the regular security apparatus, to enhance security; and, (l) indicate when the Government intends to implement the resolutions of the peace meeting held in Nanyuki in 2016 between Isiolo and Garissa, aimed at finding suitable solutions to the recurrent clashes over pasture and water in the area.’

Date: 28th February

Member of parliament: Sen. Martha Wangari

Contribution she made: TRANSITION IN NYERI COUNTY GOVERNMENT FOLLOWING THE DEMISE OF GOV. NDERITU GACHAGUA

michango ya pesa ili kupeleka ng’ambo watu wanaougua ugonjwa wa saratani kupata matibabu. Huu ni mwaamko kwa serikali kuhakikisha kwamba tumatatua shida hii ya madaktari na wauguzi. Wasikilizane ili tuokoe maisha ya wale wanaougua na familia ambazo zimetumia pesa zao zote kutafuta matibabu. Vile vile, naunga mkono Sen. (Dr.) Khalwale. Kulingana na kipengee cha 179 cha Katiba, Gavana aliyechukua mahali pa marehemu Gavana Gachagua ---‘

Date: 28th February

Member of parliament: Sen. Joy Gwendo

Contribution she made: TRANSITION IN NYERI COUNTY GOVERNMENT FOLLOWING THE DEMISE OF GOV. NDERITU GACHAGUA

‘Mr. Temporary Speaker, Sir, I would also like to join my colleagues in sending my message of condolence to the family of the late Governor Gachagua. I pray for the family to receive comfort and peace from God that surpasses human understanding. I would like to also reiterate what Sen. (Dr.) Khalwale said. The impeachment case against Governor Gachagua was brought before the Senate and a lot of mistakes were pointed out. It is always a blessing when somebody points the mistakes that one has made, but it is a curse when you are not able to correct those mistakes. Since the Deputy Governor has assumed the seat of Governor, we expect him to do justice to the people of Nyeri. As we bury Governor Gachagua, we hope that the people of Nyeri will---‘

‘Thank you, Mr. Temporary Speaker, Sir. With the guidance of my able Chairman, Sen. Kagwe and the Deputy Governor, we hope that for the remaining months to the general elections, the people of Nyeri County will see the goodness of devolution. I continue to pray for the people of Nyeri and the family of the late Hon. Nderitu Gachagua, so that they may find peace. May God wipe their tears. Thank you, Mr. Temporary Speaker, Sir.’
Date: 28th February

Member of parliament: Sen. Zipporah Kittony

Contribution she made: TRANSITION IN NYERI COUNTY GOVERNMENT FOLLOWING THE DEMISE OF GOV. NDERITU GACHAGUA

‘Thank you, Mr. Temporary Speaker, Sir. I also join my colleagues in sending my condolences to the family of the late Governor for Nyeri. Indeed, the death was a great shock. I remember when we were in Geneva with Sen. Kagwe, he was planning to go and see him in the London hospital. I believe that whatever has happened is beyond anybody else’s wish. I wish to say pole to the people of Nyeri, especially his family for the great loss. Governor Gachagua has done a lot for the people of Nyeri. The whole of Kenya is mourning the loss. Please accept our condolences. We are with you at this trying moment. Thank you, Mr. Temporary Speaker, Sir.’

Date: 28th February

Member of parliament: Sen. Naisula Lesuuda

Contribution she made: TRANSITION IN NYERI COUNTY GOVERNMENT FOLLOWING THE DEMISE OF GOV. NDERITU GACHAGUA

‘Mr. Temporary Speaker, Sir, I also want to pass my condolences, together with the people of Samburu County, to the immediate family, relatives and friends of the late Governor Gachagua. We pray that God gives them strength to continue to steer the county to greatness. My colleagues
have talked about the aspect of healthcare in our country. I hope that those who are involved in the discussions towards the doctors returning back to work will expedite them. We need to deal with it as an urgent matter, because we know that many Kenyans are really suffering. I know of many cancer patients who need radiotherapy and chemotherapy. They are suffering out there. Those who are involved in negotiations should think about the lives of Kenyans and resolve this issue as soon as possible. Thank you, Mr. Temporary Speaker, Sir.’

**Date: 28th February**

**Member of parliament: Sen. Lisa Chelule**

**Contribution she made:** TRANSITION IN NYERI COUNTY GOVERNMENT FOLLOWING THE DEMISE OF GOV. NDERITU GACHAGUA

‘Thank you, Mr. Temporary Speaker, Sir. I also stand to give a message of condolence on my behalf and on behalf of Nakuru County. It is our prayers that God is going to stand with them---’

‘The Temporary Speaker, Sir, it is my humble prayer that God will stand with the people of Nyeri County during this time of tears and pain. I remember when he was summoned by the Senate on issues affecting his county, he was so patient and he looked committed. I believe the incoming Governor will also be committed. It is our humble prayer that God will stand with them. Thank you.’

**Date: 28th February**

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

**Contribution she made:** INSECURITY IN BARIKG COUNTY
‘: On a point of order, Mr. Temporary Speaker, Sir. You have just ruled on this matter. I urge you to be firm for the same reason that you have stated; that this is a very emotive issue. It is a matter of life and death. Is it in order for two Senators in this House to engage each other, instead of giving us solutions on how we can stop the killings in that region? In view of the fact that you have made a ruling that we should stop mentioning names, is it in order for Members to continue in that same line without giving solutions regarding this issue?’

‘Mr. Temporary Speaker, Sir, I take this opportunity to thank Sen. (Prof.) Lonyangapuo for bringing this Adjournment Motion. This is a very important Motion for us as a Senate and also as a country. It is very unfortunate when you read in the newspapers and watch the television and see the suffering on the ground especially of women and children. This is something that we have talked about over and over again as a country among pastoralist communities on what should be done to end this menace once and for all. There are some basic things that we all have to agree. I agree with Sen. Sang said that it is not good to generalise communities such as Pokots, Marakwets, Samburus or Turkanas. In every other community and even in this town, there are thugs who kill and rob people every day but we have never called them by their names or accused a whole community to be made of thieves or bandits. So, as a nation, we should call bandits, thugs or criminals as such but not by their communities. Mr. Temporary Speaker, Sir, I want to go straight to the point. Political leadership has a key role to play in the wellbeing of the people. I have witnessed and I have been involved in peace processes. You can talk about peace committees, grazing communities or everything but political leadership is very vital in the whole aspect of ensuring that communities live in peace. There is also the aspect of quick response even in the things that we are trying to do now. The Government agencies should not wait until the issue has escalated to a point where communities move so far from their areas and they
cannot access any amenities such as water, education and anything, let alone even voting. Politicians need to ask themselves who will vote for them if their people will not be in the polling stations. I do not know if stones will vote for them. Why is it that they are not putting as much energy to ensure that their people are safe? I want my colleagues and other leaders in those counties where peace is under threat to know that our people desperately need us to provide effective leadership. If one Senator for one reason or another is not aware of the meetings that are going on, then the top leadership of this country led by His Excellency the President, should call for a peace meeting of all elected leaders of those counties. This issue should be dealt with in the same way as it was dealt with in Pokot and Turkana counties. For a long time, I thought that the Turkana and Pokot issue could not be dealt with because it was politically instigated. Therefore, the solution to this problem lies with political leadership in all those counties. We can take all the reservists there and give them shoot-to-kill orders, but we will achieve very little in term of pacifying those areas. Let us understand the dynamics of those people and their communities. It is important to deploy the army and other security apparatus to beef up the security, but it is equally critical to involve the political leadership so that we get everlasting solution to this problem. We should strive to work for all communities in order to maintain law and order in those counties. It is very unfortunate, especially now that we are getting into general elections. Right now, there is a lot of tension in Samburu, Laikipia and Pokot counties. Some people attribute it to drought. Drought has always been with us in the past. However, this time round it is so severe that many people are suffering. Why is it that conflict escalates every time we are approaching a general election? We will always have excuses of drought and water. The aspect of generalizing leaders by calling them warlords is not good. It is ridiculous to see a person in charge of security sending warnings. They should do their job. They should take
action. They escalate tension in other areas when they call another leader a warlord. If you are the boss of the security team---‘

‘Thank you, Mr. Temporary Speaker, Sir. If someone is in charge of security in a county and has intelligence information which he can use to gauge the situation, he should take the necessary action even if it is arresting people or leaders who incite others to violence. They should desist from playing politics with matters of security in their jurisdictions. The inflammatory sentiments we keep on uttering continue to build the mistrust and tension among our people. We keep singing of developing a particular area or opening up the areas. We need to have leaders who seriously understand the things that need to be done in these areas. When you go down there, you get to understand why some of those young men want to get into conflict. To them, life is meaningless. They do not see the reason why they should continue living. There is no development in those areas. It is time for us to have genuine conversations of development and opening up those areas. I hope that we can get a solution, once and for all, for the sake of those mothers and children. We should ensure that our people are peaceful wherever they are. We should also ensure that they access basic needs and live decently’