Chair

Date: June 14th 2016

Member of Parliament: Sen. Elizabeth Ongoro

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

Date: June 15th 2016

Member of Parliament: Sen. Judith Sijeny

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

COMMITTEE OF THE WHOLE HOUSE

Date: 9th June

Member of Parliament: Sen. Judith Sijeny

Contribution she made: APPROVAL OF REPORT OF THE JPS COMMITTEE ON THE ELECTION OF MEMBERS TO EALA

‘Thank you very much. That is why I say “thank you, Mr. Speaker”. I did not finish the sentence to appreciate your reconsideration and using your prerogative powers to give me a chance to comment after you have said “finally”. This issue of EALA has become very embarrassing. I
have just come from Kampala where I met the EALA nominees from other countries and the comment they made was that, “Kenya; why are you denying us an opportunity to work as we wish to?” “Why do you not sort out your issues?” I tried to look for a few words here and there and I told them that the matter has been resolved. I know that to be the case because, as a Coalition of NASA, we have given our list. I do not see why our brothers and sisters in Jubilee would want us to give another list. I will just wish for this matter to end immediately because the confluence is neither here nor there. We should rise above our differences or personal interests and let people move and give others opportunity. Tomorrow will come and there will be more years and all those people who wish to may compete. The world is not coming to an end. Let us move on and stop embarrassing Kenya within the continent’

Date: 13th June

Member of Parliament: Sen. Emma Mbura

Contribution she made: VIOLATION OF RIGHTS OF EPZ WORKERS IN MAZERAS, RABAI CONSTITUENCY

Seneta hajanipa sababu ya maana. Naomba liharakishwe kwa sababu watoto wetu wanaumia na kuendelea kufa.’

Date: 13th June

Member of Parliament: Sen. Catherine Mukiite Nabwala

Contribution she made: THE SENATE TO PROCEED WITH DISPOSAL OF THE DIVISION OF REVENUE (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.22 OF 2017

‘Mr. Speaker, Sir, I concur with your ruling. The Bill was committed to the Mediation Committee and we expected a report. This is not the first time that Bills are passed to the National Assembly and our views, recommendations or amendments are disregarded. I, therefore, agree that we should dispose of the item as it appears on the Order Paper.’

Date: 14th June

Member of Parliament: Sen. Naisula Lesuuda

Contribution she made: APPROVAL OF REPORT OF THE PRC ON THE PERIODIC REVIEW OF THE SENATE STANDING ORDERS

‘Thank you, Madam Temporary Speaker. From the onset, I rise to support this Motion because I was a member of this Committee. Under the leadership of the Hon. Speaker, Ekwe Ethuro, we were able to sift through recommendations on the amendments of the Standing Orders from individual Members and various committees of this House. It is our mandate to review the Standing Orders of this House. It is a fact that for the last five years, we have learnt a lot of
things that will make easier the work of those who will come after us in the Senate. It will also make the processes that we follow as a Senate to be more efficient and effective.

I would like to contribute on a number of proposals before us because most of the time we spent in ensuring that laws are put in place to fix every little thing and make procedures work in this House. However, most of the challenges that we have faced between the two Houses even when the law was so clear on what the Senate was supposed to do and on what the National Assembly was supposed to do, could be addressed without us going to court or resorting to arm-twisting. The unfortunate and the sad thing is that the dignity of the Senate and that of its Members has continuously been undermined by the National Assembly. I hope after general election, the Senate and the National Assembly will have a cordial relationship. We would like to see them working together in a very cordial manner. Most of the issues we witnessed in the last five years, were political in nature and they could have been dealt with if there was good will from both Houses. I believe if there is goodwill, then a lot of business will be transacted amicably in both Houses. It has been mentioned here that there are several Bills which were passed in this House, but they have been pending in the National Assembly for the last three years. Some of them are Members’ Private Bills. It is a pity that some Kenyans are asking us what we have been doing for the last four and half years. We have done our part and passed over the Bills to the National Assembly. It is sad we have continued to see the slow movement of Bills from one House to the other House. Yesterday we thought it is important to set time frame within which these Bill should be dealt with in either House so that they do not remain pending definitely. One of the proposals here is for the President to address the Senate. Currently, if the President were to address Parliament today, we would be required to sit in the National Assembly. This does not augur well with the reputation of the Senate and it creates certain impression to us and to the rest
of the country. Hopefully after August 8th this year, I will be moving to the National Assembly. I believe if the President were to address us in this House, then that would enhance the stature and dignity of the Senate. This is because we will be debating a speech that was delivered to us in this particular House. The National Assembly will also be debating a presidential speech after the President has addressed them. This amendment is very important to both Houses. Standing Order No.159 provides that the Budget Policy Statement (BPS) also be read in the Senate. This is because the Senate is also involved in the budget process. We have to debate and pass the Division of Revenue Bill and the County Allocation of Revenue Bill. Therefore, it is right and fair for the Senate to have an overall view of what the BPS contains in each financial year. When we are debating those two crucial Bills, we must do so after we have interrogated the BPS. Therefore, it will be very important that the Cabinet Secretary responsible for Finance comes to the Senate and reads it to us. That statement will be interrogated by the relevant Committee and also by Members of this House. They will have a better understanding when dealing with those two crucial Bills. One other key aspect that we looked at, which is very important for the Senate, as it continues with its role of protecting the counties and defending the interest of counties, is the consideration of the cash disbursement schedule for county governments. This will ensure the Senate continues to play its role of protecting the interests of the counties. In the past, we have had delays in disbursement of funds to counties by the national Government. Now, with the inclusion of this Standing Order 160(b), after the Senate has passed the County Allocation of Revenue Bill, the Cabinet Secretary responsible for finance will table the cash disbursement schedule for county governments before this House. I believe that the senators who will be here representing the counties will be able to interrogate, follow and share it with the county governments so that it is clear at this point the amount of money that has been disbursed to
county governments and the next allocation will be disbursed at a certain time. It has time frames to be done so that there is no push and pull between the county governments and the National Treasury. Also, the Senate will be able to clearly follow up on the disbursement of funds, the funds at the county and use of money for its intended work. I was a chairperson of a Joint Committee. When we looked at the Joint Committees, we said that it is important that we have two Co-chairpersons of any Joint committee of the Senate and the National Assembly. However, some Members may wish to relook at it later to see whether it is an issue that can be reviewed so that each House of Parliament has its Committee. It is important that we review the number of committees that a Member can serve so that you give enough time to that Committee and enough resources are allocated to it so that we do not overstretched ourselves. In a day, there are a number of Committees that you have to attend to and you want to be present in all of them. Therefore, we felt it is important to limit that number of Committees that a Member can serve to two and allocate enough resources to those Committees so that they can execute their mandates.

Impeachment of governors has continued to elicit mixed reactions. We looked at it at length. Having received various impeachment motions in this House and from how we talked of the challenges that were there, we reviewed the Standing Orders so that the impeachment process of governors is smooth. I want to wish all the Members of the Senate who will be running for elective positions the best as we go on Sine Die recess period. Those who will be vying for governorship, we hope that once you are elected, the Senate of the 12th Parliament, will not have the same challenges with you. As senators, you have been tough. As a governor, you will have to lead by what you preached as a Senator. I hope we will have a cordial relationship between institutions. For those who will be re-elected as senators, be assured that you will have a great supporter, Sen. Naisula Lesuuda in the National Assembly. As a Member of the National
Assembly in the 12th Parliament, I will show how the Two Houses of Parliament can work together to serve this nation. Those who are retiring from politics, we know, you never retire from politics. We will still be seeing you somewhere. I wish you the best as you continue to serve. Leadership is not only exercised when you are a politician. Therefore, you should continue to use your rich experience in your counties to ensure that devolution continues to benefit all of us. Finally, we hope for a peaceful general election. As leaders going to the elections, we will preach peace and unity for our county even beyond the elections. Thank you.’

Date: 15th June

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

Contribution she made: ADOPTION OF THE REPORT OF THE JPS COMMITTEE ON THE ELECTION OF MEMBERS TO EALA

‘Mr. Temporary Speaker, Sir, I support that we adopt this Report. I am aware that there has been a “to and fro” about the process of selecting EALA Members. We have also been informed that we are time barred. The Mover has made very clear indications that there is a rule that has not been stipulated clearly and that is, the number.’

‘Mr. Temporary Speaker, Sir, as the Mover said, there is a lacuna in the law because the minimum number has not been stated. The Committee recommended that the rules need to be amended so that the specific numbers can be indicated and be part of the rules. I have also gone through the rules of EALA and they are very elaborate. However, on this specific one, there is no clarity about the minimum number that needs to be given. A position taken by a party or coalition is taken for a specific reason. In this case, the CORD has given the five names for nomination to the EALA. It is their desire that these Members be nominated to the EALA. The
recommendation of this Report is that we proceed with this process and these Members be elected into the EALA. We know that the Assembly has already began work and there are many Bills that they need to dispose of. There are many responsibilities and they need to be there so that they can also catch up with them and move to ensure that, that agenda is taken into account. This is the second time that this Committee Report is coming in, I would say, in an amended form because more calculations have come and I think they have already taken a specific position. I urge that as the Senate, we support this position so that these Members can report, as we wait for the amendments of the EALA laws in the future. I support’

Date: 15th June

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

Contribution she made: ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (NO. 2) BILL, 2017

‘Thank you, Mr. Temporary Speaker, Sir. I stand to second that the Senate adopts the mediation Report and the amended Bill that brings together the agreed negotiations by both the National Assembly and the Senate. We had two meetings. One meeting was held yesterday and the final one today.

Finally, we were able to come up with an agreed figure. We wanted to make sure that, at the end of the day, counties have more allocations because of all the issues they need to deal with. We were able to present a case.

(Sen. Sang entered the Chamber without bowing to the Chair)
Thank you, Mr. Temporary Speaker, Sir. We have been able to increase money going to the counties. Our starting point was Kshs299 billion which has been allocated before and an additional of about Kshs5 billion. That gave us about Kshs303 billion. We were then able to negotiate it to Kshs302 billion. This is very important because it allows us to move on and pass as a Bill that is acceptable by both the Senate and the National Assembly. I second.

Date: 15th June

Member of Parliament: Sen. Beatrice Elachi

Contribution she made: ADJOURNMENT OF THE SENATE SINE DIE PURSUANT TO THE APPROVED CALENDAR FOR THE 2017 SESSION

‘Mr. Temporary Speaker, Sir, I also rise to support this Motion. I thank God for giving me an opportunity to work and serve our country Kenya. As a nominated Senator, I thank Sen. Murungi for giving me the opportunity to become a Senator in the 11th Parliament. I thank the President and the Deputy President for giving me the opportunity to be the Majority Whip in this Senate. It has been a journey. I have learnt a lot. I thank all the Senators, both from the Minority and Majority side. I leave the Senate today appreciating everyone whom I have worked with. I thank the staff. They guided us. They have made us learn a lot and understand our rules and regulations. They have seen a lot from us. I believe we will continue to work together. Mr. Temporary Speaker, Sir, I thank the Speaker of the Senate for standing with us, especially the nominated women and for giving us an opportunity to serve as other Senators. We have had a privilege. We had a lot of challenges, for instance, office space and staff. I hope that going forward; the Parliamentary Service Commission (PSC) will look at this. God willing, we will raise these proposals when we move to the National Assembly. This will ensure that Members of
Parliament (MPs) enjoy the same privileges. Mr. Temporary Speaker, Sir, I thank those we worked with in the Committee on Devolved Government and the Committee on Finance, Commerce and Budget. This has been a journey and it is commendable that this House passed the first Motion to enhance the National Youth Service (NYS). I am always proud and glad that we had that vision. That Motion was supported by many Senators. Today, the NYS is an institution that is properly enhanced, accountable and can support many young people. I still believe that it will be an institution that can manage and recruit persons who want to join the disciplined forces. A person can go through the NYS and join the disciplined forces. Mr. Temporary Speaker, Sir, I hope that the next Senate will help the county governments. As we leave today, we leave the county governments in limbo; they do not know the dates when the next governors will ascend to power. I hope that the Senate will look at the assets of the county governments. I hope that county governments will take over and reduce the amount of the revenue that they access from the national Government. They should be able to collect their own revenue so that they grow. I want to thank Kenyans and the media. The media is an institution that has walked the journey with me. I thank all the media houses for supporting and building us on different platforms. I appreciate this Senate because we were able to sit with powerful men who worked in different Governments as Ministers and have taught us a lot. As we leave, we are better. I believe that I will be able to transform the National Assembly. I will ensure that it is a House that Kenyans appreciate. It should be a House that keeps its promises, that respects other levels of Government and the revenue that is collected from Kenyans. Therefore, everyone should have an opportunity to work for Kenyans without having doubts of why they were elected. Mr. Temporary Speaker, Sir, this Senate will go down in history as one of those institutions that had a lot of challenges. However, we were able to pass Bills and take them to the
National Assembly. Today, there is the issue of food insecurity in the country. If we had passed and implemented the Agriculture, Fisheries and Food Authority (Amendment) Bill, we would be talking a different language. At the same time, we hope and believe that the next Senate will have money to oversight the national Government and the county governments. We must appreciate that the Senate is not the only institution that is mandated to safeguard devolution. The National Assembly and all Kenyans should also appreciate devolution. At the end of the day, we are all Members of a particular county. Therefore, we hope that we will not see the notion of ego-fighting in the next Parliament. We hope to see a Parliament where both Houses will sit and have informal meetings to mediate on some of the critical Bills and have a consensus. This way, we will conduct business faster for our country and people. At the same time, we should harmonize the Houses to appreciate that we do not need aggressive competition where people leave one institution for the other. We would rather leave the institution of Parliament to become governors. That way, we shall strengthen this House. Mr. Temporary Speaker, Sir, we are leaving having not seen the finality of most reports. Sine die adjournment means that all the reports are done away with and we will start again. That is not fair because we are using resources we receive from the public. I believe that it is important for us to have a recommendation that will help the country. Therefore, the reports of different committees should come to pass and their recommendations be implemented. As we adjourn, we should appreciate that Parliament has a training institute. Some Senators, perhaps due to ignorance, have not had the privilege to access that institution. The next Parliament should understand the institution and the privileges that are there. It is the role of the Parliamentary Service Commission (PSC) to strengthen departments, staff and the institutions of Members. There should be a report that states that the PSC of the 11th Parliament was able to bring up an awesome building that is
almost complete. It should also table the budgets that were passed by Members and the challenges they went through to receive monies. The PSC has never done that. Mr. Temporary Speaker, Sir, we cannot be in a House where we do not know our rules and regulations or what is happening to our budgets, yet, we want to oversight other institutions. It is time for Parliament, through the PSC, to start being transparent and accountable in what they do to their Members and staff. God willing, when I join the National Assembly, I will stand a fight on so many battle-fronts. We have very good staff who would wish to see Parliament work in a transparent way. We also want to digitize Parliament to minimize the use of papers. Therefore, I pray to God that we shall have a different 12th Parliament. When we start to clean Kenya of corruption, we shall start with our own institution. Therefore, Kenyans will appreciate our work. Mr. Temporary Speaker, Sir, as I finalize, I want to thank the people of Dagoretti North Constituency for being very kind and humble. I want to thank everyone who will vote in Dagoretti North Constituency. I know that we will walk a journey to transform Dagoretti North Constituency to be the model of a few constituencies in Nairobi that can change the lives of many Kenyans who are in need. We pray to God that through his mercies, His Excellency the President will have a second mandate to ensure that his agenda for this country will move on to the next level. We pray to God that through his will, it will happen. Those of us who are going to compete for positions, pray that we shall have peaceful elections. No politician would wish to see a young person pass on because of politics. We need to deal with issues without looking at our ethnicity and the negative challenges that we have faced. We need to look at the positive challenges, for example, provision of basic needs, shelter, food, education and security. These are the things our people yearn for. Our young people also need to be employed. We need to tell Kenyans what we will do things differently from the incumbents. I believe that if we do that, we shall stand to be counted. I thank God for
this Senate and may God guide even the souls that departed. May the late Sen. Mutula Kilonzo, Sen. Otieno Kajwang and Sen. Boy Juma Boy of Kwale County rest in peace. I support.