CHAIRS

Date: 15th November 2016
Member of Parliament: Hon. (Ms) Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker

Date: 17th November 2016
Member of Parliament: Hon. (Ms) Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker

Date: 22nd November 2016
Member of Parliament: Hon. (Dr.) Joyce Laboso
Contribution she made on: The Deputy Speaker

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Member of Parliament: Hon. (Dr.) Joyce Laboso
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Date: 23rd November 2016
Member of Parliament: Hon. (Ms) Jessica Mbalu
Contribution she made on: The Temporary Deputy Speaker

Date: 23rd November 2016
Member of Parliament: Hon. (Ms) Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker
Date: 24th November 2016
Member of Parliament: Hon. (Dr.) Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 24th November 2016
Member of Parliament: Hon. (Ms) Rachel Shebesh
Contribution she made on: The Temporary Deputy Speaker

Date: 29th November 2016
Member of Parliament: Hon. (Dr.) Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 30th November 2016
Member of Parliament: Hon. (Dr.) Joyce Laboso
Contribution she made on: The Deputy Speaker

Date: 30th November 2016
Member of Parliament: Hon. (Ms) Jessica Mbalu
Contribution she made on: The Temporary Deputy Speaker
Thank you, Hon. Speaker for the opportunity to contribute on this very important Bill. I am also happy with this Bill from the Senate that seeks to ensure that our counties are run somehow independently. As you are aware, we at the National Assembly, have the PSC that basically looks at our welfare and other issues that we have to talk about.

Looking at the various counties, devolution provided immense opportunities for our people at the grassroots to be represented at that level. Unfortunately, most of our counties have not performed very well. Most of the MCAs have been discharging their duties at the mercy of the governors. I am very sure and confident that with this Bill, we are now going to have serious county assemblies that are working and the assemblies are going to have their boards which are going to dictate and inform how they are going to work.

What I am happy about the Bill is the fact that it will have its own budget which is going to assist in the running of these assemblies. What I wish to see and what I am still very happy about is that the various county assemblies are going to align themselves with the national values that we all ascribe to as legislators and as MCAs. I support. But we still have a few things that we have to fine tune and which we will definitely talk about when it comes to the Committee of the whole House stage.

One of them which I have an issue with is Clause 9 which talks about the qualifications and procedure of appointment of the county assembly service board. It is good. Clause 9(1)(b) talks about one having to hold a degree from a university. We are all aware that most of our counties are not at the same level, especially when it comes to education. That is why when we talk about degrees and diplomas, we have to go back to our various counties and look at our history. We have to go down to the communities which have been disadvantaged in terms of access to education. Those are the small things that put our people back when it comes to competitive politics.

I have an issue with Clause 9(1)(b) that says that one has to hold a degree from a recognised university. It is not always the same. Our counties are not homogeneous. We have counties where MCAs are still struggling to upgrade their education. We may be cutting out other potential members who could have formed these boards. If you look at my community, the Kuria community, you will find that it is no doubt we are trying to put our education levels a bit high.
Migori County that I represent here, for example, is cosmopolitan. What I am happy about is the fact that if we are looking at the issue of national values, we are going to include issues of gender. We look at gender and diversity. What I am happy about, for example, is the fact that the county I represent in this House is cosmopolitan and divergent. With this Bill looking at issues of diversity, I am very sure even members of minority communities who constitute a county are going to be considered.

Hon. Speaker, I have an issue with the provision on a degree. We need to look at the composition and say that it has to be a diploma and above so that MCAs who do not have degrees can form the CASB at the county level.

Clause 9(c) discriminates against young people. There is no way you can say that a person to constitute the County Assembly Services Board should have, at least, 10-year experience in public service. Where do young people get experience? Those are the few things that are already discriminating against young people who constitute a county assembly. If you look at the Constitution of this country, you will realise that we denied young people an opportunity to be nominated. If you also look back, you will find that slots for nomination of youths in this country at the county assemblies are just two: a man and a woman. We have already discriminated against them.

We should have a way of ensuring that young people who are to be nominated in the counties are, at least, three the same way we have women nominated to the National Assembly or the Senate. This clause is talking about somebody who is to constitute the Board to have, at least, 10-year experience. If there are youth at the county level, how will they form this CASB? We are already locking them out. These are some of the things that I can see will take us back.

We also need to ensure that even as we constitute this Board there is representation from persons with disabilities. These are some of the small issues that we need to immediately put in place. There is no representation in the Board at the county assembly level of a person with disability and there is no representation of a youth because we are talking about 10-year experience. Where do young people fall? At this level again, we are talking about education. We still need to go back and look at this Bill very seriously at the county level.

We are all aware that county assemblies are the first entry points through which our people in the village have seen some devolution. Again, we need to ensure that devolution is working for our people. If we talk about 10-year experience, it means that people who sit in Nairobi and go back to the community when they have retired will be the same people to form the CASBs because they have 15 or 20 years of experience. Where are the opportunities for persons with disabilities, youths and minorities in the counties?

As much as this is a good Bill, there are a few things that we need to tie up or fine tune so that it becomes complete. This is a Bill that has originated from the Senate. It is in good taste and we are going to ensure that in our counties, just like the PSC that we have, it will serve our people at that level.

With those few comments, I wish to support the County Assembly Services Bill.

**DATE:** 16th November 2016

**Member of Parliament:** Hon. (Ms.) Muhia
Thank you very much, Hon. Temporary Deputy Speaker. I was the first one to come to this House this morning, having looked at the Order Paper and having found this Motion on the Order Paper. In that regard, I want to thank Hon. Mwaura for moving the Motion and the Member for Buuri, for seconding it very sufficiently.

From the outset, I support the Motion. I wish to point out two or three issues. First, I want to show a survey by the US Census Bureau of 2002 which showed that small business administration employ more than 50 per cent of private workforce which generate more than half of their Gross Domestic Product (GDP). This is also a principal source of new jobs in the US.

Principally, we know that some time back in Kenya, we had polytechnics which unfortunately or fortunately were converted to universities like the Kenya Polytechnic, Mombasa Polytechnic and many others. Most young people were able to equip themselves with technical and innovative skills from the technical education that was offered in polytechnics. If this fund was set aside, even though we may not have these polytechnics, the entrepreneurship centres will equip the youth with entrepreneurship education and through their innovation, we may change this country to financial freedom.

Today, as politicians, we are bothered all over. It has come to the notice of every aspirant that it is hard for the youth to live without coming out of the streets. You go around the streets as a Member of Parliament and the youth are saying that they have not seen you. Even when you are standing there, they will still say that they have not seen you until sometimes you have to part with something, so that they can say that they have seen you. This simply says that our youth lack financial freedom. They have no income. They are idle. Once they are equipped with finances through a structured manner, they can be self-reliant and they can have financial freedom. With financial freedom, no politician will be giving the youth Kshs100 to vote one way or the other in future. In that regard, the country will stand a better chance to have better leaders because the leaders will not have come from financial muscles. The leaders will go and sell the best ideas to our youth and they shall be elected based on ideologies.

The issue of security is worrying in this country. Why do we have so many youth turning to radicalisation? It comes from idleness. They have finished school, they are desperate and the mode of employment they find easily is learning through the internet what is happening. For this reason, we shall also escape, as a country, from the security threat that faces Kenya today through terrorism.

We also need taxes to continue building our country. Our country is no longer in the 1970s. We need good infrastructure, good hospitals and water. We need our lives and the lives of our children to be improved. It is only a family with a proper income that can improve the lives of its members. It is this income that is taxed for the Government to raise money to build the infrastructure.

With those few remarks, I would not fail to say that young people living with disabilities will also benefit from this fund. Therefore, I support. I thank Hon. Mwaura and the team.

DATE: 16th November 2016

Member of Parliament: Hon. (Ms.) Shakila Mohamed

Contribution she made on: Motion on Support for Youth Innovation by the Government
Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this very important Motion. I first want to thank Hon. Mwaura for bringing this Motion. About 70 per cent of this country’s population is made up of the youth. Unless the Government does something for the youth, it will not be very healthy. The youth will be idle. Our youths are very idle. Most of them are very educated and yet, they have no jobs. That is why some youths have turned to radicalisation, drugs and many other menaces in this country, which have contributed to many crimes. We should do something to occupy our youth so as to prevent them from committing crimes. We have our polytechnics which are not very well equipped and not doing much for our youth. We need to nurture their talents from the school level. Our children are only forced to pass examinations in schools with no idea of what to do with the certificates. They have no idea of careers because they have not been nurtured to take up what they are good in. The Government has done a lot in the field of innovation by providing funds and other projects like the National Youth Service (NYS), but that is not enough for the 70 per cent of our population. We have not empowered our youth to know how to access those funds. We should train them on how to access those funds. That money is taken back to the National Treasury and it might be benefiting the wrong people as opposed to our youth. Our youth are not even in a position to access the 30 per cent that they have been given by the Government to access tenders. They do not have any idea of accessing the capital that is already there. We should change our education system to ensure that we have innovation centres so that our teachers can identify the talents of your youth and nurture them to develop their careers. Those who have come up with innovations have not been recognised because this country has nothing to offer to our youth in terms of growing their talents. With those few remarks, I support.

DATE: 16th November 2016

Member of Parliament: Hon. (Ms.) Mitaru

Contribution she made on: Motion on Support for Youth Innovation by the Government

Thank you, Hon. Temporary Deputy Speaker, for this chance. Thank you my brother for bringing this Motion. Most of the young people and not just the ones who have gone to school come up with innovations which we borrow from. We want this nation called Kenya to support the young people in this nation because when we do that, the mothers of Kenya will have educated and supported young people. We will have mature men and women who are future leaders of Kenya and who have been recognised and supported. That is how development will come up very fast.

DATE: 16th November 2016

Member of Parliament: Hon. (Ms.) Nyamunga

Contribution she made on: Tribute To Hon. Otuoma’s Son

Thank you, Hon. Speaker for giving me this opportunity to convey my condolences to the family of Hon. Otuoma as a Member of the Orange Democratic Movement (ODM) and being the Deputy Chair of our party. I would like to convey my heartfelt condolences. I may not
understand the level of the loss, but I know it is a great loss to lose a child more so a son in the African set up. So, we join him and we want to urge all Members to support him during this difficult time.

Thank you, Hon. Speaker.

DATE: 16th November 2016

Member of Parliament: Hon. (Ms.) Kiptui

Contribution she made on: Appointment of the Chairperson of NACADA

Thank you, Hon. Speaker, for giving me this opportunity. I am also a Member of the Committee that vetted the nominee. I can assure you that going by his demeanor, the way he answered questions and his past experiences, I believe that he will deliver. However, we all know that not one individual can eliminate the problem of alcohol and drug abuse in the country. So, as much as we urge our colleagues to approve him, we know that he needs a lot of support. The previous Chairman came in with a lot of enthusiasm. When an individual is not given proper support, be it financial or otherwise, the impact may not be felt much.

Hon. Speaker, it is important that the nominee has a background in security. I am sure that will definitely help him in the delivery of his mandate. As my colleague Hon. Wanyonyi has said, we need to target the suppliers of drugs and alcohol. As a country, we need to be conscious that if we are not careful, we may lose the future generation of this country. It is everybody’s business to fight alcohol and drug abuse. The young people are very enthusiastic and would want to be kept busy but, we all know that in our country, we have many young people who are unemployed and they become a target of those drug suppliers. That means that parents and leaders should take these issues seriously. They ought to discourage the young people from taking alcohol and drugs. We have no choice but to be very good role models for the young ones. We cannot harp that young people should stop abusing alcohol and drugs and yet, we ourselves are abusing the same.

I am glad and I urge my colleagues to support the appointment of that nominee. We should, however, know that not one Kenyan can clear that problem. We have seen, in the past, the appointment of blue-eyed politically correct people dubbed “members of the dream team” and yet, the problem has never been solved. It is because an individual cannot clear the problem. It has to be through the concerted efforts of all Kenyans. That way, we will achieve our targets.

DATE: 16th November 2016

Member of Parliament: Hon. (Ms.) B.N. Nyaga

Contribution she made on: Appointment of the Chairperson of NACADA

Thank you, Hon. Speaker. I stand under Standing Order No. 95. When you listen to what Members are saying, they are just repeating themselves. Can you call upon the Mover to respond?

Thank you.

DATE: 16th November 2016
Thank you, Hon. Temporary Deputy Speaker. I rise to oppose this Report. I have great respect for the Chairman of the Delegated Legislation Committee, Hon. Cheptumo, as well as the Members of the Committee, which has some of the best brains in terms of legal matters in this House.

The Senate has travelled a very long and bumpy road to get to where it is today. You might remember that the first time Kshs1 billion was allocated to the Senate for purposes of monitoring and evaluation, that money ended up being removed by this House and re-allocated for other purposes when there was tug of war between the National Assembly and the Senate. After that, another allocation was made to the Senate of about Kshs300 billion to proceed with monitoring and evaluation. Because of regulations and other reasons, that also did not see the light of day.

I sit in the PSC and I know that it has been quite a journey to get the regulations to where they are today. I know that the Committee of the Senate that is spearheading this matter is also led by a very senior lawyer, Sen. Kiraitu Murungi. There has been a lot of discussions between the Kiraitu-led Committee and the Committee on Delegated Legislation to try and iron out some of these issues that have been emerging. We cannot run away from the fact that we now are in a bicameral Parliament, namely, the Senate and the National Assembly. The PSC has a responsibility, as provided in the Constitution, to ensure that both Houses run effectively, so that Parliament is able to do its duty.

With regard to the reasons for the annulment of these regulations, I know they were created under the Parliamentary Service Commission Act. This is what has gone back and forth to the Committee on Delegated Legislation. It did not seem to be an issue until the Senators proposed and made all the amendments. Ultimately, they were told that the regulations were now being annulled.

Hon. Temporary Deputy Speaker, I would like to point out that even the money that we spend within our constituencies and counties, the regulations operate under the Parliamentary Service Act. These funds are appropriated under the Parliamentary Service Commission (PSC).

The National Assembly cannot be seen to be fighting, in perpetuity, with the Senate. At some point, we must say that Senators must be facilitated to do their duty. Senators are people of very great respect in this country. When they walk around and they sometimes have to be subdued by governors who have a lot of money and who they are trying to oversee, it does not look good. We say that counties are losing resources through corruption yet we know very well that many of our county assemblies have not shown capacity to effectively offer oversight to the county governments. We need to be fair. Again, as the National Assembly, we take away facilitation from the Senate to do this. For you to oversee and move around, you need resources. You cannot be able to meet people, talk to them and ask them whether they are enjoying the projects with your mileage funds. Honestly, is it possible? Nairobi County, for example, has no mileage funds. The counties that surround Nairobi have no mileage funds. So, how are the Senators in these areas going to effectively oversee county governments?
I want to agree with my colleagues that I see no good faith in the rejection or annulment of these regulations. Just the same way there has been back and forth in adjusting the regulations, I want to urge the Committee on Delegated Legislation to sit down with the Senate Committee as we have done. Let us point them to exactly where we need them to make correction. Let them make that correction. Let us pass these regulations. Let us give Senators this money. Let them do their job. Time is running out, as somebody correctly pointed out. Honestly, we do not expect to run out of this Parliament and into the next. The PSC is all the time, including our Speaker who chairs the PSC, accused of favouring the National Assembly and sidelining the Senate. We do not want this to also appear as one of those areas where we are being told we do not equally serve our sister House or our brother House, the Senate.

With those many remarks, I would like to oppose and urge the Committee to kindly sit down with the Senate Committee and iron out any pending issues. Let Senators receive money to do their work. Thank you.

DATE: 17th November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Contempt of Court Bill

Thank you, Hon. Temporary Deputy Speaker. I wish to support the Bill. This Bill is a good piece of legislation in consolidating provisions on contempt but it would have been good practice to have some level of legislative coherence. It would have made more sense if all the consolidated pieces in terms of contempt were contained in the Judicature Act. This Parliament is doing a good job but we tend to over-legislate. In the end, we will be giving lawyers more difficult tasks. Contempt covers a lot in terms of substance but it is a by-product of proceedings. In my view, it would make sense if contempt was covered under the Judicature Act instead of having it as a standalone piece of legislation.

It is not that we do not have laws on contempt but it is just that they are sprung all over. It is a good advocacy because our own Government has been very notorious in contempt of court: The court gives very clear decisions and the Government disobeys. We need very stringent provisions where there is contempt by the Government. For instance, in civil procedures, we go after the Authority to Incur Expenditure (AIE) holders who are usually the Principal Secretaries (PSs). We need to zero in on them especially when it comes to criminal contempt. I have a few concerns with some of the provisions and I am glad that the Member for Nakuru just raised them when we were sharing quietly with Hon. Ababu. Under Clause 19 of the Bill, there is a practice that has always obtained. It has never made sense to me even when I was practising especially when we are moving towards a more open society why lawyers would not wish the public to be informed about what goes on in court. The provision under Clause 19 is unconstitutional. It limits the freedom of speech and information. As lawyers, we must learn to be open. When I was practising, I was a bit off. I consider myself way ahead of my time because I sometimes say things that are seen as very outlandish but after two years, everybody follows them. For instance, when I started practising, it was unheard of for women to go to courts in trouser pants. I was chased out of court when I went into court with them. Our courts should be
more progressive. We should not necessarily say that we are copying America because they showed us very recently that they have very little we can emulate as African countries. It is time for the African countries to be the trailblazers. Let us start good processes that America and other nations can follow.

DATE: 17th November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Contempt of Court Bill

I think one of those processes is to loosen up our courts and make them friendlier. I know there is a lot that has been done towards making them friendlier but one way in terms of making our courts friendly is that we need to be open in terms of the process of the court itself. Let us demystify the court process. Part of it is looking at some very technical terminologies. I was talking to the people of Mbita and I told them that sometimes when Jubilee is difficult, we filibuster. I tell them that Jubilee is not very smart. By the time you discover that I am filibustering, all I am doing is wasting your time. As a lawyer why do I say —filibuster‖. Just say I am wasting your time. Those are the kind of things that we need to stop as lawyers. Let us demystify the law and make it easier for people.

One of the things that I would want to raise as a concern for me is--- Sometimes, I have seen that when I raise some of these issues, they sound very simple but I have been proven right. I cannot remember the law that came here. I think it was the law on vetting of magistrates and judges. There was just one word like the one I am going to raise here that talked about temperament. I pushed for the deletion of that word. I remember even very senior lawyers like my good friend, Senator James Orengo, and the late Mutula Kilonzo were on record as saying: —No! No! No! We need temperate judges.‖ It was used to purge extremely good judges like Justice Ang’awa. The reason she was removed from the court was because of her temperament. This is a woman who was incorruptible yet we have left corrupt people in that court merely because Justice Ang’wa goes to court and she looks like she has a mood. If you compare mood against corruption, I would rather have a person with a mood any day. The most Justice Ang’awa would do is tell you that she could not see you because your earrings were big or other very irrelevant things. I could go out and remove my earrings and she could hear me. However, I cannot change a corrupt judge. Those are the people we need out of our courts.

Clause 6 says that every subordinate court shall have power to punish for contempt of court on the face of the court in any case where a person assaults, threatens or intimidates. Assaulting is very clear because we even have a law that talks about assault or threatening but what is —intimidate‖? If I go to court and sit at the back and, maybe, I glare at you without blinking, I could be intimidating. So, what is contempt? Some of us who have been in civil society are very good at that. I will just go and sit right in front of the judge if I think you are going to make a decision which is inimical to my right as a woman and we just sit the four of us. I remember one time when I was in the Coalition on Violence Against Women. We went to court wearing T-shirts and we just looked at the judge. The judge told us that we were intimidating him. If such a thing
happened, would we be declared to be in contempt of the court? So, such provisions should not be in the law.

However, I want to say on the same line that I like the provision: —”or wilfully incites a judicial officer or a witness during a sitting or attendance in a court” The reason why I like that is if we were to compare it to what Miguna Miguna did, assuming what Miguna Miguna did in *Jeff Koinage Live* yesterday were in court, then I think Miguna Miguna would be in contempt of court. Even Jeff Koinange himself would be in contempt of court for abusing women and women sexuality like women invented sex. In fact, I wrote today in my *Facebook* that I love sex, I enjoy sex and I have sex. I think what Kenyans need to do now is start talking about sex like it is a normal thing. Let us stop making women feel guilty of sex like we invented it. Every time a woman wants to run for office we talk about sex. What is this about sex like we are inventors of sex? If we have invented it, can they give us permission to take it back where we got it from? We cannot allow men to be dealing with women like they think we created sex. If they have a problem, let them pray and tell God to remove sex but we will not sit here and let people intimidate people like Passaris merely because she says she wants to vie for the position of governor. She is not in my party. If it were not for the issue of parties, I would have told all the women to vote for Passaris on that basis alone so that men stop joking with us. We are the majority.

My annoyance has made me lose time. I also have an issue with Clause 9, especially on the issue of fair comment and even the issue that I have raised under Clause 9 (b) on the issue of temperate language. What is temperate language? Like now I have talked about sex. Somebody will tell you: —That is not a God fearing woman.|| You are worse than me. Maybe your heart is black. You hate Luos and Kikuyus and because I have talked about sex, you are telling me my language is temperate. I do not hate Kikuyus or any other tribe but you think my language is temperate. Let all people repent and go to heaven and leave women alone.

I support the Bill

**DATE: 22nd November 2016**

**Member of Parliament: Hon. (Ms.) Sunjeev Birdi**

**Contribution she made on: Petition on Proposed Amendment to the Nutritionists and Dieticians Act 2007**

Thank you, Hon. Deputy Speaker. Unfortunately, I am not aware of anything. I was not informed. So, I am not quite sure what is on the Order Paper.
Yes. I am not to present it.

**DATE: 22^nd^ November 2016**

**Member of Parliament: Hon. (Ms.) R.K. Nyamai**

**Contribution she made on: Notice Of Motion on Adoption of Report on Ratification of Agreement on Threat Reduction Biological Engagement Programmes**


Thank you, Hon. Deputy Speaker.

**DATE: 22^nd^ November 2016**

**Member of Parliament: Hon. (Ms.) Abdalla**

**Contribution she made on: Talk on Doubling Forest Cover by Hon. (Dr.) Carlos Rodriguez**

Thank you, Hon. Deputy Speaker.

On behalf of the Departmental Committee on Environment and Natural Resources, I wish to invite all Members to a talk by Hon. (Dr.) Carlos Rodriguez, former minister for environment and natural resources of Costa Rica and current Vice-President of Conservation International, who will give us a talk on Costa Rica’s experience in doubling their forest cover. As you all know, our Constitution calls for us to have 10 per cent forest cover. Currently, we are at less than five per cent forest cover. I wish to request all Members to join my Committee at the County Hall tomorrow at 7.30 O’clock to 9 O’clock in the morning to learn how Costa Rica has been able to achieve that.
Member for Kiminini, there will be tea. It is not too early for you because I know you have the Catholic Mass on Wednesday morning. Please, join us at County Hall.

DATE: 22nd November 2016

Member of Parliament: Hon. (Ms.) Ghati

Contribution she made on: The Health Bill

Thank you very much, Hon. Deputy Speaker for the opportunity to talk about health. First, I thank the Committee for these recommendations. I also thank the Senate. Health is a human rights issue. It has been seriously enshrined in the Constitution. So, it is an issue that is very critical both for the national Government and county governments. It sometimes pains that even though we discuss matters health here, the Ministry of Health is engrossed in a number of allegations of misappropriation and misuse of funds.

We know very well that the Ministry of Health is yet to account for several allegations that have been made against it. The allegations range from stealing money meant for the sick, maternity provisions to antiretroviral (ARV) drugs. What are we talking about here? We need to be serious about matters health. A healthy nation is a prosperous economy. We cannot talk about health in our counties when our national Ministry is in problems and cannot account for the millions of shillings lost. There is also the issue of tenders meant for ARVs.

I agree that even though we have this Report before us, we still have a lot of loopholes and serious issues at the county level that we need addressed. It is unfortunate we have these problems despite the fact that we send millions of shillings to county governments. We are all aware that since devolution, our counties have not been well equipped to deal with the issue of maternity which is a devolved function. In fact, maternity in this country is free. However, we have counties where mothers go to hospitals to deliver and they die at the door step. To me, I consider a county where a woman gets into labour and dies at the door of a hospital a failed county.

There are several counties that cannot even talk about drugs. We also have hospitals whose shelves are empty. They do not have basic drugs and essential requirements needed in a hospital. To me, those are failed counties. A county hospital that cannot provide for the health of its people is a shame to that county. A county hospital that can also not look at the issue of gloves or even basic drugs such as Panadol and Piriton is a shame to that county.

Hon. Deputy Speaker, even though maternity is devolved, we, at the national level cannot leave the entire task of healthcare to counties. This is because we have a role to play as the national Government. The Report is very clear that our role is to provide policy at the national level, so that the implementation is left with a governor. As much as health is devolved, it is a function that is shared at the national level at some point. Therefore, the issue cannot entirely rest with a governor of a county. We have a responsibility in this House to ensure that we check on how counties are doing.

This Report also raises the issue of Health Human Resource Council (HHRC) at the county level. This is a plus. There are counties that cannot fund their qualified medical personnel. So, these counties go out there to fish for external people to come and work in their hospitals. This is very
wrong. This Report and, especially, the recommendation on the HHRC, is a plus even to my county, Migori.

We do not import medical personnel in Migori. It is clear that this Council will ensure that all the people who work as medical personnel are well trained. It will also offer opportunities to our young students who go to universities and colleges to attend internships.

Hon. Deputy Speaker, we need to seriously look at this issue of internship. Students in colleges and universities should be allowed to enjoy internship and gain the experience they need within their counties. That way, they will be in a position to provide personnel that is required.

Lately, our doctors and nurses have been running around like school children agitating for salary increment. This is a good Report if at all it is going to address the issue of HHRC. We do not have to see our nurses in the streets carrying placards as they demand for better pay.

Healthcare is a very serious issue in this country if we want to move forward. That is why I support the Departmental Committee on Health on the issues it has raised in their Report as well as the Senate on the few changes it has proposed.

Despite the fact that we are talking about health, we also need to be very serious on the issue of corruption. If managers in the Ministry of Health condone corruption, the vice will be devolved. If that happens, there will be no service delivery at the county level. Therefore, we have to address this issue at the Ministry of Health.

DATE: 22nd November 2016

Member of Parliament: Hon. (Ms.) Ghati

Contribution she made on: The Penal Code (Amendment) Bill – Second Reading

Thank you very much Hon. Temporary Deputy Speaker for giving me the opportunity to talk about cattle rustling. I support the Penal Code (Amendment) Bill and thank the Joint Committee on National Cohesion and Equal Opportunity. The attempt to comprehensively deal with the issue of cattle rustling is long overdue. Cattle rustling should be considered a national disaster.

When we talk about cattle rustling, some people think that it only happens in Marsabit and in the North Rift. They do not understand that any community that has cattle, goats, sheep and chicken also faces this problem. The Kuria Community – to which I belong – has for a long time been engaged in cattle rustling with their Maasai neighbours. You can ask the Member for Emurua Dikirr. Every now and then, elders from my community sit down with elders from the Maasai community to broker peace deals and negotiate on how to take care of the people and the livestock of the two communities, and how to coexist.

Young people and women in Kurialand cannot sleep in their homes as we speak. Right now they are carrying their luggage. Young people armed with machetes, rungus and illegal firearms are responsible for providing security. You see young people walking around the borders of Masangura and Gwitembe. People in Makararagwe, Ikwabhe-re-kuria and Kugitimo in Kuria East have not known peace. Members of the Kuria Community living along the Kuria/Maasai border do not sleep. That is why our young people are always at loggerheads with members of the Maasai Community. We have not known peace for a long time.
I now want to delve on the land issue. My people have no means of livelihood. We need to seriously look at that issue. I am very happy because of the punishment that has been introduced on cattle theft. Fifteen years imprisonment is a lenient sentence. Cattle raiders are people who destroy other people’s livelihoods. They rape women and girls, maim people, destroy whatever they come across and do all manner of bad things to their innocent victims. Fifteen years imprisonment is good for cattle rustlers.

The second issue I am happy about the Penal Code (Amendment) Bill is the way it seeks to address the issue of laxity among law enforcers. Some police officers overstay in areas affected by cattle rustling until they become acclimatised to the cultures of the local communities. They become so comfortable until they get used to those cultures. These are the same police officers who are used to hide cattle rustlers. They know the perpetrators of the vice. At times some police officers participate in cattle rustling. It is good that this Bill recognises this issue and proposes that any police officer who during his time of duty becomes aware of an impending cattle rustling attack but fails to act should be liable to imprisonment for 10 years. Such an officer should be imprisoned for more than 15 years. Some police officers come from areas where there is no cattle rustling but once they are posted to areas where cattle rustling is practised; they get involved because they have the machines. At times they are used by cattle rustlers for protection. Police officers should not stay in a community like that for over three years. We should even reduce the years. A police officer cannot go to a community and overstay. They need to be transferred very regularly because when they overstay they become culprits.

I know that my people are very happy about this Bill. I am sure that they will happily support it. We have women who have been raped, bread winners who have died and young people who do not go to school because there is tension in the border areas. Children in Kugitimo, in Kuria East – which I represent here – do not go to school because school premises are used by raiders as their hideouts. There are so many ills that happen within the community. What happened to the issue of police reservists? I want to bring the issue of police reservist to this House again. A lot of our young people have completed college and university education, and who just loiter in the streets, can serve well as police reservists. They should be trained on how to use guns correctly to provide security.

We urge that peace is restored in our borders. As I speak, there is an area in Kuria East Constituency called Ikwabhe-re-kuria. That is an area where people do not sleep because of cattle rustling. I want this House to know that the cattle rustling menace does not just affect the Pokot, the Njemps and the people of the North Eastern Region. The other day we saw a Member of Parliament mobilising his community to go and look for cattle in the Kuria Community. In Migori County, where I come from, we have all these communities. Some of us, like the Kuria Community, are pastoralists. Others are fishermen. We are looking for ways of coexisting. If, for example, someone from Migori Town goes to Isebania and steals cattle, that person needs to be held responsible because he will have destroyed the livelihood of the community he stole from. We need to seriously look at the issues of police transfers. How long should a police officer serve in a community or in an area where he is posted before he gets so comfortable to start engaging in cattle rustling? Those men have to be transferred every three
years. The whole issue of fine or 15 years imprisonment for cattle rustlers should not be compromised.
That is the only way we can ensure that this legislation becomes an effective law. It is a good step. It is something that is going to happen. Some of us have seen it all. Even my own mother has been a victim of cattle rustling. There was a time when she lost 19 cows. She is a pastoralist. When all her cows were stolen, she cried. She is still crying. She still recalls what happened. She has not forgotten. Cattle rustling is a serious source of pain. It needs to be given the attention it deserves.
With those few comments, I commend the Joint Committee. We need to look at the issue of law enforcement so as to avoid the issue of proliferation of illegal firearms amongst our people. We have so many illegal firearms being used in our communities because people are looking for ways of protecting themselves because the law is not protecting them against cattle rustling. So, we need to look at these issues very seriously.
Cattle rustling is as serious as any other crime in this country. That is why I feel very passionate about this amendment Bill. Its passage will save my people from rape and being maimed. Women in my constituency will be able to sleep tonight if this Bill becomes law.
I fully support this amendment Bill because we are also looking for ways of promoting peace within our borders. My Kuria community needs to be protected from the Maasai Community. The Maasai also need to be protected from the Kuria. We need to coexist in harmony. That can only be achieved if we have a law that criminalises cattle rustling.
That can only be achieved if we have a law that also criminalises cattle rustling. Therefore, as soon as yesterday, I support the Penal Code (Amendment) Bill and when it comes again, I will support it.

DATE: 22nd November 2016

Member of Parliament: Hon. (Ms.) Emanikor

Contribution she made on: The Penal Code (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I want to thank the Chairperson of the Committee on National Cohesion and Equal Opportunity and his Committee for coming up with the Penal Code (Amendment) Bill which is responding to the needs of millions of conflict ridden pastoralists who have fallen victim to cattle rustling.
When people hear of cattle rustling, they just think of cattle being stolen. It is much more than that. You cannot compare it to the theft of millions of shillings from banks. It is about people’s lives. It is about loss of livestock, which is a livelihood. It is about loss of food security. It is about property, infrastructure, schools and, water facilities which have been burnt. It is about abductions, kidnapping and rape. I do not know whether we need to capture all that in the definition. Cattle rustling does not include all that but that is what usually takes place when there is cattle rustling. It is about displacement of thousands of people who lose their homes. It is about displacement of schools, institutions of learning and other institutions of public services. It is about destitution and poverty. This is what has exacerbated poverty in this
country. All these are synonymous with those communities that have engaged in cattle rustling. Those communities have no idea what is going on in the rest of Kenya because they are preoccupied with how they should protect themselves and acquire cattle for social purposes and, for feeding, at any cost, including loss of lives.

I am happy that the definitions provided in this Bill will help criminalise this practice and subject the culprits to the required penalties. I am happy about the 15 year prison sentence. It should be more. That is adequate enough to cause deterrence and even punish the people. The Bill takes care of those who handle stolen livestock. This is where politicians and leaders who incite and partake in the business of selling stolen livestock and benefit come in. This is where security officers who take sides while handling those issues come in.

I would be interested to see what the Bill says about the reformed warriors because the Jubilee Government has finally secured peace between the Turkana and Pokot. For the last two years, we have been able to sleep peacefully. For the last two years, the Turkana and Pokot women have been able to get babies. Initially, their husbands were in the bush all their lives and they are now living happy family lives thanks to the Jubilee Government. This Bill will just compound what the Government has already started. I hope it will happen with the other communities which have not attained peace. This includes the Samburu, the people in Laikipia and Isiolo.

People have used cattle rustling as a disguise to promote tribalism, nepotism, torture and segregation in counties where different communities live together. Those are things we need to look at. As a victim of cattle rustling and conflict in the North Rift, I know what it means to thank the Government for the peace that is now prevailing. I have personally lost close to 1,000 goats to the Pokot. I have not forgotten that. Given that this Bill seeks to bring unity and harmony, I think I will finally forget. I do not know what we will do with the cross border cattle rustling and whether an extension of this Bill should go to the East African Legislative Assembly (EALA). For instance, in Todonyang’ in Turkana North, the Member of Parliament (MP) has been there for a whole month dealing with the issue of the Merille from Ethiopia and in Kibish the issue of the Dong’iro in Sudan and Uganda. The Bill should also be extended to the rest of East Africa.

DATE: 22nd November 2016

Member of Parliament: Hon. (Ms.) Korere

Contribution she made on: The Penal Code (Amendment) Bill – Second Reading

Thank you Hon. Temporary Deputy Speaker. I also want at the outset to thank the initiator of this Bill. This is a Bill that is timely. In my understanding, I know that cattle rustling is a primitive out-dated culture of the yesteryears. But what we are experiencing in this country is not just culture as everybody wants us to believe. Cattle rustling is a more technical and organised thuggery. In my view, this Bill is very timely because for the last two years in the constituency where I come from, I have witnessed families becoming poor as a result of cattle rustling. I find it very ridiculous when somebody asks old men to go and negotiate with these robbers. If somebody can shoot, kill and drive away your livestock, that is robbery with violence and it should be treated exactly as such.
In the last two weeks in Rumuruti where I come from, we have witnessed losses of more than 15 lives, more than 800 herds of cattle stolen, and more than 1,000 goats and sheep stolen. It is very sad that in this era and time, some of us cannot condemn cattle rustling but instead use it for sideshows, to accuse one community against another and to champion the status quo.

What has cost me a few slaps and some kicks is my stand against cattle rustling which I will still stand against. I will speak against it and I will continue to say on the Floor of this House that I have lived in Laikipia for 40 years and it has been known to be the home of peace. My stand on disarmament in Laikipia which is causing threats even to my life remains the same. I still urge the Cabinet Secretary (CS) for Interior and Coordination of National Government to go on with disarmament in Laikipia because we want the illegal firearms to be flashed out of Laikipia and we want the thugs who have caused so much agony to the residents of Laikipia to be flashed out.

Finally, as I support this Bill, I also want to appreciate my colleagues both male and female in this House who have stood with me. I have suffered in silence for the last so many years. But, I reiterate that this is not going to stop or intimidate me. My strength and agitation to go for the Laikipia North seat is as strong as ever. No amount of slaps, kicks or name calling will stop me.

As I urge the CS for Interior and Coordination of National Government and concerned authorities to take action on this brother who did this barbaric act to me, I also pray that God will give him the grace to search his soul and know that what he has done is cowardly and not manly.

I support.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Sunjeev Birdi

Contribution she made on: Statements

Hon. Deputy Speaker, I rise on a point of order because the Petition for which the Report was to be laid on the table today is with regard to delayed issuance of citizenship. This is a matter of serious concern to many people. It has been going on for a very long time and I do not see any action being taken by the Committee. It is of deep concern to me. So, I seek your intervention or help so that we can get somewhere with this. To date, we have only had two meetings and after that nothing happened. So, there is nothing solid that the Committee can report. So, I do not understand what is going on.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Sunjeev Birdi

Contribution she made on: Statements

The Petition on delayed issuance of citizenship concerning immigrants residing in Kenya.
DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Sunjeev Birdi

Contribution she made on: Statements

I am not, but I had tabled the Petition, Hon. Deputy Speaker.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: The Refugees Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to say something about refugees. Kenyans are good people. They welcome everybody who comes their way. However, we also get problems because when refugees come here, they do many things. They use some people to buy property. If you go to Eastleigh or Zimmerman, you will find so many refugees and yet the Government seems not to be aware of what is happening. I am asking our Government to come up with the right law.

We must respect human rights. We must respect refugees because we do not know about tomorrow. As we host them, the Government must have structures in place so that we know how many refugees are in this country. We cannot operate in a way that would expose us to criminals like it happened during the Westgate incident.

The refugees have stayed here for a long time. You know that when a visitor comes to your place, they are normally there for a few days and then they go away. Our refugees have been here with us for the last 25 years and, indeed, they have presented us with a lot of problems. We know we like people. We are supposed to have an international law. As my colleague, Wamalwa said, the international community has left Kenya with a burden of feeding those refugees. When we say they should go back home it is because we have helped to bring peace in their home country. They do not want to go back and all they can tell us are unfavourable words. They are telling us that it is not right for us to do what we are doing. Even now, we have many foreigners in our country who come to work here. It is good to have partners, but they are not supposed to enjoy the same rights as the citizens. If you go to River Road, you will find many shops which have been opened by Chinese. Our people are not getting business. It is our economy that suffers because our people are not doing these jobs. When they get money, they take it back to their countries. It is not good for us to make our people suffer because we are welcoming refugees and other people into this country.

I rise to support the Bill, but I request our Government and intelligence officers to identify the refugees in our country. They should know what they are doing, where they stay and whether they are getting out of the refugee camps to do other businesses. We keep these people at Dadaab and we have been hearing many incidents about bombing and other happenings. This is not good for us. We need to protect our country. We need to protect our people, so that Kenyans can enjoy their rights. We do not know why visitors are taking our jobs. If they come as
doctors, it is okay. I know some Ugandan doctors who were working here. Foreigners can work in this country if they are qualified knowing that they will go back home one day. They will help our people and at the same time get their daily bread, but you cannot keep quiet when your people are suffering.

I am begging the Government to make sure that even if people are coming here as visitors, they are not given work permits because our people are not going to have jobs. Our industries have now collapsed because the Chinese have brought everything. You will find a Chinese selling even the small items. They are selling cheap goods while we are not manufacturing anything in our industries. They bring goods that are rejected in their country. Why are we allowing this?

I support the Bill, but also ask our Government to make sure that Kenyans get their fair share. Like Trump said, he is there for Americans. Let us, leaders, be there for Kenyans.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) F.I. Ali

Contribution she made on: The Refugees Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I almost gave up, but thank you for allowing me to contribute.

First and foremost, I want to support this Bill. I want to recognise Hon. Neto for walking through this Bill. I want to confirm that some time in 1993, I worked for a while in the refugee camp that Hon. Shidiye has described. This Bill is very comprehensive. It has a series of progressive provisions. People do not become refugees by choice, but circumstances force them. Nobody chooses to be a refugee because it is not a good way of living. People are forced out of their countries. You can imagine yourself as a Kenyan with a very established business and property - I pray it does not happen to us - and one day you are forced to leave your country because of fear, persecution, death and other threats. We need to internalise the fact that anybody can be a refugee any time. It is a very horrifying life. It is never a choice or option.

This Bill has laid down structures. It seeks to establish a secretariat, an appeals board and an eligibility committee. It gives a process that is formal and recognised in law. Eighty per cent of the provisions in this law are well articulated and are anchored in the African Union (AU) Convention and the Geneva Convention of 1951. They are attached and made reference to in the Bill. This law recognises that there is protection of dignity and assistance to refugees and other asylum seekers. Kenya should be recognised as having hosted large numbers of refugees for a long time. Kenya has tried its best to provide assistance and protection with the support of the international community.

The Bill is trying to institutionalise the rights of refugees and asylum seekers and also give them some duties. Refugees also have duties to the country that is hosting them in terms of adhering to the law of the country, respecting systems and other structures. This law formalises access to land, education, work or employment and citizenship or naturalisation. I interacted with refugees when I was a commissioner and when I was working in a refugee camp. Back in 1993, I met an old man who was a refugee in Daadab Refugee Camp, who wanted to travel outside the
country for treatment. He did not have any documents to travel out of the country and he was
dehumanised and his dignity was not protected. He felt helpless and was shuttling from one
office to another to secure travel documents. This law recognises that refugees need to travel
outside the host country. There are processes to appeal and present their application.

With regard to naturalisation and citizenship, the law has clearly stated how a refugee who has
stayed in a country for a certain period of time can apply for citizenship. When you allow people
to follow the law and benefit from the law, fears, issues of insecurity and illegal issues will
diminish. The person will look forward to being naturalised if they stay long in the country.
There is an opportunity for them in law to apply for citizenship, work harder and invest in the
country where they are being hosted rather than having fear, being intimidated and sometimes
having uncertainties of being repatriated by force.

Host communities in this country have definitely suffered. The refugees also bring a lot of good
things to the country. The communities hosting refugees have also benefited from the
programmes, activities and the investment that refugees have brought. If you visit Daadab
Refugee Camp now and compare it with how it was in 1993, it is totally different. Right now,
huge investments are taking place in terms of real estate, construction, employment and
schools which have totally transformed and changed the area for the better. This has been
because of the presence of refugees. We need to shed off the notion of thinking that it is
negative to host refugees and recognise that refugees are useful investors, professionals and do
good things.

There are certain things that the international community has not done in terms of supporting
the hosting countries like Kenya. They are required in law to invest in certain social programmes
in areas that are hosting refugees. The international community has failed us, to a certain
extent, by failing to invest and support the host countries in terms of financial programmes. I am
a witness that sometimes host countries like Kenya struggle hard to offer security and support
to recognised refugees. Sometimes, there are limitations on the part of the country.

The other thing currently happening is the forceful repatriation of refugees. Under law, refugees
should volunteer to go back home. They should not be forced. They should be given enough
information that the place they are being taken to is safe, secure and they can return without
any problem. I neighbour refugee camps because I represent Wajir County and I have witnessed
that refugees are given ultimatums to go back to their countries. We know Somalia is very
unstable. Security cannot be guaranteed. People will return in a few days if they are repatriated
by force. They do not have enough information to go back as volunteers. They should not be
coerced, forced, intimidated, embarrassed or made to feel insecure. They should not feel that
they are not wanted in this country. This law will protect the refugees from forced repatriation.

Kenya has done a great job to host refugees, particularly from Somalia. Kenya should also take
pride in allowing refugees to be repatriated by choice and not by being forced. Kenya is proud of
hosting refugees from diverse countries, such as our neighbours, in huge numbers. We know
that refugees cause insecurity sometimes. Some citizens of this country also cause insecurity.
So, it is not only refugees who cause insecurity. Insecurity is broader and is not just caused by
hosting refugees. We need to broaden that discussion.

I support the Bill.
COMMITTEE OF THE WHOLE HOUSE

DATE: 23\textsuperscript{rd} November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

No. I wanted to speak to the previous one. I wanted to know why the Committee is going with best practice when they should be going with the Constitutional requirements. The best practice is the Constitution. Therefore, I would like to request the Chair that when they are making reference to best practice, they should be telling us whether that best practice is constitutionally anchored.

DATE: 23\textsuperscript{rd} November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Thank you. I want to take this opportunity to welcome the team from Zimbabwe. You know, I am called the Amurora in Zimbabwe which they probably do not know, because I am their in-law.

DATE: 23\textsuperscript{rd} November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Hon. Temporary Deputy Chairman, there is no equivalent in Kenya and so I just have to say in Zimbabwe that I am their Amurora and that I welcome them to Kenya and I will try and create time to meet them.

Thank you.

DATE: 23\textsuperscript{rd} November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Thank you. I request that where we have two sub-clauses we deal with them separately. Like in this one, I agree with the Committee in Sub-clause 3 but I do not agree with them in (a). Even though I know in terms of referral we will be going with the entire clause; it is good to put that on record. I agree with the issue of the health practitioner, but in terms of bringing the DG to
Parliament, it is not unconstitutional. If we wanted to bring them to Parliament for purposes of vetting, there is nothing stopping us, but even if they are not taken up, there is again nothing stopping us. It is not like one of the constitutional offices that must be brought to Parliament.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Hon. Temporary Deputy Chairman, I want to comment on this matter in relation to the preceding matter, on which I wanted to comment. I would like the Chair of the Departmental Committee to clarify why they would not like the national Government to be in charge of hospitals classified as national referral hospital wherever found. I do not understand. The moment a facility is a national referral hospital, it becomes the responsibility of the national Government.

Secondly, in terms of the classification, just for clarification, could we know whether there is an alternative that the Senate Committee is providing or whether they are merely proposing a deletion?

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Hon. Temporary Deputy Chairman, on this one I agree with the Senate. This is because we have a Salaries and Remuneration Commission (SRC) led by Sarah Serem that would take into account some of this. However, the other reason I oppose this is because counties are supposed to be independent. Whenever you get a body that will direct on issues of transfers, that will be encroaching on the independence of counties. Perhaps what the Senate failed to do was to look at ways in which to strengthen the workings of the SRC so that we do not have the confusion that we have right now in terms of the National Cohesion and Integration Bill where one county has only one tribe and people rarely move such that there is too much inbreeding. In terms of setting up this body, we are replicating the SRC and the country is already tired of too many bodies and depleted resources.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Thank you, Hon. Temporary Deputy Chairman. I would only support the Committee’s position if it was limited to Clause 31 (a) which gives that body the function of posting interns to national
Government and county government facilities. However, sub-clauses (b), (c), (d), (e) and (f) are constitutionally roles of the counties. My worry is that we will create a clash. If the governors are not too busy campaigning, this is one of the areas that is likely to find its way in court as unconstitutional if we are not able to solve it through mediation. Devolution took away certain powers from the central Government. We no longer have what you would typically call a central Government. Through the backdoor, we are taking away health function from the governors back to the national Government.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Hon. Temporary Deputy Chairman, Clause 62 relates to Clause 63. Clause 62 talks about the establishment by an Act of Parliament, of a single regulatory body and then we have gone ahead to say what the regulatory body should be doing. For me, it is a little confusing legislatively because we are already legislating what we are saying in what the piece of legislation will do. I am wondering whether we should be creating another piece of legislation by another subsidiary legislation unless we are talking about regulations not legislation. In terms of legislative elegance, there is a problem.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: Consideration of Senate Amendments to The Health Bill

Again, I want to say this is a very lazy way of legislating. This is the Health Bill. If you are talking about mental health, what we should have done because this is a very serious crisis facing the country--- Both the Senate and the Departmental Committee on Health are not helping. The Senate is seeking to delete while the Departmental Committee on Health is referring us to another Bill yet when I was bringing my In-Vitro Fertilisation Bill which was unfortunately dropped by the Senate on the policy that they are going towards consolidation, we are already telling people to move towards piecemeal legislation. When I brought my Bill, the Departmental Committee on Health were arguing for the same reason. Even as they are going to mediation, I hope they will beef up this section so that you do not refer us to legislation. I do not think what you would be saying about mental health would be so much unless we just want to create more and more bodies which we can still create with this Bill. So, I urge the Committee to consider whether it is in relation to mental health or the next one which is traditional and alternative medicine. I suggest that the Committee considers beefing up this clause to incorporate issues of concern in relation to mental health.

DATE: 23rd November 2016
Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Penal Code (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I support this Bill and state that in the last Parliament, I was in the Select Committee on cattle rustling that went around the country and visited other countries.

Some of the issues that are being suggested in this Bill are very good. We are trying to enhance penalties. What we discovered is that the law itself will not be enough to curb cattle rustling. Just two or three weeks ago, I was in Elgeyo Marakwet and it is sad that at this point in time, we have a situation where people cannot stay in their own homes because of insecurity related to cattle rustling. One of the reasons we found that there were situations like that is because of cultural reasons that there are certain communities who believe that every cattle belongs to them. There are also archaic cultural practices. I consider them archaic, for instance, dowry, especially in communities where dowry is considered so primary that the more you give for the woman, the richer you are deemed to be.

My in-laws were here, but because of my own beliefs, I refused any dowry to be paid for me because I am priceless. If any cattle were to be paid, you would have to get all the cattle in the world and they would not be enough to pay for Hon. Millie Odhiambo. So, because of such cultural practices, communities are killing each other, women are leaving their homes, schools are not operational and some students did not even sit for their exams because of the issue of cattle rustling.

However, there is something we noticed in Botswana that I wish the country would implement that we are failing to do. It was embarrassing for us because all the experts that we were seeing in Botswana were Kenyans. So, we export technical expertise in other countries then we go to those countries to study what they are doing. I was embarrassed and nowadays, when I go for a study tour from Parliament, I want to know what it is, so that I am not embarrassed. I want to know whether it is Kenyans who are in those areas, so that if we need to practise, maybe, we do not need to go to Botswana. We probably just need to walk to a Ministry and perhaps honour the person with that expertise that is not honoured.

Recently, I went to one of our Government departments, which I will not name, and one of the senior directors thought that once we are in Parliament, we easily talk to the President. They did not realise I am in the Orange Democratic Movement (ODM) and I do not get to speak to the President because we do not meet through parties or any other forum. The person sent me and said that one of the challenges they are facing as technocrats in the Government is that the Government has started a dream team which involves getting people from outside the Civil Service, ignoring civil servants who have worked for years and have the expertise instead of promoting and motivating them. That is why we have discordance in implementation of work.

In Botswana, they have a system where they fence for kilometres. You have a place where there is fencing for almost five hundred kilometres and they have some gadgets that would allow human beings to pass, but not cattle. They are very simple things of putting chips in the earlobes of the livestock that would tell you where the cow is from, the owner, the colour of the cow and even the telephone number of the owner of the cow at a scan.
This not only helps in the issue of cattle rustling, but also in terms of opening up markets. Here in Kenya, because we do not have employment opportunities, how wonderful would it be for our livestock farmers, if we were to access the European Union (EU) and such other markets! We must find a way of ensuring continuity in this country.

The last Parliament did an excellent job in relation to this. Whenever another Parliament comes in, we start as though there has never been a Parliament. Why can we not take those reports, look at them and implement them? The Government should take the work that Parliament does more seriously and implement what we pass as Parliamentarians. There are Committees that take their time and spend a lot of energies doing a lot of research. On this one, we even got technical experts who gave us their views. We had Members who were very passionate including Hon. Boas Keino, who unfortunately, did not make it back to this House. We were also with Hon. (Eng.) Gumbo in that Committee. We brought experts who gave us excellent suggestions on how to deal with cattle rustling. Some of the views included ensuring that in areas that have cattle rustling, infrastructure is improved and education is enhanced. None of that is happening. So, just providing for enhanced punitive measures on issues of cattle rustling is not sufficient. It is good but not sufficient.

Once upon a time, when I was working with the International Federation of Women Lawyers (FIDA), we took a case to court involving a Maasai man who had married a 13-year old girl. He appeared in court accompanied by his entire community to prove to us that there was nothing wrong he had done because his culture allowed him to marry. In fact, he had already paid dowry and he had no clue why we were taking him to court. What this law is likely to do is that people will be wondering why they are being arrested when they have only taken back what is theirs. What we need to do is to open those areas. We should provide infrastructure, education and fencing, like what was done in Botswana. Cattle should also be branded, so that we have a more sensible way of dealing with this matter.

As I support this Bill, I urge the Executive to look at the Report we prepared in the last Parliament. It has excellent recommendations on how to deal with the issue of cattle rustling. I support, Hon. Temporary Deputy Speaker.
Hon. Temporary Deputy Speaker, is the Hon. Member in order to suggest something unconstitutional? He is suggesting that I should accept dowry without asking me to also submit dowry to my in-laws. If he said that if dowry is paid for me and I also pay dowry, then that is constitutional. Dowry in one direction is not constitutional. So, is he in order to suggest to me something that is unconstitutional?

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Nyamunga

Contribution she made on: The Penal Code (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. I would like to support the amendments that have been brought by our brother, Hon. Sakaja. In my view, I do not think that some of these practices whether they are cultural and have got a long standing history should be encouraged. I heard about cattle rustling when I was a young girl growing up. That is still the case today, and it is still a menace amongst some communities. Cattle rustling cannot be condoned in any way. It does not matter whether it is a cultural practice or a game that is practised by some communities. It is wrong and it has caused a lot of pain to very many families. Anytime it occurs, it is women and children who suffer most.

I want to support the proposed amendments because they enhance the penalties in the Penal Code with regard to the same practice. Cattle rustling happens very close to my county, Kisumu. It has been a big problem in Nyakach Constituency and many times, our Member of Parliament for Nyakach, Hon. Aduma, has gone through a lot of pain because of this issue.

This is a rampant practice in Nyakach. I can assure you that cattle rustling has caused a lot of pain to the people of Kisumu County, and in particular the people of Nyakach. Most families headed by women are affected. Most of us know that there are very many women who are now household leaders. There are very many widows in the villages.

If you go to Anding’o area in Nyakach you will find a woman leader by the name Mrs Odek. She has been forced to sleep with her cattle in her bedroom because if she does not do that her animals will be stolen.

So, cattle rustling has brought a lot of suffering to our people. A big penalty should be put on the offence of cattle rustling. It is a practice that, in my view, should be totally done away with. If you look at the way it is done and the way it keeps recurring, I want to believe - I may not be accurate or very right - the security personnel could be part and parcel of this vice. You know for some people cattle rustling is trade. Most of the stolen animals in Kisumu County are herded into Rift Valley. I believe the animals are traded. They are slaughtered and the meat sold in butcheries and subsequently to the same people who are victims of the vice.

I thank my brother, Hon. Sakaja, for bringing these amendments. We want to support this Bill and encourage more amendments that will make it effective. That way, we will help bring to an end this practice, which in my view, is very primitive and has brought a lot of suffering to many people. That is not the way to earn money even if it is a matter of trading in animals. People can
earn money from animals in a much better way, but certainly not through cattle rustling because it has brought a lot of sorrow and pain to very many people. With that, I wish to support the amendment Bill.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Penal Code (Amendment) Bill – Second Reading

On a point of order, Hon. Temporary Deputy Speaker

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: ADOPTION of REPORT on IMPORTATION of FERTILIZER THROUGH NCPB

Thank you, Hon. Temporary Deputy Speaker. I am a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives. The Chairman was here for too long. Perhaps, when he looked at the business on the Order Paper, he presumed that we will not get to his Motion.

DATE: 23rd November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: ADOPTION of REPORT on IMPORTATION of FERTILIZER THROUGH NCPB

Yes, he was here for a long time. But my concern is that Members have been sitting here to debate very serious issues on the Floor. I think it will be in order for the House leadership to read the riot act to the chairpersons of committees that if they are not able to undertake their tasks, they should resign and let other Members take over. I know this is a very serious period. Even if it is not officially campaign time, many Members are already in their constituencies. But the work of the House must continue. So, perhaps, the House leadership could take that matter up.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: Fencing Of Mukogodo Forest
Hon. Deputy Speaker, I beg to present the Report of the Departmental Committee on Environment and Natural Resources on a petition presented by Hon. Sara Korere, on behalf of residents of Laikipia North Sub-County regarding human-wildlife conflict.

Hon. Deputy Speaker, Hon. Korere tabled the Petition on 27th July 2016. Her prayers were that the National Assembly intervenes to ensure that the Ministry of Environment and Natural Resources expedites the fencing of Mukogodo Forest to keep off elephants from straying into human settlements; ensures that the Kenya Wildlife Service (KWS) compensates victims’ families for loss of lives and compensates farmers for destruction of crops and school infrastructure.

Further, the petitioners pray that the National Assembly recommends to the Ministry of Environment and Natural Resources to increase KWS posts in the area for efficient surveillance and quick response to distress calls whenever elephants stray into human settlements.

Hon. Deputy Speaker, the Committee visited Laikipia on 7th October, 2016 and received submissions from the residents. Our responses to the prayers are as follows:

(i) That the KWS should include in its budget funds for fencing Dol Dol, Kiwanja, Ilkinyei and Ol Arjjju Primary Schools and other schools next to Mukogodo Forest:
(ii) That the Ministry of Environment and Natural Resources should compensate all victims of human-wildlife conflict and the schools affected;
(iii) That the Ministry of Environment and Natural Resources should invest in awareness creation and that it is the compensating agency and not the KWS,
(iv) That the Ministry of Environment and Natural Resources, through the KWS, should immediately map out all blocked historical migratory routes and initiate efforts to reclaim the same; and,
(v) That the Ministry of Environment and Natural Resources should develop a mechanism of ensuring that community wildlife conservation and compensation committees are facilitated to have regular meetings so as to hasten the processing of claims for compensation.

Thank you, Hon. Deputy Speaker.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: Papers Laid

Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:
Report of the Departmental Committee on Environment and Natural Resources on the Petition by Hon. Sara Korere, MP, on behalf of residents of Laikipia North Sub-county regarding human-wildlife conflict.

COMMITTEE OF THE WHOLE HOUSE
DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: The Universities (Amendment) Bill

I beg to move:

THAT, Clause 2 of the Bill be amended by—

(a) deleting paragraph (b);
(b) deleting paragraph (d);
(c) inserting the following new paragraphs immediately after paragraph (d)—

“(e) by deleting the definition of the word “programmes accreditation” and substituting therefor the following new definition—

“programme accreditation” means the process by which the Commission formally recognizes an academic programme of a University, including a foreign university”

“(f) by deleting the definition of the word “quality assurance” and substituting therefor the following new definition—

“quality assurance” means the employment of various measures and mechanisms developed to assess, maintain and enhance standards”

“(g) in the definition of the word—

(i) “sponsor” by inserting the words “including the government” immediately after the word “person”; and
(ii) “technical university” by deleting the words “an institute of”.

(d) by inserting the following new definitions in proper alphabetical sequence—

“academic programme” means the design of learning content which includes the intention, the structure of the content, the delivery mode, academic resources and assessment modes”;

“instrument of accreditation” means the Charter or Letter of Interim Authority, accreditation report and proposal establishing the university”

I propose the amendments as they are on the Order Paper, but with further amendments to drop Clause 2(c)(f) and 2(d). This is to delete 2(c)(f) and 2(d).

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Yes. If I start with Clause 2(c)(f), which is by deleting the definition of the word “quality assurance” and substituting thereafter with the new definition of “quality assurance”, that is the one I want to delete.
On Clause 2(d), “instrument of accreditation” means the Charter or Letter of Interim Authority. I want to drop that because the Interim Authority cannot be equated with the Charter. That is why I propose to delete.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Yes. Part of (d), not the entire (d).

(Question of the amendment proposed)

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. My concern is that if it is Page 2201 where we have amendments by the Chairperson of the Departmental Committee on Education, Research and Technology, if you look at the proposed amendments on the Bill, it appears a little different from what is provided on the Order Paper. So, I just wanted to know if you are going with what is on the Order Paper or what is on the Bill. If that be the case, you notice that it is deleting paragraph (b), a new one in the Bill. The one that is being inserted is okay, but in the Order Paper, I do not see what we are inserting, which is new.

Secondly, where they are proposing deletion of foreign universities, I do not know the import of that. Are we saying that we are not accrediting or we do not want to be involved in accrediting degrees from foreign universities? I know the Bill is long, but for us to follow effectively, you can see there are very many sub-clauses. We would like to go sub-clause by sub-clause otherwise it will be confusing. Thank you Hon. Temporary Deputy Chairman.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona

Contribution she made on: The Universities (Amendment) Bill

Thank you Hon. Deputy Chairman. I am coming to the same concern that I was raising. If you see the amendments proposed by Hon. Jude Njomo in the definition section which has three different definitions, assuming I want to support one and reject two and then we vote on all of them, It does not make sense because this is not like the Senate Amendments that we then send for mediation. On these ones, we deal with them once and for all. So, I would be suggesting especially on this section on amendments if we could deal with each one of them one by one.
For instance I will indicate that if you see the instrument of accreditation, it almost sounds similar to what the Committee had already proposed. So, I do not know why we are doing the same thing which I do not support because an interim letter cannot qualify for a charter. On the other hand, I may not have a problem on the one quality assurance. So, how would you vote? Whichever way? I request that---

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. What I mentioned when I was dropping my amendment was to say that we wanted to adopt the proposal by Hon. Ichung’wah then, now Hon. Jude Njomo. They have just made a further clarification. If I go back to the instruments of accreditation and what Hon. Millie Odhambo has raised, I realise that you can have the charter or letter of interim authority which can be reviewed. So, I support the proposed amendment by Hon. Jude Njomo, just to clean up because that is what we initially had as a Committee. We would like to adopt the new definition by Hon. Jude Njomo.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. I agree. As a Committee, we had an amendment to Clause 3. Therefore, we will drop our amendment and adopt what has been proposed by Hon. Ichung’wah. The Member has clearly given the things that are going to be looked at by the Commission. His is a more expanded new clause. Therefore, we drop our amendment and adopt what Hon. Ichung’wah had proposed.

Thank you.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The Universities (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. I agree and disagree.
Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairman, I oppose the amendment because it had requested to have two members appointed. I now see a whole list of members and that is why I asked the Chair to look at the principal Act to see whether other members existed and they were only adding two more. If they are adding all these members, that council will be bloated. That is why we must look at the numbers. What is the maximum number? I oppose the large number being proposed.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairman. I need to clarify that I saw what was in the initial Act. There were too many members which included five members who were appointed in accordance with Sub-section 2. What Hon. Jude has done is to clean up and leave a team of only seven members.
The Commission had a very large membership. Hon. Jude has just reduced the membership. The provision about five members who would be appointed in accordance with Sub-section 2 has already been deleted. I hope Hon. Jude and Hon. Kimani Ichung’wah will take care of the other sections that follow because there was a selection panel. That means that if the five members are appointed again, then we should clean up what follows after that. Once you make the team leaner, you also need to clean-up from Sub-sections 2 all the way to 9.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Yes, I do. I support the amendment, Hon. Temporary Deputy Chairman.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

On a point of order, Hon. Temporary Deputy Chairman

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The Universities (Amendment) Bill
What about my amendment to Clause 7?

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 7 be deleted and substituted with the following new clause— Amendment of section 20 of No. 42 of 2012.

7. Section 20 of the principal Act is amended—

(a) in subsection (1) by deleting paragraph (c) and substituting therefor the following new paragraph (c)—

“(c) may develop its new academic programmes for approval by the Commission in accordance with this Act”;

(b) in subsection (1) by deleting paragraph (e) and substituting therefor the following new paragraph (e)—

“(e) may only award degrees, including postgraduate degrees and honorary degrees”.

(c) by inserting the following new subsection immediately after subsection (3)—

“(4) A Letter of Interim Authority under section 16 shall apply mutatis mutandis to institutions established under subsection (3)”
Hon. Temporary Deputy Chairman, Clause 7 seeks to amend Section 20 of the principal Act in Sub-Section (1) by deleting paragraph (c) and substituting therefore the following new paragraph (c)—
“(c) may develop its new academic programmes for approval by the Commission in accordance with this Act”;
The justification for this amendment is that the Commission approves academic programmes pursuant to its functions under this Act.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I do not know whether the Leader of the Majority Party is referring to the amendments he had proposed or to the principal Act. My proposed amendment is to the principal Act.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, we had to include it as part of the Committees’ deliberations. I want to drop Clause 7(a).

(Proposed amendment to Clause 7(a) by Hon. S.W. Chege dropped)

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, we are amending Clause 7(b) in Sub-section (1) by deleting paragraph (e) and substituting therefor the following new paragraph (e)—
“(e) may only award degrees, including postgraduate degrees and honorary degrees”. This is to limit universities to offer only degrees, including postgraduate and honorary degrees and shift the focus of universities from engaging in short-term courses of diplomas and certificates that should be offered by TIVET institutions. That is why we recommend this. Thank you, Hon. Temporary Deputy Chairlady.

DATE: 24th November 2016
Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

I stand guided, Hon. Temporary Deputy Chairlady. So, I drop it. So, then we drop the other amendment.

(Proposed amendment to Clause 7(b) by Hon. (Ms.) S.W. Chege dropped)

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

I have an amendment.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The Universities (Amendment) Bill

Yes, Hon. Temporary Deputy Chairlady.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:

THAT Clause 7 be deleted and substituted with the following new clause 7—

7. Section 20 of the principal Act is amended—

(a) in subsection (1) by deleting paragraph (c) and substituting therefore the following new paragraph (c) —

“(c) may develop and mount its new academic programmes subject to review and approval by the Commission in accordance with the provisions of this Act”.
(b) by inserting the following new subsection immediately after

the subsection (1)—

“(1A) Despite subsection(1) the Commission shall accredit and approve programmes leading to an award of a diploma, including a postgraduate diploma, using the standards and guidelines adopted by the Technical and Vocational Education and Training Authority under the Technical and Vocational Education and Training Act.

What we were discussing was Subsection (a), which was carried. One reason for the amendment in Subsection (b) is universities do offer diplomas and certificates that are internal and they are varied. One university may offer a diploma of one-and-a-half years and another one of two years. So, if we standardise and have them refer to what regulates other tertiary institutions, then we have no problem because the Kenya National Qualification Framework will even have a way of equating these certificates and diplomas.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The Universities (Amendment) Bill

Of course, I stand guided. It can be an addition. I have no problem. It is still talking about the CUE but emphasises on making reference to the TIVET Act because all these diplomas and certificates are regulated by the TIVET Authority. By law, all tertiary institutions that offer diplomas and certificates are regulated by the TIVET Authority.
Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 8 of the Bill be deleted. The proposed amendment was enacted in pursuance to the Statute Law (Miscellaneous Amendments) Act of 2015, and we did not find it necessary. So, we propose it be deleted.

Hon. Temporary Deputy Chairlady, I would require the Leader of the Majority Party to pay a bit of attention here. I saw what he was doing when I was moving the proposed amendment. He was bending and speaking to somebody.

Hon. Temporary Deputy Chairlady, it has already been enacted into law through the Statute Law (Miscellaneous Amendments) Act, 2015. I want to say the same thing for Clauses 9 and 10 for the purpose of saving time.
Yes, Hon. Temporary Deputy Chairlady.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 9 of the Bill be deleted. I propose it be deleted for the same reason

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 9 deleted)

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move: THAT, Clause 10 be amended by deleting paragraph (b).
Contribution she made on: The Universities (Amendment) Bill

The principal Act says:
“A university Council shall, as soon as is practicable and in any event not later than three
months after making a statute or regulation under this Section, submit it to the Cabinet
Secretary for publication in the Gazette.”
We are saying we need that to be deleted because statutes are instruments developed for
internal governance of a university hence for autonomy purposes, universities need not seek the
approval of the CS in order to make statutes and regulations. In any case, once they are made,
they are forwarded to the CS for gazettement as provided for under the principal Act. So, it was
not necessary.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:
THAT, Clause 13 be amended by deleting paragraph (b) and substituting therefor the following
new paragraph—
(b) by inserting the following new subsections immediately after subsection (1)
(1A) A students’ association shall be governed by a students’ council comprising of –
(a) a Chairperson;
(b) a Vice Chairperson who shall be of opposite gender with the Chairperson;
(c) a Treasurer;
(d) a Secretary-General who shall be the secretary to the Council; and
(e) three other members to represent special interests of students.
(1B) Every students’ council shall be elected in accordance with this Act and its membership
shall—
(a) reflect national diversity; and
(b) have not more than two-thirds of its members being of the same gender.
(1C) For purposes of conducting the election of the members of the student council referred to
in subsection (1A), the students’ association shall constitute itself into electoral colleges based
on either academic departments, schools or faculties, as may be appropriate.
(1D) The students of each electoral college constituted under subsection (1C) shall elect three
representatives—
(a) from amongst persons who are not candidates under subsection (1A) ; and
(b) of whom not more than two-thirds shall be of the same gender.
(1E) The representatives of each electoral college shall elect the members of the student council
within thirty days of the election under subsection (1C).
(1F) A member of the student council shall hold office for a term of one year and may be eligible
for re-election for one final term.
(1G) A person who has held office as a member of the student council of a University for two terms is disqualified from election as a member of the student council of any other University or constituent college in Kenya.

(1H) Every students’ association shall, in consultation with the University, formulate and enact rules to govern the conduct of elections including regulation of campaigns, election financing, offences and penalties.

(1I) An election conducted pursuant to this section shall comply with the general principles of the Kenyan electoral system under Article 81 of the Constitution and the rules governing the election of members of the student council.

The purpose of this is just to make sure that we have clean elections of the student council. Of course, we have experienced some problems but we will not experience them again.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ghati

Contribution she made on: The Universities (Amendment) Bill

Allow me to express my concern with the Leader of the Majority Party. I am very surprised to hear the Leader of the Majority Party, who most Kenyans know and look up to, talk about the issue of gender like that.

Recently, we had the Chief Justice (CJ) and then the Deputy Chief Justice (DCJ) who is a woman. What is wrong with this? I am not sure what the Leader of the Majority Party is up to. Look at our own House, our Speaker and the Deputy Speaker are from opposite gender. The Leader of the Majority Party has talked about SONU and Babu Owino. Babu Owino is the Chairman of SONU. I do not know what problem he has with Babu Owino. If the university fraternity can elect Babu Owino--- It is normal for elections. I am surprised that despite the numerous efforts we are making to ensure women get in, our own Leader of the Majority Party is talking against it. In fact, it should not even be an issue. That is how we get socialisation wrong.

I am disappointed.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ombaka

Contribution she made on: The Universities (Amendment) Bill

Thank you, Hon. Temporary Deputy Chairlady.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ombaka

Contribution she made on: The Universities (Amendment) Bill
My contribution is that this is not the two-thirds gender rule we are applying here. We are only considering a section that allows women to be there. So, it is not a harmful idea at all. It is simply giving an opportunity to some women to be in the students’ unions. Therefore, it is not harmful; it is really supporting the two-thirds gender rule. Even if we come up with a law here, we will not go back to do elections for the students. We might as well go ahead now and allow the women to be part and parcel of this. This is a practise in many places today. It is no longer an issue.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

On the whole debate about the vice-chairperson being of an opposite gender, first and foremost, I want to tell the men here that they should not just assume we are fighting for women rights; it is for either gender. We can have a lady who is the chair. When we go to the issues of how the elections are done, we will first do the election of the chair so that the deputy can then come from the opposite gender.

I also want to be on record that we met various groups and this is the spirit that is even within the councils of university students. It is very sad to see that university students are ahead of us. This is a House that is supposed to set the pace. I am very disturbed when I see Hon. Members not going with the spirit of what the students of universities would actually wish to happen to them.

If we agree that we can, first, hold the elections for the chair, whether it is a lady or a man, the other person will be of opposite gender— If we go to a country like Belgium where women were not even allowed to vote, we will find that today their Parliament has over 45 per cent women.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

I have no objection.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:
THAT, clause 15 be amended—
(a)In paragraph (b) by deleting the words “issuance of” and substitute therefor the word “issue”
(b) by deleting paragraph (c) and substituting therefor the following new paragraph –
“(c) by inserting the words “for approval by the Cabinet Secretary” immediately after the word “offered” in paragraph (d)
(c) by inserting the following new paragraph immediately after paragraph (c) –
“(d) by deleting subsection (6); and
“(e) by deleting subsection (7)”.
I think I should move part (a) also because the first one was grammatical. On part (b) I dropped it in favour of Kimani Ichung’wah’s amendment, but I also move the amendment on part (c) which we are deleting subsections (6) and (7).
Thank you.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

We have a new clause that we have proposed. I know we are first dealing with the whole clause but it will come in the new clause.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Yes, New Clause 15 (A).

(Question of the amendment proposed)
(Question, that the words to be left out be left out, put and agreed to)
(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I agree with the first part, but he has proposed that we delete the whole clause.

DATE: 24th November 2016
Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

As a Committee, we had already done further amendments where we had proposed the first one. I do not know whether I should just---

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Yes, it puts me in a very awkward position because the issue he raised earlier about the public universities, we had proposed that we delete the first proposed amendment so that we can cater for both public and private universities as per the Jubilee Government’s agenda.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Okay. Let me oppose.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I seek guidance or clarification. Where we have amendments by the Committee and by a Member, which ones carry the day? I thought the Committee should be given the opportunity to move their amendment and if there is any Member, then he or she can come in later. It is like undoing the entire process that the Committee considered, including public participation.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) Ng’etich

Contribution she made on: The Universities (Amendment) Bill

I am only seeking clarification.

DATE: 24th November 2016
Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the following new clause be inserted immediately after Clause 5— Amendment of section 8 of No. 42 of 2012.

5A. Section 8 of the principal Act is amended in subsection 1 by inserting the following new paragraph immediately after paragraph (a)—

“(aa) is absent from three consecutive meetings of the Commission without the permission of the Chairperson, or, in the case of the Chairperson, the permission of the Cabinet Secretary.”

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

We are amending Section 8. Hon. Ichung’wah’s amendment, just for clarification, never touched Section 8. This is to provide that a vacancy may arise in the Commission in case of absence from three consecutive meetings without permission, in harmony with the State Corporations Act and the Presidential Order No. 7 of 2015 which is known as Mwongozo.

Thank you, Hon. Temporary Deputy Chairlady. I hope you were listening to me.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the following new clause be inserted immediately after clause 6—

Amendment of section 13 of No. 42 of 2012.

6A. Section 13 of the principal Act is amended in subsection (1) by inserting the words “or a Letter of Interim Authority” immediately after the word “Charter”.

Hon. Temporary Deputy Chairlady, initially I thought I would drop that, but a Letter of Interim Authority for a university is currently also considered as an instrument of accreditation. Therefore, I need to open that for debate. When we say only the charter--- I would like to read the principal Act. Section 13(1) says:

“Every university in Kenya shall be established by a charter in accordance with this Act.”

We know that there are universities which already exist with interim letter of authority before they are fully given a charter. I would beg to move that amendment so that we have a Letter of Interim Authority or a charter.
Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the following new clause be inserted immediately after clause 6—

Amendment of section 15 of No. 42 of 2012.

6B. Section 15 of the principal Act is amended in subsection (2) by deleting the words “commence or” appearing in paragraphs (b) and (c). Hon. Temporary Deputy Chairlady, the justification is that the Commission does not grant a Letter of Interim Authority to an institution unless it has established that the institution has adequate academic and infrastructural resources. As such, an institution with a Letter of Interim Authority cannot commence but continue to develop and assemble resources.

(Question of the new clauses proposed)

(The new clauses read the First Time)

(Question, that the new clauses be read a Second Time, proposed)

(Question, that the new clauses be read a Second Time, put and agreed to)

(The new clauses were read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

DATE: 24th November 2016
Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Chairlady, I support the amendment. I understand why Hon. Ichung’wah is very passionate about it.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the following new clause be inserted immediately after clause 10—

10A. Section 34 of the principal Act is amended by inserting the words “or Letter of Interim Authority” after the word “Charter”.

Hon. Temporary Chairlady, Section 34 says “subject to the provisions of this Chapter, a university shall be governed in accordance with the provisions of the Charter granted under this Act and statutes made by its Council.” I guess I am still going back to what I had amended earlier. We wanted to insert the words “or Letter of Interim Authority” after the word “Charter”. This is because of what I explained earlier.

(Question of the new clause proposed)
DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Chairlady, I beg to move:

THAT, the following new clauses be inserted immediately after clause 11—

Amendment of section 36 of No. 42 of 2012

11A. Section 36 of the principal Act is amended —
(a) in subsection (1) by inserting the words “in such a manner as may be prescribed in guidelines issued by the Cabinet Secretary” immediately after the word “process” in paragraph (d);
(b) by inserting the following new subsections immediately after section (2)—

“(3) In making appointments under this section the appointing authority shall have regard to the objectives of the development of university education, ensuring that there are balanced competencies, gender equity, and the inclusion of stakeholders, persons with disabilities, the marginalized and other minority groups”

“(4) The provisions of section (8) relating to the vacancy of office of the chairperson and members of the Commission shall apply with necessary modifications to the chairperson and members appointed under subsection
“(5) The members of the Council appointed under section 36(1) shall at their first meeting after appointment determine by lot which two of their number shall vacate office after a period of three and four years respectively to ensure continuity in the activities of the Council”

“(6) The provisions of the First Schedule shall apply with necessary modifications, to the conduct of the business and affairs of the Council”

Amendment of section 38 of No. 42 of 2012.

11B. Section 38 of the principal Act is amended in subsection (5) by inserting the words “for a period not exceeding three months” immediately after the word “Council”.

(Question of the new clauses proposed)

(The new clauses were read the First Time)

(Question, that the new clauses be read a Second Time, proposed)

(Question, that the new clauses be read a Second Time, put and agreed to)

(The new clauses were read a Second Time)

(Question, that the new clauses be added to the Bill, put and agreed to)

New Clause 13A

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill
Hon. Temporary Chairlady, I beg to move: THAT, the following new clause be inserted immediately after clause 13— Amendment of section 51 of No. 42 of 2012.

13A. Section 51 of the principal Act is amended in section (2) (f) by —
(a) after inserting the words “or audit” immediately after the word “accreditation; and
(b) deleting the word “state” appearing immediately after the words “financial obligations”.  

Hon. Temporary Chairlady, this amendment is for the purpose of ensuring that the Commission is able to audit private universities to see if they meet set international standards.

Thank you.

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

I will move the amendment to New Clause 13A as proposed in part (a) and drop the amendment as proposed in part (b) because I understand Hon. Kimani Ichung’wah has a similar amendment and I would like to support his amendment.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move: THAT the following new clauses be inserted immediately after clause 15— Insertion of new sections into No. 42 of 2012.

15A. The principal Act is amended by inserting the following new sections immediately after section 54—
54A. (1) There shall be a Director who shall be the chief executive officer of the Fund, appointed by the Cabinet Secretary on recommendation of the Board of Trustees of the Fund following a competitive recruitment process, and who shall serve for a term of five years, which may be renewed for one further term.

(2) The Director of the Fund shall be responsible for the day to day management of the affairs of the Fund.

(3) A person shall be qualified for appointment as a Director if such person—

(a) is a Kenyan citizen;
(b) holds a degree or its equivalent from a university recognized in Kenya in the field of economics or management;
(c) has at least ten years' relevant professional experience in the management of a public institution;
(d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

Staff of the Fund.

54B. (1) The Fund may employ such other officers and staff as it may deem necessary for the performance of its functions under this Act.

(2) All appointments under this section shall take into account gender equity, ethnic and regional balance in accordance with the Constitution.

Financial provisions
The office of the Director as the Chief Executive Officer (CEO) of the fund is proposed as well as the staff of the fund as it is in Section 54(5). It is not comprehensive and merely borrows from the provision relating to the Commission to apply, with the necessary modifications, to the board of trustees. Therefore, the provisions are now proposed substantively as per the amendment. This ensures alignment with Mwongozo and the State Corporations Act, 2015.

(Question of the new clauses proposed)
(New clauses read the First Time)
(Question, that the new clauses be read a Second Time, proposed)
(Question, that the new clauses be read a Second Time, put and agreed to)
(The new clauses were read a Second Time)
(Question, that the new clauses be added to the Bill, put and agreed to)

New Clauses 16A, 16B, 16C and 16D

DATE: 24th November 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: The Universities (Amendment) Bill

Hon. Temporary Deputy Chairlady, I beg to move:

THAT the following new clauses be inserted immediately after clause 16—

Insertion of new section 69A into No. 42 of 2012.

Commission may issue a notice to comply

16A. The principal Act is amended by inserting the following new section immediately after section 69—

69A. (1) The Commission may, by notice in writing, require an institution in default of any provision under this Act, regulation, standards and guidelines to comply therewith within a prescribed time and in a prescribed manner.

(2) If any institution served with a notice under sub-section (1) fails to comply therewith, the Commission may close the institution either permanently or until the notice is complied with.

(3) Any person aggrieved by the decision of the Commission under
subsection (2) may appeal to the Cabinet Secretary within thirty days of the decision.

Amendment of section 70 of No. 42 of 2012.

16B. Section 70 of the Principal Act is amended in—
(a) subsection (1) by inserting the words “with relevant stakeholders” immediately after the word “consultation”; 
(b) subsection (2) by deleting the expression “foreign” appearing in paragraph (a)

Amendment of the First Schedule

16D. The principal Act is amended in the First Schedule by deleting paragraph 4 and substituting therefor the following new paragraph 4—
“(4) The quorum for a meeting of the Commission shall be five members.”

This confines the function of the Kenya Universities and Colleges Central Placement Service (KUCCPS) to placement of Government-sponsored students to public universities and colleges and also to private universities as per the new development.

(Question of the new clauses proposed)

(New clauses read the First Time)

(Question, that the new clauses be read a Second Time, proposed)

(Question, that the new clauses be read a Second Time, put and agreed to)

(The new clauses were read a Second Time)

(Question, that the new clauses be added to the Bill, put and agreed to)

New Clauses 17A and 17B

DATE: 24th November 2016
**Member of Parliament: Hon. (Ms.) S.W. Chege**

**Contribution she made on: The Universities (Amendment) Bill**

Hon. Temporary Deputy Chairlady, I wanted the Mover to explain something to me. Why do we have the Cabinet Secretary signing the Letter of Interim Authority and the Charter is signed by the Chairperson of the Commission? I would like to have that clarification or a further amendment so that both of them, whether it is Letter of Interim Authority or the Charter, are signed by the Chair of the Commission.

**DATE: 24th November 2016**

**Member of Parliament: Hon. (Ms.) S.W. Chege**

**Contribution she made on: The Universities (Amendment) Bill**

After consultations, the Chair of the Commission will give a Letter of Interim Authority having approved it and then forward it to the Cabinet Secretary for signatory. Therefore, I propose that it is amended so that both the Letter of Interim Authority and the Charter be signed by the Cabinet Secretary. That is my proposal.

**DATE: 24th November 2016**

**Member of Parliament: Hon. (Ms.) S.W. Chege**

**Contribution she made on: The Universities (Amendment) Bill**

No.

**DATE: 29th November 2016**

**Member of Parliament: Hon. (Ms.) Kiptui**

**Contribution she made on: The National Honours (Amendment) Bill – Second Reading**

Thank you, Hon. Temporary Deputy Speaker. I also support this issue. I have travelled to a few countries in the world and I marvel at how some countries have managed to preserve the work of their heroes and heroines. Sometimes it really inspires the generations that come after. When you travel, before you are engaged in the official duties, some countries will take you to their museums and show you a few things about their country. It helps a bit for history’s sake and for one to understand where that country is coming from. Recently, we started a database of our heroes and heroines. I wish we could remove the bias. Society is shaped by both positive and negative aspects, but we need to bring forth those we
thought were negative and also those we thought were positive. This is because both are contributors of what a nation becomes. A nation is the sum total of the choices of its people. I want to urge ourselves that as a way forward we need to document the work of our heroes and heroines without bias. That way, future generations will conceptualise where Kenya has come from, who participated in what and they will also be inspired to contribute.

DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Ghati

Contribution she made on: The National Honours (Amendment) Bill – Second Reading

Thank you very much, Hon. Temporary Deputy Speaker for the opportunity to support the National Honours (Amendment) Bill. The freedom we enjoy today is because some people sacrificed their time, comfort and families. They are Mzee Jomo Kenyatta, Jaramogi Oginga Odinga, Tom Mboya, Dedan Kimathi and Paul Ngei. The list is endless. These people belong to the second liberation of this country. Hon. Temporary Deputy Speaker, even as I speak, I feel very bad when our President deliberately or not, refused to recognise people who fought alongside Jomo Kenyatta on Mashujaa Day in Machakos. There is no way you can mention the name of Jomo Kenyatta without mentioning Jaramogi Oginga Odinga. Those two go together. Even a Class One child knows the people who fought for the second liberation of this country. There is nothing like the Leader of the Minority Party, my leader, has talked about as being classified as “others”. We need to have a list that shows the permanent people that are known in this country as second liberators. They include Raila Odinga and Masinde Muliro. We cannot mention and assume others. There is no shortcut. When we are talking about heroes and heroines of this country, we have people like Wangari Maathai. These are people who should be known from Class One. They should be in the curriculum of our children so that when they grow up, we will not be bringing the issue of ethnicity even when it is common sense. Having said that, I look forward to a day in when we will be naming our roads in this country after our heroes and heroines. I long for that day when I go to Karatina and find a road named Raila Odinga Road or Raila Odinga Street. Kisumu is more liberal. We have Jomo Kenyatta Grounds right in the middle of Kisumu. We need to remove the whole issue of
ethnicity so that when we are talking about honouring our people, we do not bring it in. The people who were there during that time did not understand where they came from. They knew they were Kenyans and they knew they were looking for the future of this generation and the peace that we are enjoying today. I want to say that what happened in Machakos is wrong and I hope it does not happen again.

Even as we talk about heroes and heroines in this country, we tend to forget very fast as a country. What we need to do as a Government and as a people is to ensure that we are looking after the welfare of our people even when they are still alive. We have the likes of Conjestina Achieng who has brought glory and honour to this country in the boxing world. The likes of Kipchoge Keino, Catherine Ndereba, Tegla Loroupe and Paul Tergat are people that we need to invest in right now when they are still alive.

We need to name our roads after them so that you find Tegla Loroupe Road in Migori, Raila Odinga Street in Karatina and Jomo Kenyatta Grounds in Bondo. That is the culture that we need to inculcate in this country so that our people grow up knowing that we are Kenyans first before we are this or that.

Hon. Temporary Deputy Speaker, even as we talk about the welfare of people who have brought fame and glory to this country, we need to set up a fund. It will be nice to have a fund that technically looks at the welfare of these people who have done Kenya proud when they are still alive.

I happened to live, study and work in the US. The US Government has put mechanisms in place that basically looks at the war veterans. These are people who have been fighting for the Americans; the peace that the land of the free is enjoying. The Government is very serious about welfare in terms of medic aid, medicare and food rations. These are people the US Government is very proud to have. Those are the lines along which we should be talking about and not along ethnic lines.

Hon. Temporary Deputy Speaker, even as we are talking about heroes and heroines, this is an area we have done poorly as a country. As we talk about honouring our people, we need to ensure that these are the people we are honouring when they are still alive so that even as our children grow, they know that there are people who sacrificed their time, family, comfort and dignity for the freedom that the Kenyan people enjoy.

That way, as our children grow, they will know that there were people before us who
sacrificed their time, family comfort and dignity for the good that the Kenyan people enjoy today. I call upon the Government to make sure that the people who did good things for this country, the living heroes, are recognised. The men and women in the Kenya Defence Forces spend their days and nights guarding our borders. They have gone to fight in Somalia to ensure that our country is secure for our children. These are people we need to recognise as heroes and promote them.

I sat here all this while because I wanted to support this good Bill. We want to compile a list of our heroes and heroines, so that their identities can be clearly known. We do not want a situation where pretenders are honoured as heroes or somebody says that so-and-so was a hero during my reign. We should clearly state that the people who fought for freedoms in this country like Hon. Raila Odinga, Mzee Jomo Kenyatta, Hon. Paul Ngei and many others, are heroes. It should be known for a fact. It should not be left to the discretion of a reigning president to decide who was a freedom fighter at what point in time and who was not.

With those remarks, I strongly support the Bill and call upon the Members to also support it.

DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The National Honours (Amendment) Bill – Second Reading

Thank you, Hon. Temporary Deputy Speaker. It is unfortunate that I am the last Member to speak on this Bill. I needed to give guidance to the Members, noting that this Bill was reviewed by the Committee I sit in.

Before I continue, let me remind the Members that this is the national Parliament and that is why it is called the National Assembly of Kenya. As we speak, everybody across the country is watching. We cannot turn a small thing like a drop of water into a big thing like an ocean, as some Members are attempting to do. To start with, this is not a substantive Bill. It is an amendment Bill. It is clearly correcting some grammatical errors that were made by the
Committee during the Third Reading. Section 2 of the main law is about constitution of bodies at different levels. The main Act talks about persons on whom national honours shall be conferred.

The main amendment we are dealing with in this amendment Bill is on the National and County Government Honours Advisory Committee. The drafters of this Bill did not insert the word “elected”. This word is today being replaced with the word “nominated”. This amendment is from the Council of Governors.

The other amendment is giving the order of seniority of leaders in the Senate and the National Assembly. That is why the amendment seeks to add the leaders of the majorities and the leaders of the minority parties in the Senate and the National Assembly. I am raising this matter because Members are discussing this amendment as if it is the main Bill. It is good to ventilate on the matter, but it is also good to observe the rule of relevance as contained in our Standing Orders.

When somebody says that President Uhuru Kenyatta recognised some people on ethnicity bases during the recent Mashujaa Day celebrations in Machakos, it leaves me worried. We need to speak on the basis of knowledge. When the President visits an area, including the areas represented by me, Hon. Danita, Hon. Kajuju, Hon. Duale and the Temporary Deputy Speaker, he can only connect us with the heroes from those areas. During the Mashujaa Day celebrations in Machakos, the President was trying to connect with the people of Machakos. That is why he mentioned Paul Ngei. If the President was in Kisumu, he could have raised the issue of Raila Odinga.

**DATE: 29th November 2016**

**Member of Parliament: Hon. (Ms.) Muhia**

**Contribution she made on: The National Honours (Amendment) Bill – Second Reading**

I do not need information, Hon. Temporary Deputy Speaker.

**DATE: 29th November 2016**

**Member of Parliament: Hon. (Ms.) Muhia**
Contribution she made on: The National Honours (Amendment) Bill – Second Reading

What I simply implied, and I want to tell the Hon. Member, with your permission---

DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Ghati

Contribution she made on: The National Honours (Amendment) Bill – Second Reading

Hon. Temporary Deputy Speaker, the Member said that if the President was in Machakos and this is---

DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The National Honours (Amendment) Bill – Second Reading

Hon. Temporary Deputy Speaker, let me continue.

DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The National Honours (Amendment) Bill – Second Reading

I do not need information on this case.

DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: The National Honours (Amendment) Bill – Second Reading

Hon. Temporary Deputy Speaker, in this case, I was saying that if the President was in Ol Kalou in Nyandarua County, he could have spoken of J.M. Kariuki, Kimathi and possibly about me noting that I have sponsored a Bill on persons living with disabilities. The point here is that we cannot bring a very big debate on such an important Bill.

DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Muhia
**Contribution she made on: The National Honours (Amendment) Bill – Second Reading**

Hon. Temporary Deputy Speaker, let the Members not interrupt. This is a very important Bill. Is it another point of order?

**DATE: 29th November 2016**

**Member of Parliament: Hon. (Ms.) Muhia**

**Contribution she made on: The National Honours (Amendment) Bill – Second Reading**

Thank you, Hon. Temporary Deputy Speaker. Heroism reveals our missing qualities. This is an important Bill because we can also emulate the heroes that have been there ahead of us including Hon. (Prof.) Wangari Maathai. A child can grow, become inspired and start emulating Hon. Wangare Mathai. Heroes also remind us of our history. I want to speak of the heroes in our villages. Hon. Ghati and Hon. Gumbo have to listen very carefully. We do not have to keep on saying that the Government did this or that. Who is the Government? The Government is me and you.

On the issue of cash transfers, we have very old women and men who are not yet benefiting. Some of them even fought in the Mau Mau wars. This is about integrity and management. Therefore, we can also create our own heroes in our own villages, so that even if we say that the Government has recognised so and so, we can also be giving these people the benefits and integrity of their lives.

As a Member mentioned, we should not forget the people who went to Somalia to fight to safeguard our territorial integrity. Those are people who are safeguarding the welfare of our country. As they fight, their children may not be going to school. So, it is always fair for us, as Kenyans, to honour them. I am categorically not speaking of the Government because I believe that the Government is me and others. As leaders and Members of Parliament, no one can stop us from legislating to name a road after Hon. Wanjiku Muhia in Migori County.

**DATE: 29th November 2016**

**Member of Parliament: Hon. (Ms.) Muhia**

**Contribution she made on: The National Honours (Amendment) Bill – Second Reading**

There is no one who is stopping us from making such laws or amending existing laws to provide for such an arrangement. I am sure the President and his team will be reading what is in the newspapers.

With those few remarks, I support.
DATE: 29th November 2016

Member of Parliament: Hon. (Ms.) Kajuju

Contribution she made on: The Land Value Index Laws (Amendment) Bill

Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to this Bill, which I fully support. It is a very progressive Bill as far as land laws are concerned, taking into account that we are trying to harmonise three different sets of land laws, namely, the Land Act, the Land Registration Act and the very important Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act. One of the important things I have noted in these amendments is that they introduce terms that are very important in law like “just compensation, prompt and full compensation”. In law, that is very important. It means that it sets the timelines within which compensation must be done and that, that compensation must be just, fair and reasonable. I also support this Bill land always appreciates. There is no one time that you will find land depreciating. It will always appreciate. Harmonising these laws means that they will be predictable in as far as the market rates and the values of land are concerned. I believe that we are going to have a more harmonised market for land and in dealing with the Government. I also support this Bill because I know that under Clause 10, the National Land Commission (NLC) can be allowed to hold a title deed in trust for a minor. Where land is supposed to go to a minor, then the NLC can be allowed to hold the land in trust until the minor attains the required age. Also, in situations where the beneficiary of the land has passed on and, maybe, one of the persons who are supposed to get the land has not obtained letters of administration of the estate, then, the NLC can hold that land in trust until the beneficiaries obtain the letters of administration. This is a very important Bill because it has established a tribunal. The tribunal is very important and I would like Kenyans to know that they have an opportunity to go before it. In Clause 18, which establishes the tribunal, the tribunal has been given jurisdiction to entertain matters that the NLC has not responded to. We have criminalised the acts of corruption that can be committed by persons who are transacting business in the tribunal or any other place where land matters are concerned. I had very many issues to contribute to this Bill and I may not be able to have the time to do that. I strongly feel that this is a Bill that we should support taking into account the issues that have been raised in it. Lastly, with your indulgence, I would like to state that we have a problem in our Judiciary where the Land and Environment Courts are not enough. Judges who are sent to various courts to finalise matters on land are not enough and they have not done their work as they are supposed to. The other day in Meru County, the Meru Bar Association threatened to go on strike because the Land and Environment Court has only one judge. They need more judges because there are so many cases. I, therefore, ask the Judiciary to appoint more judges in the Land and Environment Courts, so that they can entertain more cases.

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Mathenge
Contribution she made on: The Refugees Bill – Second Reading

Thank you, Hon. Deputy Speaker. I thank Mheshimiwa for bringing this Bill because he is aligning everything to the protocols we have signed. What I like most is that he has defined who a refugee is. One thing I would like him to look at when it goes to the Committee of the whole House is that as we look at the issue of refugees, we should not ignore the issue of the host community. I say this in connection with the community in Daadab and in the evil areas, where refugees were seen to be better off than the host community. So, you must look into the host community as you are looking into the issue of refugees.

Again, I also want to say that we are going through very turbulent times in the world. Therefore, this Bill has come at the right time. I feel that we must support it and look at it from a humane angle. Therefore, I support and commend Hon. Neto for bringing the Bill. I do not have much more to say.

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Amolo

Contribution she made on: The Refugees Bill – Second Reading

Thank you, Hon. Deputy Speaker. I thank Hon. Neto for bringing this very important Bill. It will be very important when it comes to screening of the refugees as they come in, and more so the issue of the right to education for every child who is a refugee in this country. When this child grows up, one day, maybe, the people that he will be relying on may not be there. So, they need education while they are in this country.

The protection of women and the disabled is also very important. We should put structures in place to take care of the women and children who are in the refugee camps so that in future they can also contribute to the development of our nation, Kenya.

The other thing is the integration of refugees into the communities. This will be very important because they will also be contributing when it comes to developing that area where they are integrated.

The other issue is that of the reception officer. This is very important because the reception officer will also help these refugees with information and help them understand what it means to become a refugee in Kenya. If we put these structures in place, we shall have the register where we will know the number of refugees we have. This will help when it comes to budgeting in the Republic of Kenya.

With those few remarks, I support this Bill because it will be very crucial to us. I thank Hon. Neto for bringing this Bill to this House.

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Nyamunga

Contribution she made on: Motion on Recruitment of School Bursars
Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. First, I support it because it is important.

In supporting this important Motion, I want to agree with my colleagues that Kenya is endowed with a lot of resources. These resources will benefit many people if they are used prudently. The FPE programme was a key achievement of the National Rainbow Coalition (NARC) Government. It was an uphill task when it was first launched. We were not sure it would succeed. It succeeded and many children now have access to education. It is important for us to recognise the good work that the Cabinet Secretary (CS) for Education, Science and Technology has done. The degree of cheating in national examinations in the country has been reduced tremendously.

We must add value to our schools in a good way. We all know that there is a big overhaul in the education system. The Government intends to do a thorough overhaul even in the curriculum. We must streamline everything. We must let teachers be. If we combine teaching with accountancy and management, we will lose it. We must allow the national Government to take charge of the management of the resources under the FPE Programme. Many students will access education if those resources are managed well. There are still demands on parents in terms of activity fees. If the money is properly managed and utilised, there will be no teacher asking for fee from any parent. We have children who are not going to school because of the charges in primary schools. If the money intended for the FPE is properly utilised, children will not be asked for extra money.

We used to have bursars in schools during our time. Where did they go? The bursars should be employed independently by the national Government. We might say that the wage bill is already high, but employing one extra person will help us save money that we are losing through the mismanagement of the FPE kitty. I support this Motion with the aim of ensuring prudent use of resources not only in our primary schools, but in all Government offices. We should get rid of the culture that people must loot where they serve because this culture is denying Kenyans the services they deserve. They can access those services if we manage our resources properly. Teachers should be allowed to manage schools. They should not be involved in the management of funds. They might be tempted to use the money for purposes that are not intended.

I support this Motion. We can hire a bursar to help us manage our resources in a proper manner.

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Amolo

Contribution she made on: Motion on Recruitment of School Bursars

Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. I would also like to thank Hon. Lusweti for bringing it to the House to improve the management of the FPE funds. A lot of infrastructure is not in place because most of the schools were put up in early 1960s. Classrooms are in poor conditions. When it rains, pupils are exposed to a lot of risk. Since
schools do not have funds for renovating classrooms, they are forced to look for money in other offices. They end up at the offices of the NG-CDF while in other instances, they organise for Harambee. This eats into their teaching time. Teachers should be supported fully if we must get quality education. We should have proper infrastructure in schools, so that teachers can concentrate on giving quality education. This will improve the livelihoods of Kenyans because we will equip our children at the early stages.

It is very important to have bursars to manage our finances. Bursars will be creative. They will have Budgets for various activities in schools, including for the repair of classrooms. This will improve performances in our schools because teachers will concentrate on their core function, which is training and teaching our young people.

We should also look at the challenges that schools have faced since the implementation of the FPE Programme. We can then task the bursars to look for solutions to these challenges. I want to agree with Hon. Okoth that some schools do not have big populations. We should look for ways of countering such when we employ bursars. Some of them will be idle. We must have proper structures, so that in such situations, one bursar is allocated two or three schools to manage.

The Kshs1,420 capitation per student is very low. If we must improve the quality of education and give the bursars work, the Government must increase that amount to about Kshs2,000 per pupil because the cost of education has also gone up.

I think the issue of registration of schools has been put on a standstill for now, yet we have so many children who are joining these schools. Therefore, I urge the Government to look into that issue. More schools should be registered, so that we have enough schools that will take care of our children.

We now have ECDE centres in our counties. This is also another factor that we need to look at. I support the idea of recruiting bursars because they will be advising parents and teachers in good time on what is supposed to be done in the schools. Those who contributed early in the morning said that we need to provide education to refugees who are quite a number in this country. If our children do not have enough, it will be very difficult for us to give to outsiders proper and quality education. We need to look at all the aspects of this issue to see how we can improve our FPE and increase the enrolment of children in ECDE education.

I believe the bursars who will be recruited will have some important skills. They need to have negotiation and financial management skills because without these, it will be a waste of time and it will just continue to bring in the issue of corruption in our schools. We need proper records to be put in place, so that during audit, it will be easy for the schools to provide us with proper records and audited accounts for us to have that morale of supporting our schools.

When we conduct Harambees for particular schools, the bursar will be in charge of negotiation and financial management. He will explain to parents what exactly the Harambee money has done, where it has gone and the balance. This will not give our good teachers any headache when it comes to the infrastructure of the schools.

We all know that when a teacher does not have a staffroom, an administration block and classes are in a poor state, the performance of the school will go down. The teachers will be busy looking for funds to put up structures that are almost falling down. They do not know when the structures will fall down which can be on a school day or when the children are away from
school. It becomes a big risk for the teachers. We know very well that the Kenya Certificate of Primary Education (KCPE) determines what our children will be in the future. This is a very important stage. We need to give children free and proper education. It should not only be free, but quality education. If there are no classrooms, where are we sending our children to?

We need to look into what the Kshs14 billion that has gone into the FPE has done since the programme was implemented. How can we improve it? Sometimes we just add money in our budgets, yet we are not looking at the key aspect of what the money is doing. I support Hon. Lusweti and thank him for bringing this Motion. If this Motion is passed, I urge the bursars who will be recruited to come with clean records and support us, so that we can improve the performance of our children in primary education and fight corruption that has eaten into the economy of the Republic of Kenya.

With those few remarks, I thank you

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: Motion on Recruitment of School Bursars

I must start by saying that because I am opposing. I am just saying whereas I---

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Otucho

Contribution she made on: Motion on Recruitment of School Bursars

Yes, I will get there. Whereas I appreciate the thinking in terms of what the Member was seeking to address, that is to ensure prudent utilisation and management of the Free Primary Education, I have reservations with respect to the how to recruit bursars which he believes will be a solution to that.

I want to oppose this Motion for the following reason: Recruiting bursars will not be a guarantee to addressing the challenge. We have had bursars in secondary schools but we have cases of misappropriation and mismanagement. The issue of corruption is an issue that Kenyans need to awaken to its reality and look for long-lasting solutions. It is a culture. It is a menace and it is a disease. Sometimes I wonder when I see colleagues pointing fingers at each other. When I see Kenyans politicising the issue of corruption yet it is everywhere, I wonder. It is in the society; it is in our schools; it is everywhere. To address this problem of mismanagement, it goes beyond employing the bursars. Secondly, we must put our priorities right. When we look at primary schools, sometimes I pose to ask myself: “Do we have free primary education?” If you ask a parent in my Teso South Constituency whether there is free primary education, they will say they do not know and they do not see it.

I want to join my colleagues in congratulating Dr. Matiang’i for what he has done. He has done extremely well. But, I want to tell Mr. Matiang’i to make those surprise visits to the parents of
Kenya across this country and listen to them to see whether there is free primary education. To me, the priority should be to make sure we have free primary education. There are children in my constituency who have discontinued education - which is a right and an equaliser - because they cannot raise extra fees that are being charged for sports, mocks, exams and to pay teachers. So, can we first make primary education free so that every child can access that education?

I belong to an association where we sometimes have to raise money to help our parents employ more teachers.

There is serious understaffing. So, how can we talk of employing bursars when we do not even have enough teachers in the schools? Can we employ more teachers? Can we promote those teachers to motivate them? Can we remunerate the teachers properly then we begin to talk of employing bursars?

Hon. Temporary Deputy Speaker, as a result of what is on paper as Free Primary Education, we experienced increased and massive enrolment. In my constituency, one class has over 100 pupils. There is serious strain on physical infrastructure. I heard a Member say his constituency has 143 schools. My constituency has close to that. The National Government Constituencies Development Fund (NG-CDF) is not sufficient. I am urging Dr. Matiang’i that the same energy, vigor and interventions he directed at KNEC, he directs at primary schools so that we have the Ministry supplementing what we are doing through the NG-CDF. We need to develop our infrastructure so that we have conducive learning environment. If these three things are addressed, then we can increase capitation. The money being given to schools is little. The Ministry needs to increase capitation in order to address those issues. The Ministry should cater for mock examinations, sports and so on. This is so that the parents of Kenya can really enjoy Free Primary Education. Once we increase capitation we can talk of employing bursars who are trained in financial management to manage these monies. At the same time we should declare corruption a national disaster and confront it head on. We also now need to address all those issues concurrently be they about bursars, proper financial management and prudence in the management of resources in our schools.

I oppose. Those issues must be addressed.

**DATE: 30th November 2016**

**Member of Parliament: Hon. (Ms.) Ombaka**

**Contribution she made on: Motion on Recruitment of School Bursars**

Thank you, Hon. Temporary Deputy Speaker for your opportunity. My observation about primary schools is that these are institutions where so much money is poured in. There is so much money that goes to primary schools through the Ministry, parents, donors and friends of schools. So, there is need to have bursars. Primary schools are neglected. They do not have key people that look after the resources that go to them. Bursars are hardly there. Sometimes the people who manage the funds for the schools are called clerks. They are never called bursars. They are just clerks, people who have worked in that school for a long time and have some
experience about managing funds but are never trained. They do not have any professional
knowhow on how to manage funds. That is why primary schools are poorly run and that is the
kind of image in the community at the village level where you will find that a school has so much
money but it is lost, mismanaged or embezzled. Buildings are rotten, there are no toilets, books
or anything of the kind. This is simply because the funds that are being managed in that school
are not professionally managed. That is why there is need to recruit bursars.

One thing I would like to highlight is, in the recruitment of school bursars, we should not just for
go for education level that they are trained financial managers or controllers but they must also
have codes of conduct.

Where do they come from? Some of them are transferred from one school to another and some
are recruited by the boards of the schools. But they never carry with them codes of conduct.
They are definitely qualified because they can manage. But do who knows their background?
These are the people who embezzle funds. These are the people who run away with school
funds. I look at the way I manage my life as a politician, every other day there is a Harambee we
carry out. Sometimes if it is not Harambee we have school book donation. But these books do
not last long; within a week books are lost. What are the roles of bursars? They are not only to
look after money, but also what the money buys for that school. I feel it is important to recruit
professional bursars so that the money is utilised adequately, properly and accurately. But they
must also carry with them the code of conduct that ensures that these are good people that can
manage school funds. How do we know that they can manage school funds? How do we know
that the money we give to the schools is taken care of? They never know how to account for the
funds.

Where money gets lost a lot are schools where there are no bursars. I recommend that the
schools must have them so that we can control the resources that the schools have, and not
only the money but also other items that the schools buy such as books, beds if it is a boarding
school, and desks.

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Kajuju

Contribution she made on: Notice of Motion on Adoption of Report on Genetically
Modified Food

Hon. Speaker, I seek to be allowed to give notice tomorrow in the afternoon.

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.) Kajuju

Contribution she made on: Notice of Motion on Adoption of Report on Genetically
Modified Food

Thank you, Hon. Speaker.
COMMITTEE OF THE WHOLE HOUSE

DATE: 30th November 2016

Member of Parliament: Hon. (Ms.)

Contribution she made on: The Witness Protection (Amendment) Bill

Hon. Temporary Deputy Chairman, I support the proposed amendment by Hon. Chepkong’a. He moved Clause 18 as a whole but we were consulting with Hon. ole Kenta on Clause 18(f) on the deletion of Sub-clause 13.