Chairs

Date: November 3rd 2016

Member of Parliament: Sen. Elizabeth Ongoro

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

COMMITTEE OF THE WHOLE HOUSE

DATE: 1st November

MEMBER OF PARLIAMENT: Sen. Janet Ong’era

CONTRIBUTION SHE MADE ON: Alleged misappropriation and loss of public funds in the ministry of health

‘On a point of order, Mr. Speaker, Sir. We seek your intervention that the period asked of two weeks is too long. This is a very serious matter that is of public concern. A lot of money has gone underground. In fact, it is more than KShs 5 billion. The shortest time possible should be taken so that Kenyans know where their money has gone.’
DATE: 1st November

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE ON: Security situation in South Sudan

‘Mr. Speaker, Sir, I have just given the Statement to Sen. Wetangula. I do not know whether he is ready so that we proceed. I do not know whether he has gone through it.’

‘Mr. Speaker, Sir, regarding the first question on why the Government of Kenya did not send its military to protect and evacuate Kenyans in Juba, the Government of Kenya took the decision of a diplomatic approach to avoid escalating the already volatile situation with actions that could be construed as proactive. Indeed, the Chiefs of Defence Forces of Kenya, Ethiopia, Rwanda and Uganda met in Addis Ababa and Juba in July to review the security situation. They proposed the establishment of a stabilization force with international backing as way to stabilize the security situation in the country. The proposal was taken up by the United Nations (UN) Security Council through Resolution 2304 (2016) extending the United Nations Mission in Sudan (UNMIS) Mandate, including the deployment of the Regional Protection Force of 4,000. The regional Chiefs of Defence Forces have been meeting to work out modalities for the deployment of the Protection Force. We hope the UN Security Council will go a step further to provide sustainable funding as well as the necessary force multipliers and enablers to guarantee their success in their mandate. Concerning the second question about what concrete steps are being taken either to send escorted buses or trucks to bring Kenyans in Juba, there are no plans to send escorted buses or trucks to South Sudan as the main route to Juba from Nimule is open and operational. Indeed, Juba Airport is open and KQ, Fly 540 and other airlines are operating. Regarding why the Government did not consider using the quickest means or methods of transport possible to
evacuate Kenyans in South Sudan, the Government used the quickest means possible to evacuate vulnerable Kenyans in South Sudan at the height of the conflict. A total of 845 Kenyans were evacuated by chartered flights from Juba to Nairobi. The fourth question was how many Kenyans in South Sudan who are in excess of 35,000 are being catered for. The Government issued travel advisory against travels to South Sudan till the situation returns to normal. Further, Kenyans in South Sudan have been urged to contact the Embassy in Juba in case of distress for assistance. During the evacuation exercise, the Government airlifted dry ration, nitrous biscuits and water to assist Kenyans who had sought refuge at the Embassy. In the fifth question, he wanted to know the number of refugees that have fled to Kenya so far since the conflict started. The number of refugee flows from South Sudan to Kenya is estimated at 60,000 since the new wave of violence broke out. To answer the sixth question about what the Government is doing as the regional leader to help bring normalcy to South Sudan, the Government is fully engaged and seized of the matter of South Sudan. It has mobilized regional leaders and partners in addressing the South Sudan conflict. The Government of Kenya took the lead on 11th July and hosted the 56th Extra Ordinary Council of IGAD Foreign Ministers meeting in Nairobi to discuss and offer solutions to the crisis in South Sudan. His Excellency the President uses various fora such as the recently concluded IGAD sideline meeting in Kigali, Rwanda on 16th July, 2016, with other IGAD Plus Heads of State or Government, the XIV UNCTAD Conference held in Nairobi from 17th to 22nd August, 2016, the 27th Extra Ordinary IGAD Plus Heads of State and Government meeting held in Addis Ababa on 5th August, 2016, among others in the effort to find a solution to the challenging situation in South Sudan. On 30th August, 2016, His Excellency the President also made an official visit to Juba and held bilateral talks with His Excellency President Salva Kiir Mayardit. The visit was aimed at encouraging and giving support to ensure that there is
peace and stability in the region. President Uhuru Kenyatta urged the Government of South Sudan to push forward and fast-track the implementation of the Agreement and the Resolution of the Conflict of South Sudan (ARCISS) and the reforms agreed under that peace agreement, including the security arrangement in order to restore law and order, consolidate peace and stabilize the country. Kenya fully supports the UN and African Union (AU) efforts championed by His Excellency Festus Mogae, Chairperson of the Joint Monitoring and Evaluation Commission (JMEC) and His Excellency Alpha Konare, African Union High Representative for South Sudan aimed at consolidating support for the implementation of the ARCISS to restore peace and stability in the country. We all know that the road to peace in South Sudan has been long and difficult. All efforts should, therefore, be geared at pushing for a common agenda towards de-escalation of conflict, restoration of peace and political stability founded on constitutionalism, the rule of law and democratic principles in the young nation. Ultimately, the leadership and the people of South Sudan have the primary responsibility to end conflict for peace, stability and socio-economic development. Towards that end, the full implementation of the ARCISS in good faith remains central. In that pursuit, Kenya and the rest of the world are needed to constructively engage with the Transitional Government of National Unity assuring them of continued support in that endeavour. The seventh question was about how many refugees the Government intends to allow into Kenya considering that the new policy on management of refugees is to close down refugee camps. The issue of refugees is an international obligation. The Government of Kenya will closely work with other international partners and organisations to take care of refugees as the need arise. Concerning the eighth question about what informs the Government decision to use road transport to bring Kenyans back instead of continuing with the airlifts, the Government did not consider use of road
transport at any time during the evacuation exercise. The exercise was stopped when commercial flights resumed operations from Juba Airport. The ninth question was whether the Government has considered extending the issuance of travel documents to those Kenyans in South Sudan who wish to travel back home, but did not have the documents. The answer is that the Kenya Embassy in Juba continues to issue free emergency travel documents for those without valid travel documents. There are reports that Kenyans are travelling back to Juba to continue with their businesses in South Sudan. Any Kenyan who has lost a passport and needs to travel back to the country is required to visit the Embassy for application and issuance of emergency travel documents. Regarding the question on arrangements that the Government has made in Turkana County to secure Kenyans as a result of influx of refugees from South Sudan, refugees from South Sudan have been absorbed in Kakuma Refugee Camp and are being attended to like all other in cooperation with the humanitarian organisations and agencies. Question number 11 was about what the Government will do to bring together the warring factions in South Sudan. Kenya has continued to play a proactive diplomatic engagement to implore the leadership of South Sudan to honour the peace agreement with a view to restore peace and tranquility. Furthermore, IGAD, AU and the UN Security Council are seized with the matter and have held several meetings to map out the stabilization effort. The International Community is doing its best and working with all parties to the conflict to resolve their differences through dialogue and honour the peace agreement. The Government, under the IGAD auspices, is working with the various actors to help bring the issue to an amicable end. Regarding question number 12 about the Governments policy with regard to Kenyans working in conflict situations like South Sudan, under the coordination of the Ministry of Foreign Affairs, the Government continuously assesses the security situation in South Sudan and accordingly, takes actions which include, but not
restricted to the following:- (a) Issuance of Advisory Kenyans are advised to consider or defer travel to the country, particularly the most conflict-prone areas, avoid clouded areas considered high security risk and to avoid engaging or discussing local politics.

‘Mr. Speaker, Sir, it is a long one. I do not know whether---‘

‘Mr. Speaker, Sir, I cannot summarise because all these questions were asked. We are only left with about five questions that need to be answered.’

‘Mr. Speaker, Sir, unless I go to the last one because I believe Sen. Wetangula has a copy of the Statement.’

‘Mr. Speaker, Sir, the final question was about whether Kenya will petition the African Peace and Security Council of the AU and UN to call for reconstitution of an international mechanism to bring order in South Sudan. The answer is that Kenya is a member of the AU Peace and Security Council and continues to play a proactive diplomatic role in exhorting the leadership and parties in South Sudan to honour the peace agreement and guarantee peace and stability. Furthermore, IGAD, AU and UN are seized of the situation in South Sudan as demonstrated by the adoption of the UN Resolution 2304 of August, 2016. Mr. Speaker, Sir, I thank you’

‘Mr. Speaker, Sir, Kenya has a mandate to protect the rights of her citizens wherever they are. That is paramount. I have a seven paged document to answer all the questions that were raised by the Members in this House. I believe measures have been put in place to make sure that the warring factions make peace. The only oversight is the issue of Hon. Dalmas Otieno which was not captured in the Statement. I will try and follow up on it so that I provide an answer to the House and to the Senate Minority Leader who requested for it. Mr. Speaker, Sir, the Government is committed to making sure that peace prevails in South Sudan. We have given a lengthy
statement to answer all the issues that were raised. However, I will pick up what has been left out so that we answer the question comprehensively.’

DATE: 1st November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny’

CONTRIBUTION SHE MADE ON: The reproductive health care bill

‘Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Reproductive Health Care Bill (Senate Bill No.17 of 2014) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

‘Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.’

‘Mr. Deputy Speaker, Sir, I beg to move that the Reproductive Healthcare Bill (Senate Bill No.17 of 2014) be now read a Third Time.’
MEMBER OF PARLIAMENT: Sen. Judith Sijeny’

CONTRIBUTION SHE MADE: Status of the construction of Kirinyaga sewerage plant

‘Mr. Speaker, Sir, if I remember correctly, you had ruled that this request for statement be directed to the right committee. It does not concern the Committee on Roads.’

‘Mr. Speaker, Sir, the last time this request for statement came up, we were told that the Ministry does not deal with it. You gave a direction that it be taken to another committee’

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Plight of residents of Kasarani Malewa Ward in Gilgil Constituency

‘On a point of order, Mr. Speaker, Sir. I had asked for a statement on the plight of residents of Kasarani Malewa Ward in Gilgil Constituency and it was on Order Paper yesterday but the committee leadership was not in the House. I was hoping that it would be there today because it is an issue that is quite critical. I hope you will give the way forward on the same because it was due yesterday’

DATE: 2nd November
MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Visiting delegation members and staff from Nandi County Assembly

‘Mr. Speaker, Sir, I join you in welcoming the delegation from Nandi County. I specifically welcome Hon. Joseph Lagat whom together we founded the United Democratic Forum (UDF) Party right from the beginning. He was the representative of the party from the county. I hope that they will take home something from this Senate. They should learn what is good and discard what is not necessary. Mr. Speaker, Sir, I thank you’

DATE: 2nd November

MEMBER OF PARLIAMENT: Sen. Zipporah Kittony

CONTRIBUTION SHE MADE: Visiting delegation members and staff from Nandi County Assembly

‘Mr. Speaker, Sir, allow me to join you in welcoming the delegation from Nandi County. I want to tell them that the Senate is the place to be. I believe they have listened to the deliberations of this afternoon about the drought situation in the country. I hope they will consider people who are suffering because of drought when they go back to Nandi and share what God has blessed them with. I hope they will take our greetings home and tell people that the Senate is the right place to learn and make devolution a reality’
DATE: 2nd November

MEMBER OF PARLIAMENT: Sen. Lisa Chelule

CONTRIBUTION SHE MADE: Visiting delegation members and staff from Nandi County Assembly

‘Mr. Speaker, Sir, I also join my fellow Senators in welcoming the delegation from Nandi. We sat with them in the Committee on Land and Natural Resources and their contribution was impressive. It showed that they are here to represent the people of Nandi County. It is my prayer that they will continue to articulate issues the way they did before our Committee. They are most welcome and when they go back, they should take our greetings to the people of Nandi County.’

DATE: 2nd November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Visiting delegation members and staff from Nandi County Assembly

‘Thank you, Mr. Speaker, Sir. I also wish to commend the team which has come to visit the Senate. More particularly, I wish to congratulate and encourage the ladies to work hard. This is the place to be. Next time, we would like to have them elected as women Senators and not just Members of the County Assembly (MCAs). You are welcome’
DATE: 2\textsuperscript{nd} November

MEMBER OF PARLIAMENT: Sen. Janet Ongera

CONTRIBUTION SHE MADE: The County Governments (Amendment)(no.2) Bill (Senate Bill.no.7 of 2016)

‘On a point of order, Mr. Temporary Speaker, Sir. Did you hear the distinguished Senator for Mombasa say that there are only 47 Senators in this august House? Is he in order when we know we are 67 Senators and the Speaker, making 68?’

DATE: 2\textsuperscript{nd} November

MEMBER OF PARLIAMENT: Sen.(Dr.) Agnes Zani

CONTRIBUTION SHE MADE: The County Governments (Amendment)(no.2) Bill (Senate Bill.no.7 of 2016)

‘On a point of order, Mr. Temporary Speaker, Sir. Is Sen. (Eng.) Karue in order to mislead us that this Bill has been introduced by Sen. Mutula Kilonzo Jnr. while it has been introduced by Sen. Wamatangi?’

‘Mr. Temporary Speaker, Sir, I oblige happily. My apologies for that point of order’
DATE: 3rd November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Plight of residents of Kasarani Malewa Ward, Gilgil Constituency

‘Mr. Speaker, Sir, the reason I asked for the Statement is because every time there is recruitment of police, Kenya Defence Forces (KDF) and the National Youth Service (NYS), the children from Malewa Ward in Gilgil are always told to go to Naivasha---‘

‘Mr. Speaker, Sir, since the Chair was away, I agree that next week on Tuesday is okay’

DATE: 3rd November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Plight of Kenyan refugees from Uganda camping at the entrance of parliament building

‘Mr. Speaker, Sir, the Chairman has not given us the data concerning the number of women especially the ones who were out here and what precautions are being taken to ensure that the women and the young children even the one who was delivered there are well taken of and they have all the essentials as provided for in the Constitution.’

DATE: 3rd November

MEMBER OF PARLIAMENT: Sen. Elizabeth Ongoro

‘ Mr. Deputy Speaker, Sir, I would like to thank the Senate Majority Leader for Moving this Bill. I have been away for some time and I have not had time to interrogate the Bill, but the Senate Majority leader has given us a preview of what it entails. I will not belabour many points. It is true that this is an important Bill that seeks to amend Article 204 of Constitution. Many of the problems that we are dealing with as a nation can be traced to the issue of inequality and the fact that some regions in this country feel left behind in matters development for many years. It is also true that if we want to decentralise development and all other matters, the word ‘regional’ is quite big and does not talk to the real issues at the grassroots. Therefore, transferring the issue and matter of consideration to the level of constituency could make a lot of sense that seeks to give this nation the critical solutions that we need in our attempt to ensure that all regions and all constituencies feel that they are being fairly considered in matters development. I support and second.

(Question proposed)

DATE: 3rd November

MEMBER OF PARLIAMENT: Godliver Omondi


‘ Madam Temporary Speaker, thank you for giving me the opportunity to add my voice to this Bill. I oppose it in totality because it aims at bringing down devolution and touches on the lives
of Kenyans. As the custodian of devolution, I cannot allow us to pass such an amendment to the Constitution that aims at bringing down devolution. The Equalisation Fund aims at bringing equality and improving the lives of Kenyans who have been marginalised for the last 50 years. For example, I was in Turkana County in 2011. The first question that people asked me is: How is Kenya? That was a clear indication that some parts of this country are looked at as if they are not part of Kenya simply because of marginalisation. The Equalisation Fund aims at giving quality services to all Kenyans. As a legislator representing Persons with Disabilities (PWDs) – I think when I use an example of Turkana County amongst other counties that have bad terrain – accessibility is a problem. I remember when I went to Turkana County and had a forum with PWDs, they could not use wheelchairs because of the terrain. If we had such a fund, the people of my category and the group that I represent here would easily access the basic services. As I oppose this Bill, we should not allow passing or debating Motions that will bring down the socio-economic pillar of Kenyans. This is violating the rights and the human rights aspect of Kenyans. We, as Senators, should not allow violation of the Constitution. We should not allow people in the counties to suffer by bringing amendments that will make them face a lot of challenges. As we work on the teething problems in the implementation of the Constitution, we must be careful with the laws that we enact and the amendments that we make. The best option is for us, as the Senate, is not to debate and approve such an amendment because history will judge us harshly. We represent the people who trust and believe in us. They have entrusted us to pass Bills and Motions that will improve their lives. Madam Temporary Speaker, we sometimes fail because of bias and end up failing the people we represent. We have the Members of National Assembly who represent the affected constituencies. I want to believe that they never voted for this amendment. If they did, then they failed in their role of representing the people who elected
them. If a Member from a marginalised area can forget the people he or she represents, that is lack of respect to the electorate. That is not being accountable for the roles that they elected them to perform on their behalf. With those remarks, I join my fellow Senators who have stood firmly and opposed the amendment and the Bill. Thank you.

DATE: 3rd November

MEMBER OF PARLIAMENT: Sen. Godliver Omondi


‘Thank you, Madam Temporary Speaker, for allowing me to contribute to this Bill that seeks to amend the Constitution of Kenya. I support this Bill simply because it is an amendment that seeks to bring some sanity and draw lines between the organs of Government. It also seeks to allow Parliament to carry out its mandate without interference. It reaches a time when our hands are tied and we cannot deliver or carry out our day to day constitutional requirements. Our Constitution still has some grey areas that need to be amended. However, we must only carry out amendments that will add value to the people of Kenya, without infringing on their rights. I will support any amendment on the Floor of this House that seeks to improve the lives of Kenyans through service delivery. As the Senate, we should not allow any amendment that infringes on the rights of the people of Kenya. Madam Temporary Speaker, we represent the people of Kenya who are in the counties. For a common mwananchi to feel represented, we must support what benefits them and makes their lives better than it was 50 years ago. We should not legislate to benefit ourselves, but the people we represent. I wish to remind Kenyans who live above the poverty line not to forget where they came from. Where we came from, we were not able to get a
cup of water and we have Kenyans who are undergoing such a life. As we represent them, we must represent them having it in mind that we are working towards bringing down the poverty level. We can only bring down the poverty level when we legislate laws that are friendly to the users, that is, the people we represent. Madam Temporary Speaker, many a times we come up with good laws but the law enforcement brings this country down. It is so shameful nationally and internationally that we have the laws in place but we are not able to use the law to bring sanity in this country. One of the areas that we feel ashamed is when we see the country facing a lot of corruption that leave Kenyans in poverty. Kenyans sleep on empty stomachs when people in power who are supposed to deliver quality services to the people have looted everything and the law is in place. It is because we are biased as a nation and as a Government. There are people who are untouchable. It is so annoying and I say that violation of the Constitution is against the law. The Constitution is above everyone. If we can legislate laws that are implemented, having the strength of the Constitution, I know we can achieve and deliver quality services to the people of Kenya. With those few remarks, I support.’

DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Visiting delegation of members of chairperson’s panel and staff from Kakamega County

‘Mr. Speaker, Sir, I join my colleagues in welcoming the delegation from Kakamega County. You have heard Sen. (Prof.) Lonyangapuo raise a substantial issue in terms of oversight. Bukhunugu Stadium is not the only one that has had problems in Kakamega County. The problem
has been compounded by a notoriously hard-headed governor who has refused to appear before the County Public Accounts and Investments Committee (CPAIC). He is the only one out of the 47 who has refused to even honour summonses before the CPAIC. Mr. Speaker, Sir, we cannot deliberate these issues until he avails himself in person to take responsibility for the billions of shillings that are being pumped to Kakamega. We should not blame the Members. It is only that we are being frustrated. If that can happen to the Senate, I can only imagine what the county assembly, which is our small brother, is going through. It is worse because they cannot hold the county government accountable. So, I hope we will break this deadlock and get Kakamega County Government accountable, so that the people of Kakamega will get value for money for the projects. What happened in Bukhungu is only an indication of many other projects that have been happening in the county. I welcome the delegation and hope they will take their oversight role seriously as we do. They should always seek legal interventions like we have done. In terms of summoning the governor, we will not relent because that is what we are supposed to. We will continue to update the Parliamentary Service Commission (PSC) and this Senate about the attendance of Governor Oparanya.

DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: VISITING DELEGATION OF MEMBERS OF CHAIRPERSON’S PANEL AND STAFF FROM KAKAMEGA COUNTY

‘Mr. Speaker, Sir, I also join my colleagues in appreciating the visitors from my county which is Kakamega. I know they have faced many challenges. In the report of the Controller of Budget, they were unable to bank all their local revenue. Therefore, queries will be raised. As we move
towards elections, I would like to urge the women to go for substantive seats. We should support each other to be elected so that we manage the resources that we are given by the national Government. Mr. Speaker, Sir, in Kakamega, we have stood firm. We have a governor who is very notorious but at the same time, some of the MCAs have been very strong on him to ensure that he accounts for what he is doing. I thank them for the work they have done. Mr. Speaker, Sir, thank you.’

DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Joy Gwendo

CONTRIBUTION SHE MADE: Nginda Girls’ Secondary School students on Attachment to the Senate

‘Mr. Speaker, Sir, I also add my voice in welcoming the students. I am elated to realise that they are girl students coming to volunteer in the Senate. It means that it is a good beginning for them realising that we are struggling to have more women in leadership in the world. For example, today, the Americans are struggling to elect Mrs. Hillary Clinton to presidency. For them to come here, they have began well and are destined for greatness.’

DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Nginda Girls’ Secondary School students on Attachment to the Senate

‘Mr. Speaker, Sir, I join my colleagues in welcoming the girls form Nginda Secondary School. It is my county of birth. I am very proud that they are here today.
On behalf of the Kenya Women Senators Association (KEWOSA), let me tell them that tomorrow, they can sit where we are sitting today. These seats are theirs. We have paved the way for them by clearing the bushes and it can only get better. They have come at a time when we are making history by getting the first woman President in the United States of America (USA) second to UK’s Prime Minister, Teresa May. Girls rule the world. You can be anything that you want to become.’

‘Mr. Speaker, Sir, this will be known in a few hours. We are just waiting for it to happen because all directions and indications are that she will win. I am with her’

‘On a point of order, Mr. Speaker, Sir. Is Sen. (Prof.) Lonyangapuo in order to say that I do not like men? I confirm to him that I have husband and I am a mother of boys. I like men, but not that one who is against Mrs. Clinton. It is on record, he has referred to women as pigs. I cannot be associated with such a man.’

‘Mr. Speaker, Sir, I am definitely guided. We will wait for a few hours. In response to Sen. (Dr.) Khalwale, I confirm that Hon. Sakaja, the Chairman of Kenya Young Parliamentarians (KYP) was actually invited and represented us in the Democratic Party. He just chose because you only saw one person. However, I put it on record that it is not about Jubilee. Many who are even on the other side are with her apart from hon. Sen (Dr.) Khalwale’
DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: Nginda Girls’ Secondary School students on Attachment to the Senate

‘Thank you, Mr. Speaker, Sir. I thank the Senate because it has made us proud by seeing young girls seated in the Senate. In some few hours, history will judge us that women in the world can lead powerful nations. Today, these young girls will remember that we can transform our nation. You will learn a lot. Thirdly, you will be there to see that the USA, the land of opportunity, will be led by a woman. Thank you.’

(An hon. Senator consulted loudly)

DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Zipporah Kittony

CONTRIBUTION SHE MADE: Nginda Girls’ Secondary School students on Attachment to the Senate

‘Mr. Speaker, Sir, I celebrate and commend the young girls who have chosen to come to the Senate to see how deliberations are conducted. They are learning great things in their lives. I wish them the best and I thank their institution. As we celebrate, we have come a long way fighting for leadership in order to be on the leadership table with men. Today, I take this opportunity to celebrate in advance Hillary Clinton because I believe she will be elected. The girls have done the right thing to come here. I congratulate you and wish you the best in your lives.’
DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: Papers laid

‘Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, Tuesday, 8th November, 2016:-

RECOMMENDATIONS FROM CRA ON EQUITABLE SHARE OF REVENUE

Recommendations from the Commission on Revenue Allocation on Equitable Share of Revenue raised nationally between the National and county governments of the Financial Year 2017/2018;

REVIEW OF REPORT FROM THE OFFICE OF THE CONTROLLER OF BUDGET


REPORT ON ANNUAL COUNTY GOVERNMENT’S BUDGET IMPLEMENTATION


(Sen. Elachi laid the documents on the Table)

DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Elizabeth Ongoro
CONTRIBUTION SHE MADE: Detention of Mr. Philip Mbithi Mutiso by Tanzanian Authorities

‘On a point of order, Mr. Speaker, Sir. This Senate is a House of honour and dignity. All Members here are hon. Senators and their mode of dressing is modest. Is the hon. Senator in order to demean the women Senators in this House by ordering Sen. Kittony to do a catwalk in the Senate? This is a place where we showcase our mental capacities and not our catwalk capabilities. Is he in order?’

DATE: 8th November

MEMBER OF PARLIAMENT: Joy Gwendo

CONTRIBUTION SHE MADE: Status of Rabour-Chiga-Kibos Road

‘Mr. Speaker, Sir. Pursuant to Standing Order 45 (2) (b), I wish to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the status of Rabuor-Chiga-Kibos road in Kisumu County. In the statement, the Chairperson should address the following issues:- (a)Is the Government aware of the deplorable status of the status of RabuorChiga-Kibos Road which gets completely impassable during the rainy season? (b)Could the Central Government upgrade the road from Class D to Class C so that it can attract funding from the National Government considering that the road is the lifeline for sugar cane and rice farmers as it links Kibos Sugar factory and the Lake Basin Development Authority rice mills in Kibos to the Ahero-Kisumu Road? (c)When will funds be allocated to re-gravelling drainage and clearing the culvert replacement on the road. (d)What measures are in place to protect the road from additional damage due to perennial flooding which is frequent in the area?’
DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: Circumstances that led to injuring of Governor Isaac Ruto

‘Mr. Speaker, Sir, riding on the same statement, could the Chairperson also tell us the steps that the Government has put in place to ensure the security of women aspirants in this country? He should tell us that because just yesterday or the day before, there was an attack in Teso South that was directed to women Senators and Members of Parliament (MPs). We have seen the same in Bomet and in other areas. Could the Chairman tell us what the Government is doing to protect those of us who will be seeking offices that are perceived to be for men? He should also tell us the action taken concerning attacks during our programmes and functions.’

DATE: 8th November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: Circumstances that led to injuring of Governor Isaac Ruto

‘Mr. Speaker, Sir, I also want to ride on the same statement. I would like the Chairman to ask the Cabinet Secretary (CS) to tell us the precautions or measures they have taken to protect not only the women but most of the aspirants. I know for sure that my supporters have been beaten up in Langata and there are some people who are waiting to kill me. Could they find out who those people are and what measures have been put in place?’

DATE: 9th November
MEMBER OF PARLIAMENT: Sen. Elizabeth Ongoro

CONTRIBUTION SHE MADE: Prolonged drought disaster and looming famine in the country

‘Mr. Temporary Speaker, Sir, I was in the Senators’ Lounge when I listened to the Chair’s response to this statement. I want to state that I was not convinced that the statement should be read in the Senate because this statement that has been sought is of such enormous importance to this country because if not well addressed, we will be talking not about animals dying but ripple effects of losing human beings. Mr. Temporary Speaker, Sir, most of these communities we are talking about that depend on livestock draw their welfare from the same livestock. So, giving us a shallow answer that indicates that the Government is trying to buy the dying animals; does the Government realize that most of these areas are referred to Arid and Semi-Arid Areas (ASAL)? That means that cattle rearing is the source of livelihood. Withdrawing the dying animals and giving them money that they cannot use to buy anything because there is nothing in the markets, has the Government ever known that people die with money in their pockets because there is nothing to buy in the markets? If a Government that cannot feed its people has no responsibility or any business being in governance. Mr. Temporary Speaker, Sir, it is also a constitutional provision that this Government should provide security including food security. The Chairman should tell us what mitigation measures that will impact in the lives of not the animals but the people whose livelihoods depend on these animals to keep alive.’

‘Thank you, Sen. Mutula Kilonzo Jnr.. I have just consulted with the Clerks-at-the-Table. I did not have the benefit of being here last week, but the Senate Majority Leader was in order to table the report as agreed last week. I am informed that it was also agreed that you were to circulate
the report, so that all Senators could interrogate and debate it. Therefore, I wish to add that part to my earlier statement. I still agree with the report, but do the other part of printing enough copies and bringing them to the House. If the Senators could have the report tomorrow, it will give them an ample time to interrogate it. We will then have time allocated for that discussion’

DATE: 9<sup>th</sup> November

MEMBER OF PARLIAMENT: Sen. Elizabeth Ongoro

CONTRIBUTION SHE MADE: The physical planning Bill (National Assembly Bill no.46 out of 2015)

‘Mr. Temporary Chairman, Sir, I agree with the Chair because the amendments seem to be so numerous. Now that with the proposed amendments – the proposer and the Chair are both in the House and they have agreed to refer it back to the Committee, we should go by their decision and move to the next Order’

DATE: 10<sup>th</sup> November

MEMBER OF PARLIAMENT: Sen. Zipporah Kittony

CONTRIBUTION SHE MADE: Visiting delegation of staff from Kilifi and West Pokot County Assemblies

‘Mr. Speaker, Sir, allow me to join you in welcoming the staffs from Kilifi and West Pokot County. I commend the people of Kilifi for the beautiful assembly that was opened by you last week. I witnessed that devolution is really at work and the people of Kilifi will benefit from their staff coming to learn from the Senate. I want to attest that their assembly is remarkable because it is very well furnished. I would like to commend the Senator for Kilifi, Stewart Madzayo, for
inviting me to take part in their ceremony last week. They are welcome and should take our greetings when they go back to Kilifi’

DATE: 10th November

MEMBER OF PARLIAMENT: Sen. Zipporah Kittony

CONTRIBUTION SHE MADE: The national cereals and produce board (Amendment ) Bill (Senate Bill no. of 2015)

‘On a point of order, Mr. Temporary Speaker, Sir. If the Chairperson is not in, I do not think it is fair for him to request for it to be deferred again. If at all he has requested, then he should be here. This Bill has been here from 2015. It has taken a long time. If at all it has to be deferred, I would like it to be dealt with it within next week, but not longer than that.’

DATE: 10th November

MEMBER OF PARLIAMENT: Sen. Godliver Omondi

CONTRIBUTION SHE MADE: The persons with disabilities (Amendment)Bill (Senate Bill no.5 0f 2015)

‘On a point of order, Mr. Temporary Speaker, Sir. This is doing a disservice to my Bill because it has been here for so long. This Bill touches on the lives of marginalized groups and they would like to see us conclude its deliberation. The Chairman was here and I fail to understand why he decided to go away, knowing very well that he was supposed to move the amendments.’

DATE: 10th November

MEMBER OF PARLIAMENT: Sen. Naisula Lesuuda
CONTRIBUTION SHE MADE: The county statistics Bill (Senate Bill no.11 of 2016)

‘Thank you, Mr. Temporary Speaker, Sir. I beg to move that The County Statistics Bill (Senate Bill No. 11 of 2016) be now read a Second Time. Mr. Temporary Speaker, Sir, since we passed the Constitution, this is the first time we are implementing the devolved system in our country. It is important that as we continue to execute the mandate of the Constitution in regard to county governments, we should make laws that empower devolution. This Bill will breathe life to Part 2 of the Fourth Schedule of the Constitution that sets out the functions of the county governments. One of the functions that have been devolved to the county governments is county planning and development, which includes statistics, planning, land survey and mapping, boundaries and fencing, housing, electricity and gas, reticulation and energy regulation. Statistics is a very important function in any nation, especially in the counties. This Bill also expressly stipulates how statistics will be collected and disseminated to the public. Most importantly, it sets out how these statistics will be used in decision making in our counties. There have been various reservations regarding the kind of information that the county statistics office will collect. The Bill clearly states that the county statistics office will look at the functions that have been devolved. It will not look into matters to do with population. It was a concern of many that we should not give the counties this important function. This Bill will ensure that we get statistics of the functions that have been devolved to counties to ensure that it influences the executive, the county assemblies and members of the public to get information about the functions that have been devolved. This is something that we should have had in place earlier. Without information and statistics, we cannot make scientifically proven decisions in the counties. In our counties, for example, we have devolved the Early Childhood Development Education (ECDE). The decision by the county executives in terms of the population of an ECDE institution and where it should
be located should be informed by scientific research. We should not use resources haphazardly in
the counties without having information that guides the executive to make some of the decisions.
Information on the health facilities showing the numbers of staff and what is needed should be
available to any person. For example, a Senator should be able to walk to the county office and
find out, for example, whether water supply has improved since the county government came
into office. We should also get credible information on issues to do with agriculture in the
counties. Mr. Temporary Speaker, Sir, in some of the counties, governors go round saying that
since they got into office, they have been able to do A, B, C and D, using certain funds.
However, there is no method of verifying whether what they say is true. It is not easy to ascertain
whether our funds are used appropriately in the manner they should. Therefore, if we have this
office in our counties, it will ensure that we get the information that we need.

Members have also raised questions as to whether we need a Bill or make amendments to the
Statistics Act. My reasoning is that it would be important to harmonize how all our counties will
be collecting statistics. For example, Samburu, Makueni and Nandi counties should have a
uniform way of collecting statistics. To ensure uniformity in how our counties will keep records
on the devolved functions, it is important that we, as the Senate, agree on a certain way of
collecting this information. It is important to have a framework of how we will collect statistics
and disseminate information in our counties. Mr. Temporary Speaker, Sir, it is also important to
have a separate office from the executive, so that we give sensitive matters autonomy to avoid
manipulation and have factual information. The reason many Kenyans passed the Constitution in
2010 and embraced devolution was to ensure that resources trickle down to the public. Counties
are divided into wards and sub-counties so as to ensure that the funds and the services are
accessible to all. Probably, resources go down to the counties, but they do not reach some
subcounties and wards. Through this Bill, those who will be entrusted with that responsibility will show us how the resources have been utilised in the various subcounties, wards and how members of the public are accessing services at the county level. Mr. Temporary Speaker, Sir, there is also the issue of the independence of the office of the statistician to ensure that there is no manipulation from the executive. When we were doing public participation, there was concern from the national Government on the existence of a Ministry which is already responsible for planning and development at the national level. We also have the Kenya National Bureau of Statistics (KNBS) which is supposed to do this. I think there was wisdom in those who put it under Schedule 4(2) and say it becomes a county function. We need to keep eyes on what is happening in our counties especially on the functions that have been devolved. We are not saying that we taken away the work of KNBS but we need to know and get information on the matters that have already been devolved and this office will be responsible for doing the same.

Mr. Temporary Speaker, Sir, it is also the same structure we have taken that we already have the Ministry of Devolution and Planning which is there in the national Government but we still have KNBS which goes ahead to deal with issues on statistics. One of the things that we need is for this information to get to the people so that members of the public can access it. We know that as much as we have KNBS in the form that we have embraced devolution, in their mandate, it is not expressed how they should be dealing with county matters. That is what this Bill will be looking at and the whole factor of access to information. It is important that as we devolve functions and resources, information should be devolved to the public so that it does not end at the national level. Sometimes accessing information at the national level continues to be a challenge. One of the things that this Bill will look at is ensuring information is readily accessible. Mr. Temporary Speaker, Sir, having taken into consideration some of the concerns that the national Government
has in matters statistics and how we both share it, the Bill has taken that into consideration to ensure that the County Statistics Office and the national Government share information. Despite the specific allocation of functions to the national and county governments at Part IV of the Fourth Schedule to the Constitution, consultation and cooperation between the two levels of government on all matters to do with statistics is also required. The Bill has taken care of that. When I go into the details of the Bill later, we will see how they will be cooperating and sharing information. It is necessary and required under Article 6 (2) of the Constitution which provides that the governments at the national and county levels conduct their mutual relations on the basis of consultation and cooperation. Mr. Temporary Speaker, Sir, there is also the issue of Clause 13 of the Bill. When I go into its details later, we are going to look at how the issue of consultation and cooperation will be taking place at the county and national levels. If I go to the content of the Bill, I hope you can enrich this Bill as we go into the debate and the Committee of the Whole on how best we can empower this office so that it serves the purpose that is intended. As I had earlier said, the County Statistics Office will be responsible for collecting, compiling, analyzing, extracting and disseminating statistical information on the matter set out in Part 2 of the Fourth Schedule of the Constitution so that we are specific that it is on the functions that have been devolved. That is what this office will be looking at. The other issue is maintaining a comprehensive and reliable social economic database. We need to be scientific to know how our counties are doing since we devolved our funds and the devolved functions when we passed the Constitution. We had been saying that the counties that had been marginalized for a long time – with the assumption and it could be true – because all resources and systems were based at the Central Government. We want to see how the social aspects of the people in our counties have changed. How have our counties’ economies changed? It is only through this database that we
will know. Mr. Temporary Speaker, Sir, the other one is ensuring coordination of the operations of official bodies in the county in the compilation and dissemination of statistics and related information with particular regard to the avoidance and duplication in the collection of statistical information so that you do not go to the Ministry of Health in the county and they give you their own information. They tell you maternal health has improved in our county since we devolved health. You go to the Ministry of Water and Irrigation, they will tell you that they have improved. I do not think any Ministry in the counties or the national Government would want to give you the negative statistics from their various Ministries. That is why it is important that they work in consultation with this office. This Bill anticipates them to execute their mandate without interference from the county executive, to give the correct information on what is happening in the counties. Mr. Temporary Speaker, Sir, the other one is the attainment of compatibility and the integration of statistics compiled by official bodies. This office will collect information that has been compiled by other official bodies to a central place. It is important that we get all official communication from this office. There was the maximum possible utilization of statistics for purposes of information and means of collection of information available to official bodies. There will be various regulations for anybody who wants to go and collect information in our counties. There will also be an office that they will engage in the counties so that there is uniformity on how information and statistics are collected in our counties. Mr. Temporary Speaker, Sir, another important role that this office will have is to advise the county governments on all matters related to the use and development of statistical information. It is said that if you fail to plan, you will be planning to fail. We do hope that this office will play this critical role especially in the process of budget making in our counties. It is important to see why a certain amount of our county budget should go to a specific area. We need that information so that we
do not assume that a particular county this and yet their fair share of their budget should be this. It is not by assumption because we know what assumptions do. It is the mother of other bad things. So, we do not want to make assumptions when making critical decisions on what percentage of our budgets should go into various dockets. The office statistician working together with the CEC in charge of finance will play a critical role to ensure that they make decisions on what needs to be done in terms of development. The other important role is providing liaison between the national and county governments on matters relating to statistics. I have talked about it. It is important for the two levels of government to engage so that even later when we are doing Division of Revenue, it will be guided. Also, since we will be collecting information in a uniform manner across all counties, that information will be shared with the national Government. According to the Constitution, the two levels of Government will continue to collaborate and consult on matters touching counties. Mr. Temporary Speaker, Sir, the fifth thing is coordinating the county statistical system. This office will be in charge of all matters regarding data and statistics. It will also be useful in developing and using statistical standards and appropriate methodologies, subject to the direction of the committee in the County Statistical System. We know that it is not just anybody who can claim that they can handle statistics. It is an expertise. So, it cannot just be left to individuals or dockets. It is important that we get people with the relevant expertise in our counties to develop the standards that will be used to collect this data. The second last issue as stipulated in the Bill is monitoring the technical quality of official statistics and promoting adherence to good practices and international recommendations and standards. This office will come up with standards that will be used by both that office and anybody else who would want to know how they can engage in terms of collecting data. The office will have that information readily available in the counties. Lastly, it will carry out all
other functions relating to statistics which have not been mentioned in this Bill. They will come up with the functions provided that they stick to issues to do with statistics and data collection.

We took a lot of time to deliberate on how then we can have this office in place in counties. It is for the reason that I said it needs to have its autonomous way of working so that it is not an extension of the governor’s office, where they will be asked to say this is what we have done or not done while it is not what is on the ground. So, we thought about it and came up with a County Statistics Board. The chairperson of the Board will be competitively recruited and appointed by the governor, with approval of the county assembly. The County Executive Committee (CEC) member in charge of matters relating to statistics or a person designated by the CEC member will also be invited to this Board. We have agreed that it is very important that the executive docket on finance works very closely with the office of the statistician. The CEC member in charge of matters relating to finance will also sit in this Board so that we do not employ somebody new, but he becomes an express person to sit in this Board. The county statistician will be in this Board as an ex-officio member and also the secretary of the Board. Mr. Temporary Speaker, Sir, collecting and disseminating data will not be the work of only staff who will be recruited for it. The staff will also advise on matters to do with policy at the county level and give information. It is important that all these Members look at it wholesomely. While working on it, we looked at the structure of the KNBS and borrowed from it. We looked at the county statistician himself. This is the person who will be in charge to ensure that this office is working. He will be the Chief Executive Officer (CEO) and shall, under the direction of the Board, be responsible for the day-to-day management of the County Statistics Fund and staff, among other functions. We also put the qualifications that will be needed. We said that this is an expertise which needs a very competent person on statistical matters. The individual will hold a
degree in statistics, information technology, economics, social services or mathematics and have experience in this field of statistics. We have also put guidelines for the suspension or removal from office of the statistician, staff and the person seconded to the office. We said that the county statistician may arrange with a national Government agency, authority or an international organisation to have people seconded even to establish the office. This is important because it is a new office in counties. They can request for secondment in order to establish and put the systems in place to ensure that the collection of data is done smoothly in counties.’

‘Mr. Temporary Speaker, Sir, we know how we operate in coming up with a Bill. So, I am still thinking that I am engaging with the many others that we sat to deliberate on this matter and even at the level of public participation with the Committee. However, I am so guided. It is my Bill. I was at the point of how best the national and county governments will share this information and ensure there is consultation between the two levels of Government. It will be important to have a consultative committee which can meet twice a year to ensure that these fears and aspects are taken care of. It will consist of:-(1) a governor who shall be the chairperson and will be nominated by the Council of Governors (CoG); (2) the Principal Secretary (PS) in the Ministry for the time being responsible for matters relating to statistics; (3) two CEC members responsible for statistics matters and shall be nominated by the Council of Governors (CoG); and (4) five other members appointed by the Cabinet Secretary (CS) to represent the bodies for the time, being recognised by the Government as representing the private sector, Non-Governmental Organisations (NGOs), research institutions, public universities and the national coordination agency for planning and development. Mr. Temporary Speaker, Sir, when one looks at this Bill, it has many structures. As a nation, I believe we should be guided by our data and policies in order to make decisions on governance at the national and county levels. One may ask what the
role of this committee is. We need to develop strategies which will ensure uniform standards, policies and methodologies, amongst the various officers who will be collecting information across all the counties. At the national level, it is important that we have uniform standard. Mr. Temporary Speaker, Sir, since this is a devolved function, you could find that some counties are already doing it. We want uniformity in all our counties so that there is a threshold of data collected so that there is no much discrepancy. Once the Bill is passed, it will be important for all the counties to have these offices. At the national level, we have been doing it through the Kenya Bureau of Statistics. Therefore, they can share with the county governments on some of the best practices that they already have in place. Secondly, the committee will examine and make recommendations on the formulation and implementation of statistical programmes of the various offices of counties’ statisticians on an annual basis. It will be a time to review some of the successes that they have made in their respective counties. It is one of the areas that are not static. I am sure they always come up with new methods and success stories and how to improve the collection of data in our counties. Mr. Temporary Speaker, Sir, thirdly, it will develop a framework for coordination within the county statistical system. It is important to have a framework for coordination in the counties. It will also coordinate the harmonisation of national and county policy and methodologies relating to the statistics. It is important that the national Government appreciates devolution and what was envisaged in the Constitution. It is time we became open minded and accepted them because they were thought out. They are important and need to be implemented in our counties. We need to harmonize the national policy - because we have a policy on statistics - and the county policies. It is not enough to say that it is not viable but to get into it and implement it. The two policies should be harmonised to ensure that this works in the counties. We have continued to experience a resistance to some of the functions that are
expressly stated in the Constitution that are supposed to be devolved. However, some of the functions need to be held at the national Government. It is upon this House to do that. We will be doing a disservice to our counties if we do not enact legislation that empowers our counties to execute their mandate. So, this committee will harmonise how statistics will be collected in the counties. Mr. Temporary Speaker, Sir, it further provides on matters; information. It ensures that there is access to the respective statistical information by both parties; that is both from the KNBS and the office of the county statistician. The two have to share information that they have. The national Government and the county government shall consult and cooperate with each other in the performance of their functions including the collection, analysis, dissemination and use of statistical information. When the national Government wants to find out some information or progress in a certain county on a particular matter, it should be possible to access it. Mr. Temporary Speaker, Sir, the Bill ensures that the information can be accessed by the members of the public and the executive members as they continue with their work. The county statistician may at the request of any person and upon the payment of any subscribed fee provide to that person any information relating to the functions of the service under this Act. The information should be readily available to any member of the public or anyone who would want to have this information. The county office shall be required to provide up to date information on the methods and procedures used to compile official county statistics. So, it is not just giving us the data but anyone can query the method that was used to reach a certain data. It will also disseminate and make available to the public any analysis of it. This office will further analyse the data and the statistics that have been collected. The county statistics office fund will be allocated in the normal manner in the county assembly. It will provide provisions for this. The Bill further provides the offences and penalties. The regulations and rules of procedure will be
made by the Cabinet Secretary to ensure better enforcement of this Act. Mr. Temporary Speaker, in conclusion, I urge my colleagues to find this an important Bill that will enable the next set of governors to base their decisions on the governance of their counties. In the Committee on Devolution, we considered some of the amendments on what our counties have done. An audit of all the county assets should be done so that when new governors come into power, there is a smooth transition and they will get the information that they need. When we have this office in place, it will make it better for the governors to see what they had since the county governments started and the progress that has been made and what ought to be done in future. Mr. Speaker, Sir, I implore on my colleagues to find this to be one of the Bills that will help in decision making in our counties and for Kenyans to keep tabs on what is really happening in counties. Not just hypothetically, but having information and data that has been scientifically put in place in our counties by this particular office. I beg to move and ask Sen. Mutula Kilonzo Jnr. to second.’

DATE: 10th November

MEMBER OF PARLIAMENT: Sen. Godliver Omondi

CONTRIBUTION SHE MADE: The county statistics Bill (Senate Bill no.11 of 2016)

‘Thank you, Mr. Temporary Speaker, Sir, for allowing me to add my voice to this important Bill. I can say it is timely and I want to congratulate Sen. Lesuuda for coming up with such a Bill. I have been asking myself so many questions about having data on disability within our counties. I will ask her if I can come up with an amendment or she includes this in this Bill that when carrying out the exercise of statistics, mapping and coming up with the number of people in the counties, it should have a column that reads that the number of people with disabilities in that area and the type of disability. Mr. Temporary Speaker, Sir, the reason why I have passion for
that to be included is because it is going to give room for proper planning where persons with disabilities within counties can benefit from the planning depending on the type of disability and their needs will be reached. It is also going to help people with disabilities within the counties to get their share in terms of budgeting. Right now, what is happening is that each county gives a figure only after they have been asked how many activities they have carried for persons with disabilities. They imagine that the only thing they can do is to budget for wheelchairs without considering that not all persons with disabilities require wheelchairs. If they give wheelchairs, they also need to add dignity to that person in terms of economic empowerment. They still have to map and come up with proper programmes and projects that can lift the economic stability of persons with disabilities. Mr. Temporary Speaker, Sir, I want to support this Bill because I know it is going to help us have peace in our counties and the country as a whole. It is going to reduce unequal distribution of resources where a certain section of the county is getting a huge amount of money without considering how big that ward is or how densely populated it is. I want to cite an example where when the country was mapping for cash transfer to vulnerable persons, that 50 per cent was to go to the mentally challenged people within the society. It was unfortunate that some areas were not properly budgeted for. This is because causes of disability depend on the environment. Some areas are more susceptible to particular disability than others. For example, Teso area in Busia County is highly populated with the visually impaired persons. Kakamega County is highly populated with physically disabled persons and there are reasons why such types of disabilities are found in such areas. Mr. Temporary Speaker, Sir, when they were budgeting for sunscreen lotions for persons with albinism, in Nandi County, people who benefited from that fund were not persons with albinism because it is not highly populated. So, it helps in meaningful budgeting and putting proper programmes in place according to the needs of
the people. I also support simply because it will reduce the issue of giving programmes where they are not necessary. So, budget allocation will be according to the size and population of the ward or county. A ward can be big, but not highly populated. If we give an equal share, then the densely populated wards or counties will benefit less than the scarcely populated ones. I believe that when we have such an exercise---

‘Mr. Temporary Speaker, Sir, it will help us do away with the issue of rigging elections. This is because we will have information on how many people died within the ward or county and, therefore, eliminate ghost voters. There will be statistics simplified to the point where it can be accessed and understood by the people within a specific area. Kenyans will not need to plan long journeys to Nairobi County to access the needed statistics. Service delivery and efficiency will also be improved in terms of people who want to know the population of a particular area. In service delivery, it will help us provide services according to the population and the needs of the people within an area. I believe that these needs can be well addressed if we know and interact with them. We can then plan, map and reach out to them, not only by having figures on papers, but also going there physically to ascertain that these are the people that reside in that particular area. I feel that we, Persons with Disabilities (PWDs), will be on the safer side. We will ask for our share from counties knowing the number of PWDs within that county. We will argue our case according to the statistics unlike today where we just receive whatever they feel like giving us. In fact, they do not even budget for PWDs. Somebody can even argue how we know if there are PWDs within a county or a ward. However, if you have proper records, you will have the right information that will help enrich your argument in order to meet the needs of PWDs. Sen. Mutula Kilonzo Jnr. mentioned something to do with boreholes. When I compare us to developed countries like Japan, Japan will initiate a programme after knowing how many PWDs
come from an area so that they dig it close to where they live for them to benefit. Those who are not disabled can walk long distances to access certain facilities. For example, you can find a borehole in a specific area, but the distance between that facility and a resident who has a disability is short. Such statistics will also help in making an informed decision on how to make a borehole disability friendly such that a person on a wheelchair can use it just like any other normal person. I use Japan because I went there to learn independent living by a PWD. Things were easy because mapping is done. For example, when it comes to public transport, they know the route that connects to a household of a PWD. So, it becomes easier for such a person to access transport. When it comes to health facilities, they map and give every PWD a toll free number that they can call whenever there is need for health services. With such statistics, we will improve service delivery to our people. With those many or few remarks, I support.’

DATE: 10th November

MEMBER OF PARLIAMENT: Sen. Naisula Lesuuda

CONTRIBUTION SHE MADE: The county statistics Bill (Senate Bill no.11 of 2016)

‘Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to thank my colleagues for their detailed contributions to this Bill. I agree with them that it is an important Bill for our counties. With regard to education, we should allocate bursary funds appropriately to ensure that the beneficiaries access the funds for all the four years in school. It should be on record how many students should access the education funds for the four years and those who need support for a limited time. Mr. Temporary Speaker, Sir, I agree with Sen. Omondi on issues to deal with people with disabilities. The social services docket is important. Sometimes we make assumptions that all that people living with disabilities need wheelchairs and that it is a devolved
function. It is important to note how many need aiding sticks, among others. She brought up an important issue. We need to know how many youth are accessing the 30 per cent allocation of all Government procurement tenders for the youth. Alongside many other issues raised, Sen. Murkomen has said that it is not only about collecting the data but also interrogating some of the available data. I thank all my colleagues and I hope that they will support the Bill during Division. Mr. Temporary Speaker, Sir, I beg to move and further request that we defer putting the Question to tomorrow pursuant to Standing Order No.54 (3).’

DATE: 16th November

MEMBER OF PARLIAMENT: Sen. Lisa Chelule

CONTRIBUTION SHE MADE: THE WAREHOUSE RECEIPTS SYSTEM BILL
(NATIONAL ASSEMBLY BILL NO. 12 OF 2015)

‘Mr. Temporary Speaker, Sir, I rise to support this Bill that provides a good system for farmers. As we deliberate on this issue, we know the categories of farmers that we have. We have large-scale and small-scale farmers. I wish to speak on behalf of the horticultural and dairy farmers. With regard to dairy farmers, we need to have another element of value addition and marketing in this Bill. If we discuss about the cereals alone, what will happen to the dairy farmers and small-scale farmers who grow carrots, cabbages and sukumaw iki. Whenever we come up with a Bill like this one, it should cover all categories of farmers. Mr. Temporary Speaker, Sir, I am happy about this Bill, except that it excludes some farmers. I do not know if it will be possible to amend it to include the elements that I have mentioned. We could as well come up with another Bill to deal with marketing or value addition. We all know that we have the dairy farmers. Since
most dairy farmers do not have storage facilities, we should think of value addition and marketing. With those few remarks, I beg to support’

DATE: 17th November

MEMBER OF PARLIAMENT: Sen. Daisy Kanainza

CONTRIBUTION SHE MADE: COLLECTION OF LEVIES FROM BUSINESSES FOR PLAYING MUSIC

‘Mr. Speaker, Sir, I believe the statements are supposed to be signed by the Cabinet Secretary (CS) in charge. However, the Statement that has just been read by the Chairperson has been signed by the acting Executive Director of the KCB. Is it in order? Another concern is that it is not clear how musicians benefit directly from these levies. Just the other day, one of the musicians in Kenya died. However, this fund could not help her at all. Another clarification I would like to seek is on the use of police when executing –‘

‘Mr. Speaker, Sir, my clarification is on how police officers behave when they accompany MCSK officers in visiting businesses. It is improper because we have other levies that business people pay to MCSK officers when they are not accompanied by police officers. So, the answer given by the Chairperson is unsatisfactory. About the tariffs, I sought this question more than four months ago. However, the Chairperson is talking about tariffs being harmonised. It would be important that we have a standard tariff depending on the type of business that somebody conducts.’
‘Mr. Speaker, Sir, I am guided by your direction. As he brings the response to those other clarifications, he should give us the statistics of those who have benefited from this revenue that is injected to the upcoming—– ‘

(Sen. Madzayo consulted with Sen. Hassan)

‘Mr. Speaker, Sir, I request the Chair to also give us statistics of those who have benefited from the revenue injected to support the upcoming artists’

‘Mr. Speaker, Sir, he should, at least, mention a number; that was part of my question. He has indicated here that most of the monies are spent on administrative matters as well as supporting its younger members. He should give us the list because recently—–‘

‘Yes, Mr. Speaker, Sir. I believe that is clear. The Ministry should give the standard tariffs to be charged, because the people doing matatu—–‘

‘Most obliged, Mr. Speaker, Sir.’

DATE: 17th November

MEMBER OF PARLIAMENT: Sen.Lisa Chelule

CONTRIBUTION SHE MADE: FARMERS PREPAREDNESS FOR THE PLANTING SEASON

‘Mr. Speaker, Sir, I am concerned that it is not only about the supply of fertilizer but also about the quality. I want to ride on the statement by Sen. Karaba. The quality of fertilizer we receive in different stations in this country—–‘

DATE: 17th November
MEMBER OF PARLIAMENT: Sen. Daisy Kanainza

CONTRIBUTION SHE MADE: FARMERS PREPAREDNESS FOR THE PLANTING SEASON

‘Mr. Speaker, Sir, I agree with the Deputy Speaker that these questions should be answered at the Committee stage. The Chair is also affected. I know Trans Nzoia is the basket of our Kenyan food but unfortunately, they do not have fertilizer. Kakamega depot also does not have. My concern is that why is the national Government is holding on this function yet we know agriculture is a devolved function?’

DATE: 17th November

MEMBER OF PARLIAMENT: Sen. Daisy Kanainza

CONTRIBUTION SHE MADE: VISITING DELEGATIONS FROM SOUTH EASTERN KENYA UNIVERSITY AND KENYATTA UNIVERSITY

‘Mr. Speaker, Sir, I join you in welcoming the students from our universities. I urge them to register as voters and participate in the elections in 2017. If they wish to be nominated to represent the youth as I do today, they must be members of a political party. I request them to join the Orange Democratic Movement (ODM).’
DATE: 17th November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: VISITING DELEGATIONS FROM SOUTH EASTERN KENYA UNIVERSITY AND KENYATTA UNIVERSITY

‘Mr. Speaker, Sir, I also wish to congratulate the students. For them to reach where they are, they have worked very hard. I urge you to continue working very hard, especially the ladies. There is a lot of work to be done in politics. We welcome you aboard. We urge you to mentor many other young people so that we can take these leadership positions and move the country forward in the right direction.’

(Resumption of Statements)

DATE: 17th November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: BUSINESS FOR THE WEEK COMMENCING TUESDAY, 22ND NOVEMBER, 2016

‘Mr. Deputy Speaker, Sir, I wish to inform the Senate Majority Leader that since this is teamwork, he could delegate one person from his office to ensure that they call each and every person. Even as we are seated here, I can see Sen. Muthama is trying to whip people to come. He should delegate a person in his office to make sure that they inform all the Members. First and foremost, it may not be possible next week or within the next two weeks if most people are already out of the country. The first this is to find out if everybody is around and then we can
take drastic measures. Some of us had to forfeit or come back early to prosecute our Bills. Therefore, other people should also sacrifice.’

DATE: 17th November

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO.8 OF 2016)

‘Thank you, Mr. Deputy Speaker, Sir. Let me start by congratulating Sen. (Eng.) Muriuki for coming up with this Bill. I also want to observe the systematic and logistical way in which he handles many of his matters and mindset, which is a big contribution to this Senate. We have been grappling with matters of impeachment. This Bill is, therefore, welcome because it addresses specific issues that have given us a bit of thinking as we have been going on. The first is one is the issue of threshold and how to gauge it. In most of the impeachment committees and even when the whole House considered the impeachment, we were faced with the issue of how to attain the threshold, so that it goes hand in hand with whether issues have been substantiated. Sen. (Eng.) Muriuki puts it in this Bill that this should be done as is contemplated by the Constitution, which should give us an impetus that it should be a very high threshold. This Bill addresses complications that arise in terms of how we address the charges for some of the impeachments that have come to this House at the Committee level. Secondly, it addresses the issue of conflicts in the various laws, be it in the Constitution or the County Governments Act. In this Bill, an amendment is proposed to enhance the impeachment of the governor and is entrenched in that Act which I think is very important. In the Standing Orders from any of the Houses, it tries to streamline and create a specific coherence at various levels.'
When I heard about this Bill coming up, I thought it was going to be about impeachment of governors only. However, as I read it, I realized that it includes the impeachment of the President and the Deputy President, Cabinet Secretary (CS), governor, deputy governor and the county executive committee. It gives all the various levels and the various procedures that should be used at these levels. It also gives the provision of how the information should be circulated right from the time when a Member, whether of the National Assembly or County Assembly decides the threshold that an impeachment has to have; whether in this case it is a third of the membership. Immediately, this is followed through by a form that is on page 9 of this Bill, which gives a particular schedule. This is important so that we know who these members are, because most of the time, we have not had something that has been streamlined. That is very important and key. Mr. Deputy Speaker, Sir, in any country where there is a democracy and people are elected to various positions, there is an understanding about how they are going to be removed from office either through constitutional means by breach, gross misconduct and others that have been stipulated within the Constitution. So, at no one time can an impeachment take place. It is a statement that one has been given a position but has not served as was expected. It is not something completely out of the world but has been practiced for a long time. It was first used in the British political system to impeach Baron Latimer who was impeached in the late 14th Century against various things that he was accused of such as oppression, selling off the castle, taking bribes from various people and failing to keep to the constitutional dispensation that was expected. In association with Richard Lyons he had obtained money from The Crown for the payment of fictitious loans. This was only a precedent which is likely to happen in various institutions and jurisdictions. Impeachment is going to be with us for a very long time. The sooner we put out our impeachment procedures very clearly, the better. This Bill would,
therefore, have not come at a better time. It lays the ground for such impeachments and proposes the need for public participation within these impeachments so that people can come forward and stipulate specific reasons for those impeachments. Mr. Deputy Speaker, Sir, on the specificity of this Bill, particularly on the procedure for removal of the President and the Deputy President, this Bill anchors its argument on Article 145 of the Constitution and looks at the grounds which are well stipulated in the clause, for example, violation of the Constitution or any other law where there are serious reasons for believing that the president has committed a crime under national or international law, among others. In Clause 4, it clearly suggests how the Motion should come up that it shall be submitted, for example, to the speaker. It goes on to give the timing for the procedure from the time that the Motion is taken up to its conclusion in a very timely manner. It also gives provision for the right to appear which is very key and we have been told this in our various committees especially in the special committees so that they can be given a chance and a specific right to be heard. In Part 3, the procedure for the removal of the CS is very well stipulated. In Clause 9, again, the specific grounds have been clearly outlined and the number of people needed to support such a Motion. A quarter of all the Members of the National Assembly may propose a Motion requiring the President to dismiss a CS. I was in a conversation about two or three days ago and people were just hypothetically talking about the performance of the Cabinet Secretaries and in this regard, one person in that argument was talking about CS Matiang’i and the efforts he has been making in the education sector. Other people were asking: “How about all the other Cabinet Secretaries? How many can we name as having been very successful and what are their outputs? These discussions are very healthy and there is absolutely nothing to make anybody feel that they should not be discussed and criticize them. You are there in public office for exactly that. It is about performance. When you are in an office, we expect a
certain level of performance and if we do not see it, it is possible for somebody to put a Motion that you need to be impeached. This is because there are around 45 million Kenyans in this country and somebody else can take up that position and do their job very well. The provision is given with that nature of understanding that somebody has been given a job to perform and if they cannot, then the opportunity for impeachment comes in handy especially this section that gives the procedure for the removal of a CS is very innovative and to help us quickly acquire our outputs. Maybe over time, when you look at such a Bill where such stringency has been put in place, it will help us to move away especially from the issues of impeachment from county assembly members because they feel disenfranchised or that there is a particular issue that has not been addressed, and that the best way to do it is through an impeachment Motion. It is very important even for county assembly members, to state what is exactly wrong before an impeachment process or procedure might be engaged in needs to be stipulated and people must be educated over and over again, so that charges are not what others might call frivolous, personalized or a person not being arbitrarily happy with another person. This Bill anchors this and I think it was when Sen. (Eng.) Muriuki was moving this Bill from the level of public participation. Some of these issues are going to be canvassed more and more so that we end up with a clear provision. I am also going to approach this as an issue especially for matters that have come to the Senate as we have. It is very interesting that we have always had a special committee, but at the last one, we had a Committee of the Whole going through the impeachment process, so that we can continue to raise the levels of impeachment in this Senate. This is because I remember at the beginning there was an argument which I think was further perpetrated by the Judiciary who felt they were saving the counties by discouraging impeachments, while not having understood the role of the Senate especially when it came to
impeachment. This is because of the role of the Senate as the protector of counties. We should find out whether there has been fraudulent use of resources. Impeaching a governor suggests a process that will give a warning and good precedence to governors. If they continue that way, they will find themselves out of office. I think if this Senate had been successful in impeaching one governor, maybe the level of corruption, discourse and sometimes disorganization that we see within county governments might not have been there. That was the dream of the writers of this Constitution when they put a powerful Senate to execute this mandate. Unfortunately, through the interaction with the Judiciary, it has not gone the way we had planned it. Once this is entrenched within this format, it will help us in future to resolve those issues and move to the next level. As a right path, the Bill continues to give various positions including the one on page No. 86 on the procedure for removal of the county executive committee indicating issues like incompetence, abuse of office, gross violation of the Constitution and others. These are key, well stipulated and very important. Mr. Deputy Speaker, Sir, if you give reference to page No. 93, it gives provisions for the removal of the member of the executive committee. This is a typo but it gives a misleading impression. When you look at (a), (b), (c), (d) (e), (f) and (g) is part of (e). Somebody has put (e) (f) and (g) at a place where there is a sentence. If you look at (g) where we start with physical and mental incapacity, in the next line, member incapable of performing is still part of that sentence. That needs to be corrected as this Bill continues to be processed. This is just a question of typo. Once that is done, that should make it flow better. Mr. Deputy Speaker, Sir, I support this Bill because it will bring clarity and organization that we need in matters of impeachment. I hope the second Senate will successfully impeach governors who have to be impeached. I pray that the power of the Senate to do that will be exercised. I pray that through that, county governments will take the issue of accountability of resources seriously and
something that another institution has the power to remove and make it possible for them to perform their roles. If they do not, there will be consequences that will be put in place. With those few remarks, I beg support.’

DATE: 17th November

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: BUSINESS FOR THE WEEK COMMENCING TUESDAY, 22ND NOVEMBER, 2016

‘Thank you, Mr. Speaker, Sir. I thank Sen. (Eng.) Muriuki for bringing this Bill. This Bill comes at a time when we are just about to go out to campaign for political seats in 2017. This is a House that has seen five impeachments that were very interesting and controversial. Having said that, the most important thing we need to ask ourselves as we go on the final leg of the Senate, indeed, the first Senate under the new dispensation is whether in those impeachments there were things that we were able to learn in terms of political dynamics. The proposal of bringing in the impeachment of the CEC is very critical. In the impeachment of the governor for Nyeri County, the threshold was not met. However, we saw some members of the CEC being dragged to court and jailed. When a county assembly brings an Impeachment Motion, they always forget the reason why they are impeaching their governor while they are part of those who are supposed to be building that process. That is the challenge that the national Government is facing when we say that the President is corrupt yet it is the officers who are involved in corrupt practices. The Senator for Nyandarua is trying to help us that when a governor is corrupt and then blames his officers, he should take responsibility. You will find that many of his officers have been charged yet he is still around blaming them. When you follow up on the matter, you get to realize that
everything goes back to his office. The Judge who was hearing the case of Mr. Kiamba said that nobody has a right to ask Mr. Kiamba where he got Kshs1 billion yet he knows very well that Kiamba earns a salary of Kshs85,000. Those are some of the things the Senate can heal. When this Bill becomes an Act of Parliament, we do not have to run to the court to remove someone like Mr. Kiamba. That will save the county governments from an officer who is full of arrogance, pride and more importantly, the impunity of knowing that nobody can touch him. Mr. Temporary Speaker, Sir, there have been impeachments of President Andrew Johnson in 1868 and that of President Bill Clinton of the United States of America (USA). If you look at the procedures of those impeachments, you will realize that they were purely based on issues of governance. I hope that we shall one day get there as a country. In our country, most of our impeachments are so politicized yet we know that there are issues of governance that must be dealt with. The governors know that they can divide the Members of the County Assembly (MCA’s). The sad thing is that if you find a united county assembly, it means that the governor has difficulty working with the MCA’s. I heard today that the Machakos County MCA’s want to impeach the Governor but I know very well he will divide them into two and he will not be impeached. It is important for us to ensure that a Senator can influence an impeachment of a governor or the Chief Executive Officer when you feel that he or she is not doing the right thing for the county and you are able to substantiate. That provision should be provided in our law. We can also use the same law to help the President when it comes to dealing with corrupt Cabinet Secretaries and the Permanent Secretaries. This will help us remove them from office when we know that money is being embezzled instead of having them play on us and give us some stories in the media. That is the best that we can do for our country. I want to believe that Kenyans will agree with me when I say that the previous Ministers were more responsible. They were
politicians and had to be very careful of what they did because they had a name to protect. Secondly, they were voted into office hence they knew that they could be removed from office if they failed to perform. The challenge that we are having right now is due to the fact that the current Cabinet Secretaries feel that they have no obligation to anyone. That is why one feels so frustrated when you hear them answer some questions to a point where you do not even know how to support them. Therefore, an Impeachment Procedural Bill to remove them from office is one of the best. I support Sen. Mutula Kilonzo Jnr’s sentiments that we need to rethink of the impeachment of the President and that of the Deputy President. This is because there is a more elaborate law that is provided for in the Constitution regarding the same. The law can be applied when we get to serious issues like those that we saw in Brazil and other places. I want to thank Sen. (Eng.) Muriuki for this Bill and I hope that the National Assembly will support it. I hope that we can finalize it before we go on recess which starts on the 1st December, 2016. This is one of those Bills that I would want us to pass before we go in for the next election because it can guide the courts. The management of the governance process has been one of the challenges that we have faced in our country. There has been a problem in this area. There is even a case on the same thing in today’s newspaper. We need to have laws that will ensure that we do not have such headlines. This is because failure in governance shows that Parliament has failed the people because we are the ones who created these institutions. As Senators, we should process all the things that we do in all the Committees so as to make sure that we do not jeopardize the whole process of getting justice to Kenyans. When we are serious in our job, we should present a good report to the Ethics and Anti-Corruption Commission (EACC) that should then be forwarded to the Director of Public Prosecutions (DPP). That report should be so good to a point that the judge does not need to stay with a case for more than three months without judgment. Let us not bring
in an Impeachment Procedural Bill that does not bring in the fruits that we thought it will bring or does not change the scenario. I wish those who are vying for the governor’s position well. I believe they have learnt the lessons and will be better governors. I also hope that they will not find dry coffers. Can you imagine what would happen if they are brought here for impeachment on the issues that the last governor did? That is why it is the duty of this Senate to ensure that we come up with a law that will assist the next governors so as to make sure that they do not carry the baggage of the last governors. The outgoing governor must carry his cross. When anyone leaves office in this country, he believes that the next person is the one to come and carry their burden. It is time for us to have a law that will expect one to handover office transparently. He should also be accountable to his people. He should clearly state the debts, the challenges and the achievements. With those few remarks, I beg to support.’

DATE: 17TH November

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: INSTALLATION OF CCTV CAMERAS IN ALL POLICE STATIONS AND POLICE POSTS

‘Mr. Temporary Speaker, Sir, I beg to second this very important Motion. The systems in criminology are very clear. There are three components in that system. Arrest is the first one, going through the court procedure is second and punishment is the last one. In places where there is justice, you do not expect to find people put in remand before they have been accused in court because they have to get to know the duration of their stay in prison. Currently we see people going in and being punished before they go through the court. When such a person dies, it means that they have been sentenced. This extrajudicial measure that has been put in place creates a
complication. It is unfortunate when two or three young men lose their lives. This is because their parents and families have dreams for them. It is different when one dies in an accident or fire but it is worse when it happens because the security system that people need to believe in has failed. Nowadays, when you see a policeman coming towards you, you get worried because you do not know if that might be the cause of your death. What happened to the three people has happened to other people. The Occurrence Book is a very important document at the police station. It has been abused yet it is meant for recording. There are cases where you look for somebody just to find that they have not been booked in the Occurrence Book. The police later give you a justification and tell you that they were actually at the police station. I know in some sensitive cases, the police take people to different police stations. This is because they think that people will agitate for them to be released. By hiding the person, it means that he or she has not been recorded yet somebody somewhere must know where he or she is. This has been flouted and this Motion is requesting for an innovative way of recording those who are taken at the station by using technology. I am afraid that the problem in Kenya is not technology or the use of technology. When you look at the murder of Hon. Muchai, the CCTV’s were suddenly discovered not to have been working. Always, somewhere along the line, when they are needed; CCTVs do not function. The problem is our values, lack of security due to failure by the system and bossy attitude. Leaders and those in charge of security should be in the forefront to ensure that people are protected and well-guarded. Somehow this has failed. It is important that people are accounted for. This Motion raises three very innovative ways of going about it. First, is to install the CCTV cameras in all police stations and police posts in order to record each person going in. As the Mover of this Motion, Sen. (Eng.) Muriuki said, what is important is not to find what people are discussing or capture particular conversations but to keep the record. The CCTV
can be stationed in such a way that it captures a specific recording at a specific angle. This should be designed in a way that it captures the Occurrence Book every 12 hours in a manner that any information that goes into the OB is captured immediately and properly, and therefore, transferred. When such an innovative system has been put place - this is always the problem - we need to find out whether it is working, have proper supervisory measures to ensure that every time it is checked and that it is working appropriately as it is meant to be. At the end of the day, somebody will be responsible where it has not worked. I have heard Sen. (Eng.) Muriuki say that instead of looking for blame games, for instance, lack of electricity, we should find innovate ways even if it means using solar systems. Secondly, people should be educated on this as their right. If they go to the police station, they should demand to know where people are. They should be accounted for at any one time. That should not be a favour. It is their right to know exactly where people are at a particular time. We should ensure that this CCTV system is connected to a central depository to minimize the chances of subsequent tampering. Thirdly, there should be specific passwords that are used by specific people at specific times to ensure that it is very clear who is in charge of the system. At any one time, it will not be tampered with. It is unfortunate that you might find a situation where you cannot be accounted for because of tampering; show of power or that one person is above the other and can do anything. We are passing a worrying message to the youth; that, people are not safe in their country. We are going through hard times. We must find innovative ways to deal with them at any specific time. Mr. Temporary Speaker, Sir, with those remarks, I beg to second.
DATE: 22\textsuperscript{nd} November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: DISORDERLY CONDUCT IN CPAIC BY THE GOVERNOR OF MURANG’A COUNTY

‘Mr. Speaker, Sir, I also condemn that uncalled for behaviour. I watched it on television as I was not at the meeting. It was deliberate and more of a defence mechanism to try and hide and avoid answering questions. We need to be treated with a lot of respect because we are doing our job. Anybody who is to appear before any Committee in the Senate should respect the institution. Campaign time has not reached and you do not have to use violence and uncalled of threats here and there. We urge the responsible authorities to take proper action so that in future, other people should not be tempted to deliberately endanger other people’s lives or incite Kenyans to hurt them.’

DATE: 22\textsuperscript{nd} November

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: DISORDERLY CONDUCT IN CPAIC BY THE GOVERNOR OF MURANG’A COUNTY

‘Mr. Speaker, Sir, I will be brief. The mandate of the various organs are outlined clearly in the Constitution. The Senate has a clear mandate. Oversight is a critical mandate. The Senate plays this role through the County Public Accounts and Investments Committee (CPAIC). Some governors and members might not like it, but is it there because public funds must be accounted for. You cannot treat public funds as though they are personal funds and when queries are asked,
you overreact and want to over-assert and create a character and mannerisms that move away from what you are expected to do. An audit query is a straightforward process. I have sat in the CPAIC which conducts its work in an orderly and clear manner. An audit query is raised and the governor gets a chance to respond. If the governor is not in a position to respond on their own, I have seen some of them come with officers from various departments to answer the questions. There is nothing that elicits some level of need for highhandedness and a tone that is completely unwarranted. Mr. Speaker, Sir, we take great exception to this sort of mannerisms. It does not mean that when you behave in that manner, the audit query goes. The audit query has to be answered satisfactorily, so that people can know whether the funds have been used in the way they are meant to be used. Such behaviour will not deter the Senate from doing its work. The Senate will continue to play its oversight role with a lot of authority, honesty and concise articulation of the issues that come up, as per the Article 96 of the Constitution on the oversight and protecting the counties. Thank you, Mr. Speaker, Sir.

DATE: 22nd November

MEMBER OF PARLIAMENT: Sen. Catherine Mukiite Nabwala

CONTRIBUTION SHE MADE: DISORDERLY CONDUCT IN CPAIC BY THE GOVERNOR OF MURANG’A COUNTY

‘Thank you, Mr. Speaker, Sir. I thank the Chair of the CPAIC, Sen. Prof. Anyang’-Nyong’o, for the Report that he has Tabled in the House. I watched a clip of the meeting where the scuffle took place. It was embarrassing because I respect Sen. Kembi-Gitura as a Member who means his words when he speaks. Governance is a challenge in our counties. This House has a mandate to carry out oversight in counties, which involves supervision and knowing what is happening to
the monies that are allocated to the counties. It also involves protecting the people in the counties because they cannot talk for themselves. They have elected Senators to represent them. When audit queries are raised by the Auditor-General, governors are expected to appear before us to answer them. We do not expect sideshows. Mr. Speaker, Sir, I encourage the Senator to continue with their work by carrying out oversight and protecting the monies that are allocated to the counties. We know that there is a lot of theft going on out there and people know that the Senate should speak for them. This morning, a county appeared before the Committee on Finance, Commerce and Budget and we raised many queries. They did not have all the answers and we told them to go back and prepare themselves to give us proper answers. I encourage and thank the CPAIC. We should shoulder on because we are the protectors of devolution. Thank you, Mr. Speaker, Sir.

DATE: 22nd November

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: KENYA’S PARTICIPATION IN AND COMMITMENT TO THE OPEN GOVERNMENT PARTNERSHIP

‘Mr. Speaker, Sir, thank you for the opportunity to issue this Statement. However, before moving to the specifics of the request by Sen. (Dr.) Zani, allow me to give a brief background on the Open Government Partnership (OGP). It is a voluntary initiative that brings together domestic reformers committed to making their government more open, accountable and responsive to citizens. Kenya declared its intention to join OGP through a letter by the Ministry of Foreign Affairs dated 26th August, 2011 and formally joined on submission of the first National Action Plan in February, 2012. She is one of the 66 countries in the OGP that has committed itself to
implement ambitious principles and commitments on promotion of transparency, public accountability, civic participation and innovation. To join OGP, a state must meet the following criteria:

(a) Fiscal transparency.

(b) Access to information.

(c) Public asset disclosure.

(d) Citizen engagement. Secondly, send a letter of intent to join OGP Steering Committee Commission Chairs which was done on 26th August, 2011 in the case of Kenya. Thirdly, identify a lead Ministry and begin developing a national action plan. The Ministry of Information Communication Technology (ICT) was identified and provides leadership on this agenda. Fourthly, commit to OGP independent reporting mechanism process. Kenya’s first National Action Plan was reviewed in 2013. Mr. Speaker, Sir, the OGP is not a programme for the Government alone. It requires that the civil society remains integral and a strong partner in the entire process as provided for in the OGP guidelines through:-

(1) Co-creating national action plan.

(2) Assisting in implementation

(3) Assessing performance Contributing to learning by working with other civil societies and governments with OGP Global Network to support those in need of expertise.

Having shared that background information alone, allow me to respond to the specific question as asked by the Senator: To answer the first question as stated in the introductory remarks, in 2011, the Government wrote to the OGP’s Steering Committee Commission-Chairs expressing
interest to join partnership. In line with OGP recommendations, and best practice for the
development of a dialogue forum for commission and creating a national action plan, the office of
the Deputy President and the Ministry Of ICT in consultation with the Ministry of Foreign
Affairs, constituted a national OGP Steering Committee comprising of the following Members:

(a) National Government – 6

(b) Civil society – 3

(c) Private sector – 1

(d) Parliament – 1

The Steering Committee is co-chaired between the Office of the Deputy President and the
Ministry Of ICT to ensure high level coordination. Mr. Speaker, Sir, the third pillar of the
harmonized Jubilee manifesto which is Uwazi (openness), the Coalition commits to improve
accountability through tackling corruption, working with non-state actors in improving oversight
on Government and empowering citizens in governance through devolution. The President takes
personal interest in ensuring that the era of opaqueness in Government comes to an end.
Proactive disclosure constantly features in his action as a hallmark of his administration. The
President has voluntarily pointed out endemic corruption in Government including his office.
During the State of the nation Report of 2015, he further took an unprecedented decision to
attack a list of allegedly corrupt Government officials and also publicly reviews performance of
Cabinet and Principal Secretaries. Mr. Speaker, Sir, these actions are projected at ensuring public
officers act with prudence within the law and guarantee value for money. This is augmented by
the review by this administration of the code of conduct of state corporations; Mwongozo, as is
commonly known to address issues of transparency, disclosure, accountability, ethical leadership
and good corporate governance. The list of actions and initiatives to make the government transparent and accountable is long, including a framework for e-procurement and e-citizen portal for quick access and more transparency in providing Government services such as Huduma Centers that continue to receive global accolades where all citizens are treated equally and receive the same standard of service across the 47 counties. Mr. Speaker, Sir, in addition, the Government has established the Open Data Portal where over 600 plus data sets by the Government are published. The Kenya Law Report which provides accurate information on all legal matters, including the Kenya Gazette and court rulings, establishment of court users committees, the Capital Markets Authority for fiscal prudence within the private sector, live radio and televised parliamentary proceedings, availability of the HANSARD online and parliamentary compliance with the best practices in pushing citizen budget. As we are aware, Kenya voluntarily joined the African Peer Review Mechanism in March, 2003 which is a mutually agreed and voluntarily acceded to instrument by the African Union member States as an African self-monitoring mechanism. Kenya was the third country after Rwanda and Ghana to submit herself for review by members in 2004. Mr. Speaker, Sir, OGP is among the many other initiatives that Kenya has joined to further consolidate her commitment to openness and optimal services to her citizens. In that pursuit, Kenya and the United States of America (USA) will in September, 2016 host a Global Open Data for Agriculture and Nutrition summit for stakeholders and lead a session for the Group of 77 (G77) on data gaps on Sustainable Development Goal 2 to achieve food security and improve nutrition and promote sustainable agriculture. (2) In 2012, the Government submitted its first National Action Plan as earlier stated. It was independently reviewed in 2013. The second National Action Plan and the first under the Jubilee Administration was submitted in July 2016. As a requirement, the Open Government Partnership
National Steering Committee has met regularly to create the second National Action Plan and requisite commitment within four themes – Transparency, ICT and Innovation, Accountability, and finally, citizen responsiveness. This has been achieved with the support and active engagement with the OGP Support Unit based in Nairobi to ensure the Steering Committee drafts a strong commitment. (3) In the course of developing the Second National Action Plan, consultation began in May 2015 between the Ministry of Information Communication and Technology (ICT) and Office of the Deputy President to evaluate the challenges of implementing the first NAP and how best to ensure success of the OGP. Steering Committee comprising of four civil society organizations and one umbrella private sector body the Parliament and Government Agencies was formed and co-chaired by the Ministry of ICT and Office of the Deputy President. These institutions, bodies and urgencies were tasked to consult widely with their members and peer for review. (4) The first Action Plan has already been independently reviewed which testifies Government commitment to form and comply with all requirements under the programme

‘Mr. Speaker, Sir, I agree you with you because I have shared the statement with the Member. (6) Reading through the question, I am of the opinion that these resources have been utilised as approved in the budget and where there may have no reports of the Auditor General, I have so pointed out.’

DATE: 22\textsuperscript{nd} November

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani
CONTRIBUTION SHE MADE: KENYA’S PARTICIPATION IN AND COMMITMENT TO THE OPEN GOVERNMENT PARTNERSHIP

‘Thank you, Mr. Speaker, Sir. I want to thank the Committee for that answer. Yes, indeed, I had gone through it and most of the issues have been articulated. At least, the potholes that had been established had been indicated in that report.

DATE: 22nd November

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: KENYA’S PARTICIPATION IN AND COMMITMENT TO THE OPEN GOVERNMENT PARTNERSHIP

‘Mr. Speaker, Sir, if Sen. Billow had listened to me properly, I have clearly explained regarding the question that was asked by Sen. (Dr.) Zani, and I believe she was satisfied in her case, we have indicated commitment in OGP partnership and accountability.’

‘Mr. Speaker, Sir, according to my understanding, I have actually explained in the statement what is in practice as a Government. So, I have nothing more to add to that.’

‘Mr. Speaker, Sir, I did not say that. I have said in the statement I have read, the commitment the Government has on OGP. That is my explanation.’
MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: HYACINTH MENACE IN LAKE VICTORIA

‘Mr. Deputy Speaker, Sir, I also wish to seek clarification or further to enquire form the Chairperson whether the fishing around Lake Victoria - as one of the main economic factors interfered with according to the Statement - been affected by the spread of the hyacinth. If so, he should tell us what the Government has done about it. Could it be the reason why fish from China has been imported into Kenya and finding its way in the supermarket even in Kisumu? Also, who in particular is importing these fish?’

‘Yes, Mr. Deputy Speaker, Sir. It is an economic activity.’

‘Well, Mr. Deputy Speaker, Sir, he has said it is affecting the economic activities. It is related directly.’

MEMBER OF PARLIAMENT: Sen. Godliver Omondi

CONTRIBUTION SHE MADE: HYACINTH MENACE IN LAKE VICTORIA

‘On a point of order, Mr. Deputy Speaker, Sir. Is the Chair in order to answer the questions in a casual way when Kenyans are suffering? Is he in order to run away from the responsibility, when we well know that the menace is affecting the fishermen who depend on fishing as a livelihood? Could the Chair tell us how many households have been affected due to lack of fishing in Lake Victoria as a result of the menace?’
‘On a point of order, Mr. Deputy Speaker, Sir’

‘Mr. Deputy Speaker, Sir, I am shocked when the Chairperson of the Committee talks about ‘important’ points by Sen. M. Kajwang. Does that mean that my concerns were not important to him? Is he in order to say that my concerns are not important, when I have sought to know the number of people affected by the hyacinth menace? Is he in order not to tell us whether they have done mapping to know the number of households affected and what the Government is doing to cushion those households from poverty?’

DATE: 22nd November

MEMBER OF PARLIAMENT: Sen. Godliver Sijeny

CONTRIBUTION SHE MADE: THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)

‘Mr. Deputy Speaker, Sir, I thank you for allowing me to make a contribution to this Bill. I support it. It is important. It touches on the lives and interests of Kenyans. It reminds us how Kenyans have been looked down upon as spectators when it comes to having a say in what belongs to them. We have so many natural resources and local content within the reach of our people but simply because we do not have a law that is a guiding principle, it has left most people in poverty and they have no say on the use of local natural resources. I thank Sen. Moi for having a passion for the people of Kenya. If we support this Bill, it will lift the lives of Kenyans. It will also promote their dignity and enable them to have a say in what belongs to them. Many a times, investors come and exploit the local resources. The locals are just left empty handed. They cannot have a say, and even the youths of that locality cannot get employment. This Bill will create job opportunities for the locals. It will also give them a voice. It will allow them to have a
say in the exploitation of the natural resources. Mr. Deputy Speaker, Sir, as we implement the Constitution and work towards developing devolution and seeing that it matures, county governments need to do mapping in order to know the local resources within the counties. Locals should be allowed to have a say when it comes to exploitation of natural resources. This Bill will also reduce discrimination and encourage equal distribution of resources and opportunities because the Bill will guide and give room for the locals to be involved in terms of getting a share of what is extracted. The locals will have a say when they come up with industries within a given local area. They will get employment and a percentage of the extracted local resources. There will be room for public participation where they can bargain and have a better share. If we follow this direction, counties will grow and people in the counties will be rich because Kenya is blessed with a lot of natural resources. If these resources are utilized well by investing in them and giving authority and room to the locals to be involved and have a share, we will go far in terms of economic development in our counties and this country. This Bill will also reduce the issue of elites rushing to a certain area to buy land at a throwaway price and later hike the prices and end up benefitting more than the locals. This is because the owner of that particular land will have a say to any establishment that comes up within their area. This reminds me of when I was young and the Ministry of Roads then used to extract murram from our neighbourhood. They would leave without covering the land creating death traps. Locals could not raise issues. So, the environmental aspect will also be looked into and reduce such issues that can cause death amongst the locals. At the end of extraction and after the establishment and use of local material, an assessment should be done to take note of any health hazards that may affect the locals. If there is, what is the guiding principle and what can the investor do to ensure that the area is left the way it was found? We have other natural resources that go undiscovered and, therefore,
unexploited. You will find that due to lack of establishment, residents of a certain area move away unaware of the potential resources that can improve their living standards. Some areas in the Rift Valley are very rocky and mountainous and so they remain unutilised. However, if we get an investor who is ready to utilise the local resources and involve the locals who are the owners of the land, I am sure that it will be a blessing to the locals. Mr. Deputy Speaker, Sir, when we talk of having skills, there are those that are just hands on and not academicians. There are Kenyans who are very good at that given the opportunity. In giving back to the society, an investor could appreciate the locals by training them and imparting them with the necessary skills. They can engage and hire the locals to perform certain tasks that do not need academic qualifications. Given the opportunity, everybody will be occupied. Our people have the potential and skills which go unrealized because there is no opportunity for them to demonstrate their capacity. If we have such a Bill to guide this nation and each county exploits their different local resources, growth and competition among counties will be high. This is because each county will utilize their local resources. As we do that, we will grow the economy of the country in terms of development, employment and even health-wise. I thank Sen. Moi for coming up with this Bill because I know it will help this country move forward. With those remarks, I support.

DATE: 22nd November

MEMBER OF PARLIAMENT: Sen. Beatrice Elachi

CONTRIBUTION SHE MADE: THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)

‘Mr. Deputy Speaker, Sir, I also thank Sen. Moi. I appreciate that this Bill has come at a time when we have a Ministry of Mining. We also have devolution in place. For the last 50 years, we
have seen many communities in our country being exploited. Mining and extraction has taken place but not without exploitation especially in Baringo and Nakuru counties. Many people took advantage of the natural gases that were there. I hope this Senate will pass this Bill before the end of this Session and ensure that Kenyan communities benefit and start having meaningful employment. We can tap from the foreign investors who come to exploit our minerals. Mr. Deputy Speaker, Sir, the Cabinet Secretary keeps on advertising that there are new minerals that we need to invest in and exploit, however, Kenyans do not understand even how to get the licence to do that. Therefore, this Bill will empower us to understand that we have minerals that we need to preserve for generations, but at the same time, have a framework to ensure that ownership, control and financing is controlled by the people within the counties. As we go through this Bill and look at the proposals by the Senator, especially Clause 55 where the Cabinet Secretary (CS) shall consult, the Ministries do not consult the counties even when they do surveys. The Bill will ensure that more awareness will be created in the communities where minerals will be exploited. It will also ensure that private companies will consult within the county before they begin their operations. There will be a committee to ensure that.

[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]

[The Temporary Speaker (Sen. (Dr.) Machage) took the Chair]

Mr. Temporary Speaker, Sir, under Clause 55 (3), the Bill provides that regulations are made under subsection 2 and may subscribe different standards and other requirements. That gives the power to the counties to understand that they can set the requirements. It is up to the national Government to consult, negotiate and agree on that. Mr. Temporary Speaker, Sir, Clause 50 also gives us a good start; that the Committee shall make recommendations to the Cabinet Secretary
on the implementation of the strategies that would facilitate and sustain the adoption of local content. Instead of the Cabinet Secretary going to the counties to tell them what they should do so that they subscribe, the process will start from the bottom. Therefore, it is a Bill that brings out what we have been trying to enforce. Let us have committees at the counties that can identify and prioritise. By the time the national Government will come in, there will be a feeling of ownership. I want to thank Sen. Omondi for talking about environmental issues. An example is the titanium exploration in Kwale. The mining companies should implement the social corporate programmes. More importantly, they should conserve the environment in that community. If there is a forest, they should conserve it. However, at the moment, there is nobody to monitor this. This applies to geothermal exploration. It is happening without regard to the consequences to the environment. What health challenges does it pose? Who is there to support them? What program has been put in place? Do we have a hospital nearby with doctors? These are some of the considerations we should deal with. I hope this Bill will capture that so that investors will operate within a framework that clearly stipulates the issues relating to the communities in places where exploitation of resources takes place. Mr. Temporary Speaker, Sir, the other issue relates to mining in quarries. Some people do not realise there are also minerals because we excavate stones for building. You will that people who live near the quarries do not benefit from the activities there. We must ensure they also benefit. We should not leave those activities to brokers only. This Bill should protect them and take care of the environment. There should be provision for the opening and closing of those quarries. During mining, different types of minerals could be found. There should be civic education so that people know that if they mine gemstone, for example, they could still find other minerals that are beneficial. Nobody speaks about that today. Mr. Temporary Speaker, Sir, when Thika Road Super Highway was being constructed, there
were some hills. We do not know where the soil was taken and nobody asked about it. Some minerals could have been found and we do not know about it. Those who were doing the construction are the ones who benefited. I thank Sen. Moi for bringing this Bill. We should find ways of empowering young people so that as they join universities, they train more on this. In turn, they will help to create awareness on the minerals available and their importance to the people and the State. I will give an example of Turkana. The area is dry but you will be surprised at the natural resources available underground. There is oil and other gases that can be exported. However, at the local level, most people do not understand that. They just know about oil when there are other things that can be extracted. Therefore, the beneficiary is the investor. We should come up with programmes that will benefit the local people. Mr. Temporary Speaker, Sir, we must support this Bill and pass it before we go on recess. If the Bill is lost, we will have to wait for the next Senate to pass it. We must agree with our colleagues in the National Assembly on important Bills like this one and pass them without any delay. The leadership in Parliament should prioritise the Bills that are critical and ensure that they are passed by both Houses. Mr. Temporary Speaker, Sir, Clause 23 talks about employment and skill development plan. The Bill proposes that an operator shall, in order to develop the skills and capacity of a local person and enterprises to participate effectively in its extractive industry operations, prepare and implement strategies and plans for the utilization of technical service contracts. I hope that we will start with internships because in the different investments, for example, exploitation and geothermal, we have a number of interns who can learn. That way, we will achieve this goal. If we only take a few of them, we will be hurting other communities. The interns should not only come from Nairobi. These opportunities should be offered to interns from all counties, including Turkana, Nakuru, Kwale and others, so that the local people can also learn. For the last five years,
investors have been in Turkana, but we do not have data that shows their output. How many people have benefited and how many Kenyans have been employed? We have given the latitude to the investors to do whatever they want. As I finalize, I want to thank Sen. Moi for bringing this Bill and Kenyans for voting for devolution. If we did not have counties, we would not be talking about these things. Therefore, we must protect our counties and build their capacity. More importantly, we should ensure that the national Government and the county governments work together so as to protect and guide the new investments. With those few remarks, I beg to support.

(Interruption of Debate on the Bill)

DATE: 22nd November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: INVITATION TO A CONSULTATIVE FORUM WITH THE CS FOR DEVOLUTION AND PLANNING ON THE DROUGHT SITUATION IN THE COUNTRY

‘Thank you, Mr. Temporary Speaker, Sir. I wish to commend Sen. Moi for coming up with this well thought-out and researched Bill. In his Bill, he has tried to solve all the issues that Kenyans have been grappling with when implementing the Constitution. He has tried to make sure that there is no lacuna. He has even put in a transitional clause to ensure the smooth implementation of the Bill. This is a good idea that will not only benefit Kenyans but the whole region. I believe that once it is implemented and the results are achieved on the ground, Kenya will make history for the right reasons. Our economy will be enhanced because it will deal with the nitty-gritty that will ensure that the entire nation grows. This will definitely bridge the gap between the have and
the have-nots. Mr. Temporary Speaker, Sir, the sponsor of the Bill has defined what the local
content means. It means maximizing the level of usage of local goods and services, people,
businesses and finances. It is thorough and every sphere involved. This Bill will resolve or
remove the myth from the world that the discovery of oil and gas is a curse instead of being a
blessing because the Bill enhances public participation and defines how it should be done.
Kenyans will own everything that will come across, including the minerals, ideas and industries.
There will be teamwork and the true Harambee spirit that Kenyans have always believed in. Mr.
Temporary Speaker, Sir, once the Bill is passed and implemented, the economy will be
enhanced, more industries will come up and there will be an increase in the local capabilities.
There are some international partners, especially within the legal profession, who have been
going around East Africa building the capacity of lawyers on how they can assist Wanjiku to
protect minerals, including oil and gas business and how they can benefit from it. This has
helped us to understand the new aspect of the economy with regard to oil and gas. It is not only
the legal profession that has been helped to build its capacity, other professions, for example,
engineers have also gotten a lot support. Mr. Temporary Speaker, Sir, I like this Bill because the
women and the people at the grassroots who rarely go to the cities will benefit. Women have
refused to be left out. They are doing all manner of jobs, including working in the quarries,
constructing roads and operating heavy machines. This Bill will help to improve the social status
of Kenyans because a lot of social amenities will be built, for example, schools and health
facilities. Therefore, we will not only have a wealthy nation, but a healthy nation. Mr. Temporary
Speaker, Sir, the passage and implementation of this Bill will take care of unemployment. In
fact, this Bill strengthens devolution because it appreciates that we have a bicameral system. It
states the roles and responsibilities of the national government vis-a-vis the county governments.
That is why I have stated that it has started to solve some of the hiccups that we have in devolution. It has also enhanced the word “public participation”, because when the local content plans are being created, the national Government works together with the county government and then Wanjiku is also given an opportunity to participate in the planning, to critique and look at all that needs to be done. The Bill has created its own means, committee and a people-organ which is going to do monitoring and evaluation. Within certain times, we will see after six months or a year, where we were when we started and whether we have achieved the milestones and the outcomes that we intended to. They are then able to correct as they move on instead of waiting until it is too late only to discover that that they made a blunder. They are then able to control to the benefit of everybody. I, therefore, wish to commend the sponsor of this Bill and urge my colleagues to support it. I beg to support.’

DATE: 22nd November

MEMBER OF PARLIAMENT: Sen. (Dr.) Agnes Zani

CONTRIBUTION SHE MADE: INVITATION TO A CONSULTATIVE FORUM WITH THE CS FOR DEVOLUTION AND PLANNING ON THE DROUGHT SITUATION IN THE COUNTRY

‘Thank you, Mr. Temporary Speaker, Sir. Most communities are very excited when they realise they have discovered a resource around them. This is because they know they will gain and their social-economic cultural life, probably, will change for better and it is not always the reality. Sometimes, they know there are dives like as happened in the Nigerian curse. So, it is always not taken for granted and, therefore, it is important to have legislation which will ensure that the communities gain. So, this Bill tries to do exactly that. It comes up with legislation that will
control local content, ownership control and finance if any activity is connected with the exploration of gas, oil and other minerals. This is critical for the reasons that have been given for the development of the local economies, stimulation of industrial development to ensure that the skilled workforce is built and to ensure that there is a competitive supplier base that is created. These are noble goals that are always created to ensure that such exploitation benefits everybody and various attempts have been made. When we worked on The National Resources (Benefits Sharing) Bill (Senate Bill No.34 of 2014), what came across is that there is a disjointed legislation. This legislation tries to address specifically oil and gas and touches on mineral resources. There is the Mining Bill that touches again on various provisions and efforts have been made at some sort of synchronization. I do not think we are exactly there. Therefore, this Bill moves away from the issue of percentages and trying to allocate specifics and gives this responsibility to the committee that it creates, so that it can devise such strategies within a particular context and maybe be successful in doing so. However, we need to be careful because it means the legislation does not exactly pinpoint. When I come to the specific clauses, I will talk about this particular committee which is top heavy as you can never be sure that its decisions will be for consideration to the communities. Mr. Temporary Speaker, Sir, this Bill also puts a lot of focus and gives a lot of responsibilities to the Cabinet Secretary. This position will change depending on the government of the day and the person. There are some Cabinet Secretaries who are very functional and productive, but others are not. So, some sort of control will be needed to ensure that this Cabinet Secretary makes this sector vibrant and has the whole nexus of the whole legislation to ensure that communities gain. Therefore, it is important to get the right person. When you look at the qualifications of the various members in committee, there are quite high levels of qualifications. For example, for the Chair, it is 10 years and for the board members, it is
about five years. So, it does not take just qualifications, it takes the passion and consideration for communities that actually helps us to get there. That becomes very critical. The exploration of natural resources leads to various expectations. For example, these communities will not be able to exploit the resources if they have not reached that particular level. However, this particular Bill brings the idea of using technology, public participation and critical legislative framework that is key is to ensure that these communities change not once, but for a long time. Mr. Temporary Speaker, Sir, my concerns are across various clauses and I will just be specific and outline them. The first is that Clause 3 that states: “The Act shall apply to all commercial activities relating to exploration, extraction development and legislation of gas, oil and other mineral resources.” The specification is not very clear and we need to have some sort of clarity because if we leave it very broad, then there are certain specific mineral resources that should be included in this Bill that may not be included because they have not actually been completely spelt out. I will later look at the establishment of the committee that is in Part Three, specifically on the qualification, Sen. (Dr.) Khalwale has just picked on this. It is too top heavy and the voice of the community is lost. When making the amendments, we need to have more representation from the local communities such as the elders and village administrators. The people who are picked should make an input. Those inputs should be listened to and put into consideration. The committee has a broad range of responsibilities. In Clause 8, the committee implementing this Act will ensure measurable and continuous growth. That is a key word because it becomes tricky when you talk about growth and you do not talk about the level of measurability. It will be important for this committee to come up with specific indices and indicators that will help them monitor this continuous growth at the time of the development and the adoption of local content. A comparative analysis that is mentioned in this Bill will be critical. This means that they will not
only compare within a time series but also compare across other countries that are related. We could have regional comparison index and a continental comparison index over a certain time. Many other economies have moved very well with the whole issue of development and adoption of local content. We can also use that as a measure for us to upscale very quickly depending on where we are. We might want to have some baseline point for us to tell the changes across the time series. The other critical thing is the policies and measures in the progressive enhancing capacities and local enterprises to compete effectively on quality price, reliability and supply of goods. The issue of empowerment to ensure that these are directly transferred is key. However, when you give that responsibility to the organizations and tell them that you expect them to employ more locals, you will realize that they only employ them at a certain level while this Bill says at various levels. That should be very specific because the problem is usually at the top levels. You find that a person who has a Masters degree in a particular extractive industry in some communities does not get the job. That is very discouraging. It is difficult to get into organizations and control who they employ. One would wish that this committee will look at it. If not, organizations always get a way to meander around. I have seen that a direct provision has been provided in this Bill to ensure that external experts are not incorporated unless that particular work that they are doing cannot be done by anybody else. However, the organizations usually find a way to go around it. They usually change the qualification slightly depending on who has been employed. This committee will therefore need to be a bit innovative. I have also seen that the chairperson is to be appointed by the Cabinet Secretary. I am uncomfortable with that because the whole issue is with the Cabinet Secretary. I wish there was a more vibrant process to appoint the chairperson. This could be through some sort of negotiations or vetting process at a particular level. In propagating this appointment, it is going to be done by a gazette
notice. That is not enough because it amounts to handpicking. The chairperson will have a lot of responsibilities yet this is a bureaucratic expert who is not focused on local community issues. If not handled well, we might end up with another business shop where people talk a lot of technological jargon without getting to the bottom of the issues. The other issue that I would like to raise is the issue of the secretariat that is to be put at the Ministry level. Is that not creating two centres of power? When you look at the provisions, it comes across as though the secretariat is answerable to the committee. The chain for delegation is not very clear. We have two semi-autonomous bodies, one in the form of a committee and the other one in the form of a secretariat though the secretariat might be powerful because it will be dealing with policy issues. We therefore need to find a way and a level for proper coordination or we should spell out who is answerable to who in this Bill so as to avoid having two centres of power. The rest of the local content plan is very clear and well-articulated especially in Clause 22. It talks about prescribing a methodology for determining a percentage for the local content in goods and services acquired or delivered in Kenya. That is very key. It prescribes a methodology but once again, there seems to be no control from the committee. How will they be controlled if they come with a wrong methodology, or even a substandard methodology? The onus remains with a particular committee and a particular Cabinet Secretary and that can be problematic. Regarding employment and skill development, it has been handled clearly. Clause 24(3) states that the employment and training activity undertaken during the reporting period will be given out and discussed in a comparative analysis of employment and training plan. Employment and training activities are going to be monitored. In regard to the operator, in addition to the requirement and upon commencement; it is instructive that it will submit this quarterly report. This quarterly report will have this basic component that should be given out. In Clause 25(4), the Bill says an
operator shall, for the purposes of subsection (1), prepare in consultation with the Committee, programmes for Industrial and technical education and training including the grant of scholarships and implement such programmes with a view to training local persons to replace foreign personnel as soon as reasonably practicable and to affording local persons an opportunity of occupying senior positions in the operations of the operator. This is an example of a clause that has proactively ensured that the sectorial players are all able to come and ensure that they provide the necessary technological and educational expertise to create the professionalism that is required for the various positions that are going to be important for locals to intersect with the industries at various points. Therefore, locals will intersect with the industries at various points. Mr. Temporary Speaker, Sir, Clause 26 gives key provisions to ensure that locals have a chance and are not locked out. I mentioned that earlier. That is key. The Bill gives very clear provisions for the transfer of technology and a research plan. It also gives clarity on research and development plan. Financial services plan is also clearly stipulated. Part IV calls for strategies for local content and development which sums up the overall.

‘On a point of order, Mr. Temporary Speaker, Sir. Is it in order for the hon. Senators to be speaking to each other across the Floor instead of addressing you?’

DATE: 22nd November

MEMBER OF PARLIAMENT: Hon. Ms. Rachel Kaki Nyamai

CONTRIBUTION SHE MADE: ADOPTION OF REPORT ON RATIFICATION OF AGREEMENT ON THREAT REDUCTION BIOLOGICAL ENGAGEMENT PROGRAMMES

DATE: 22nd November

MEMBER OF PARLIAMENT: Hon. (Ms.) Abdalla

CONTRIBUTION SHE MADE: 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

MEMBER OF PARLIAMENT: Hon. (Ms.) Ghati

CONTRIBUTION SHE MADE: 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: 22\textsuperscript{nd} November

MEMBER OF PARLIAMENT: Hon. (Ms.) Ghati

CONTRIBUTION SHE MADE: THE PENAL CODE (AMENDMENT) BILL

‘: 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

MEMBER OF PARLIAMENT: Hon. (Ms.) Ghati

CONTRIBUTION SHE MADE: THE PENAL CODE (AMENDMENT) BILL

‘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: 22\textsuperscript{nd} November

MEMBER OF PARLIAMENT: Hon. (Ms.) Korere

CONTRIBUTION SHE MADE: THE PENAL CODE (AMENDMENT) BILL

‘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

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: POOR WORKING CONDITIONS IN NAIVASHA FLOWER FARMS

‘Mr. Speaker, Sir, I rise to table a petition to the Senate on behalf of residents and flower farms in Naivasha Sub-county of Nakuru County on poor working conditions in flower farms. Mr. Speaker, Sir, this Petition touches on critical issues. (1) Handling of harmful substances (a) THAT, hundreds of Kenyans are trying to make a living in flower farms and are languishing in poverty, weakened health status and facing untimely deaths as a result of exposure to hazardous substances in flower farms within Naivasha, Nakuru County. (b) THAT the employers are blatantly flouting provisions of the Occupational Safety and Health Act which mandates them with the responsibility of providing protective clothing to employees within the zones that have hazardous substances. (c) THAT the employers have resorted to cutting operational costs relating
to provision of protective clothing by forcing employees to use torn clothing, recycling of worn out clothes, purchase of substandard clothing from China that offers no protection even when new and offering sizes of protective clothing that do not fit the employees. (d) THAT the employers do not educate the employees on the expected side effects of handling each chemical and in all cases, employees are never given choices to evaluate which chemicals do not compromise further their already weakened health status. (e) THAT each chemical sprayed on flowers inside the greenhouses has an indicated period of time within which a greenhouse should remain tightly sealed and within which no human being should enter. Normally, it is 30 days. The employers have been forcing employees to enter such greenhouses before the 30 days are over to do pruning or spraying. This happens all the time and constitutes over 50 per cent of casualties in the flower sector. (2) Labour Remuneration and Welfare. (a) THAT the gross pay of a flower farm employee is Kshs7,500, which includes a basis pay of Kshs5,500 and other Kshs2,000 as housing allowance. This is standard pay that is never raised and is below the recommended minimum wage. (b) THAT the employees work for eight hours a day, six days a week. (c) THAT the flower farms do not provide healthcare in the form of medical allowance, pay sick leave and well equipped dispensaries with the capacity to handle health complications arising from exposure to hazardous substances. (d) THAT there is no career growth in the flower farms such as an employee who joined 10 years ago and the one joining today are paid the same salary. (e) That the employers do not provide any form of empowerment trainings in handling hazardous substances even when the manufacturers are willing. (f) That a form of slavery thrives in the flower farms where employees have no say and are fired instantly whenever they attempt to raise a concern.
(g) Gratuity is only available if you have a contract of more than five years and you have served a minimum of five years. Most of the employees in this category who are exposed to hazardous substances fall under casuals who are hired on short term. (h) THAT employers have crafted another way of escaping responsibility whereby they are issuing one month only contracts so as to avoid awarding employees benefits such as house allowances. (i) THAT sexual harassment against female employees is rife. This is especially so when a female employee has spent a few days or weeks away from work due to personal or health problems and want to continue with the contract. (3) They have made best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response. (4) None of these issues raised in this Petition are pending in any court of law, constitutional or any other legal body. Mr. Speaker, Sir, the petitioners, therefore, humbly pray that the Senate:

- (1) Urgently investigates the matters raised herein and prepare a report on the labour and social welfare concerns of the employees in flower farms. (2) Investigates the social welfare related impacts of the uncontrolled use of chemical on the host community, especially children. (3) That the Senate takes measures aimed at protecting Kenyans working in flower farms. Mr. Speaker, Sir, this Petition is on behalf of employees of Homegrown Flamingo Holdings Flower Farm and Aquila Flower Farm. They are petitioning on behalf of their colleagues. Their prayer is that the Senate should conceal their identity for fear of reprisal and victimisation. Mr. Speaker, Sir, I thank you
DATE: 23rd November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: ADOPTION OF ROADS COMMITTEE REPORT ON
THE STAKEHOLDERS FORUM HELD AT SAFARI PARK HOTEL, NAIROBI

‘Mr. Speaker, Sir, I beg to move the following Motion:- THAT, the Senate do adopt the report of the Standing Committee On Roads and Transportation on a Stakeholders’ Forum held on 3rd February 2016 at Safari Park Hotel, Nairobi and laid on the table of the House on 14th April 2016. The report was as a result of the Committee performing its mandate. As per the Standing Order No.208 of the Senate, the Committee is mandated to consider all matters relating to transportation and roads, public works, construction and maintenance of roads, rails, buildings, air, seaports, housing and communication. It was due to this mandate given to us, as a Committee, that the Committee resolved on 9th July, 2015, to hold the said forum. This was after visiting various counties to oversee the work plans and everything that was being done by the various stakeholders dealing with our mandate. A general observation was that many stakeholders within the counties faced the same challenges and that is why we agreed to bring them together to avoid duplication of work and cut down on cost so that we forge the way forward. At the forum, we observed that the national Government through the Cabinet Secretary for Transport and Infrastructure had spearheaded the classification of roads which resulted into various issues. There are various complaints that consultation was not done properly. The classification was not done in accordance with the Constitution thus it violated some of the provisions of the Constitution. The matter culminated to a suit at the High Court where the then Transition Authority (TA) was instructed to implement the findings of the High Court case so
that they could deal with the road classifications properly and prepare a register which was to be handed over to the Ministry of Transport and Infrastructure Mr. Speaker, Sir, in a nutshell, this had not been done completely. There was also a dispute on the delay at the National Assembly of the passing of The Kenya Roads Bill (National Assembly Bill No.26 of 2015) and the prolonged litigation and disruption of delivery of services. We also observed that there was failure by the Ministry of Transport and Infrastructure to honour agreements which were agreed through consensus by the Ministry and the Council of Governors (CoGs) regarding the roads functions. This is still a contentious issue. Even though The Kenya Roads Bill (National Assembly Bill No.26 of 2015) has been passed by the National Assembly and submitted to the Senate, we have still been engaging the various stakeholders, including the Council of Governors and other authorities like the Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURRA) and the rest which according to the classifications, there is a dispute on which these authorities should be retailed and which should be done away with and who takes care of which road. We have seen the classification according to The Kenya Roads Bill (National Assembly Bill No.26 of 2015) has gone up to the national Government. [The Speaker (Hon. Ethuro) left the Chair] [The Temporary Chairperson (Sen. Sang) took the Chair] Mr. Temporary Speaker, Sir, the recommendations at the stakeholders forum was that there was need for further consultative engagements for the reclassification of roads. This is still a tall order even though we have tried our best and we have held several meetings at the Senate Roads Committee to try and build consensus on this. We have succeeded in a few, but there is yet some to be finalised. However, the transfer of the roads function to the counties which did not appeal to the Senate has to be done. There are other counties who had appealed. There are 18 county governments who had not appealed to the Senate and this is the reason why we intervened as a Committee of the
Senate. The inter-governmental agreements between the Council of Governors and the other stakeholders were also to be implemented as agreed on. Mr. Temporary Speaker Sir, with those few remarks, I beg to move and request Sen. Mukiite to second.

DATE:23º November

MEMBER OF PARLIAMENT: Sen. Godliver Omondi

CONTRIBUTION SHE MADE: ADOPTION OF ROADS COMMITTEE REPORT ON THE STAKEHOLDERS FORUM HELD AT SAFARI PARK HOTEL, NAIROBI

‘Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to support the Report. The Committee has done a good job. This will draw a clear line between Members of Parliament (MPs) or the people in leadership who are entrusted with public funds to construct roads in this country. As it is now, it is confusing whereby you cannot understand who is to be held accountable for which road. When doing monitoring and evaluation in your oversight role as a Senator, you do not know who to hold accountable for a particular road If this report is adopted, it will help us come to out of queries that go unanswered. It will also help in terms of decentralising County Roads Management Offices (CRMOs) to reduce the long distance that may affect people who want services. It will also enable legislation work in terms of roads management to be done in an efficient manner and promote further decentralisation of services as we implement the new Constitution. Mr. Temporary Speaker, Sir, this will allow allocation of resources. It will also give the Senate power to allocate resources that will help to fund county governments to improve on road functions for the remaining or coming years. When we talk of giving access to persons with disabilities (PWDs), it is clear and the disability movement will know where to ask queries when it comes to giving access to PWDs. The manner I which roads
are constructed in our counties and localities leave PWDs in a pathetic situation not knowing whom to complain to. This re-classification of roads will also improve on the type, quality and standards of roads within counties and reduce the push and buck within those entrusted with resources to give services. It will also give us the standard of roads that is required within counties. With those remarks, I support.

DATE: 23rd November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: ADOPTION OF ROADS COMMITTEE REPORT ON THE STAKEHOLDERS FORUM HELD AT SAFARI PARK HOTEL, NAIROBI

‘: Mr. Temporary Speaker, Sir, I wish to thank my colleagues who have contributed and supported this Motion. We, as a Committee, appreciates that infrastructure is very important because it opens up many opportunities for our people. Definitely, an effective infrastructure will help us to improve our economic and social status. The Government is currently implementing devolution as it is anchored in the Constitution. Therefore, it is imperative that everything must be done and nothing should be left to chance. However, we have seen the duplication of roles that leads to wastage of resources in this country. For example, we have many authorities and bodies dealing with classification of the same roads. We saw it the first time we visited Makueni County. This happens also with the national Government. We have the Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KERRA). These authorities duplicate their roles when dealing with roads in the counties and also at the national level. Mr. Temporary Speaker, Sir, we had the famous Sang Bill which did not see the light of the day. Probably, this Bill would have dealt with those issues.
These are the issues that we have to be clear with when dealing with stakeholders on the roads sector to ensure that there is harmonization in their duties. Therefore, we encourage having consensus other than having litigation as this wastes time. The stakeholders also proposed alternative dispute resolutions to assist them in handling some of these petty issues that may arise. The real bone of contention is devolving road services from the national Government to the county governments. We want more resources devolved at the county level so that county governments can do roads. We should not accuse them of failing to do their job of improving infrastructure in their counties. It is a pity that the national Government advises them to take one step at a time. Those are the things we are grappling with. We have held stakeholders’ meetings across the counties and we shall be reporting the progress in due course. We are moving in the right direction. Where we have failed to agree, we shall bring it to the Plenary so that more brains can help us. With those few remarks, I beg to reply.

DATE: 23rd November

MEMBER OF PARLIAMENT: Sen. Catherine Nabwala

CONTRIBUTION SHE MADE: ADOPTION OF REPORT OF THE 133RD AND 134TH ASSEMBLIES OF INTER-PARLIAMENTARY UNION AND RELATED MEETINGS

‘Mr. Temporary Speaker, Sir, I beg to move the following Motion:- THAT, the Senate notes the Report of the 133rd and 134th Assemblies of the Inter-parliamentary Union and Related Meetings held between 15th to 21st October 2015 in Geneva Switzerland and 17th to 23rd March 2016 in Lusaka, Zambia, respectively, laid on the table of the House on Wednesday, 8th June 2016. The Temporary Speaker, Sir, I would like to give the highlights of Inter-Parliamentary Union (IPU), the world organization of Parliaments. It is a global forum for
parliamentary dialogue, cooperation and action. The IPU advances democracy and assists Parliaments and parliamentarians throughout the world to fulfill their mandates. The IPU facilitates parliamentary debate, dialogue and cooperation and also promotes and defends democracy and the rule of the law while assisting parliaments in coping with an ever growing international agenda relevant to their duties. As a focal point for worldwide parliamentary since 1889, the IPU works towards peace, cooperation among peoples and for the solid establishment of representative institutions. Specifically, the IPU aims at- (i) Fostering contacts, coordination and exchange of experience among Parliaments and Parliamentarians of all countries. (ii) Considering questions of international interest and express its views on such issues with the aim of bringing about action by Parliaments and their Members. (iii) Contributing to the defence and promotion of human rights which are universal in scope and respect for which is an essential factor of Parliamentary democracy and development. 

(iv) Contributing to better knowledge of the working of the representative institutions and to the strengthening and development of their means of action. We have about 170 Members who subscribed to IPU and we have 11 Associate Members. The IPU Assembly is a principal statutory body that expresses the views of the Inter-parliamentary Union on political issues. It brings together parliamentarians to study international problems and make recommendations for the parliamentary and governmental actions. The Assembly meets twice a year and is held each time in a different country providing participants with an opportunity to see various national realities. Other statutory organs of the IPU are the Governing Council where our Speaker, who is the leader of delegation, sits. We have the Executive Committee (EXCOM) where our Hon. Speaker Ethuro sits. We also have the meeting of Women Parliamentarians, the Forum for Younger Parliamentarians and the IPU Secretariat. The IPU works through committees, Working
Groups and Special Purpose ad hoc bodies. The following bodies are currently in place. These are the committees which have been set up by the IPU. When the delegation of Kenya goes to Geneva, we all spread and everybody has a chance to sit in a committee and participate. We have the following Committees:- (i) The Standing Committee on Peace and International Security. (ii) The Standing Committee on Sustainable Development, Finance and Trade. (iii) The Standing Committee on Democracy and Human Rights where we have Hon. Poksin who is a permanent Member. (iv) The Standing Committee on United Nations Affairs where I am a Member. (v) Committee on Human Rights of Parliamentarians, (vi) Committee on Middle East Questions, (vii) Group of facilitators for Cyprus, (viii) Committee to Promote Respect for International Humanitarian Law. (ix) Advisory Group on HIV/AIDS and Maternal, Newborn and Child Health. (x) Committee on Women Parliamentarians, (xi) Gender partnership group; and (xii) The Forum for Young Parliamentarians. Mr. Temporary Speaker, Sir, the IPU supports efforts of the United Nations (UN) whose objectives it shares and works in close co-operation with it. The Union also cooperates with regional inter-parliamentary organisations, as well is with international inter-governmental and non-governmental organisations which are motivated by the same ideals. The 134th IPU Assembly and related meetings were held in Lusaka, Zambia, from March 17th to 23rd 2015. The Kenyan Delegation comprised the Members listed below from both Houses. The Senate takes the lead because we have our Speaker who is the Head of Delegation. (1) Hon. David Ekwee Ethuro, EGH, MP; (2) Hon. David Pkosing Losiakou, MP; (3) Sen. Catherine Nabwala Mukiite, MP
Parliament of Kenya is well represented in the IPU. During the 133rd IPU Assembly, the Speaker of the Senate of Kenya, Hon. Ethuro, was elected to the Executive Committee for a term of four years. That was a big achievement for Kenya as a country because it lifts our profile. The Executive Committee is a 15-member Committee that oversees the programmes of IPU. Hon. David Pkosing is a member of the Standing Committee on Democracy and Human Rights. I, Sen. Nabwala, is a member of the Standing Committee on United Nations Affairs. In addition, Sen. Mutula Kilonzo Jnr. was selected to the position of CoRapporteur to the Standing Committee on Democracy and Human Rights on the topic; The freedom of women to participate in political processes fully, safely and without interference: breeding partnerships between men and women to achieve these objectives. The Committee will debate and submit a resolution to the IPU at its 135th Assembly. I think this is a high profile position for Sen. Mutula Kilonzo Jnr. and we were very proud as Kenyans to have the Kenyan Delegation taking top positions led by our Speaker. Normally when we go to these meetings, we split up and Members participate in debates. Solutions come out of the debates and resolutions are then adopted at the General Assembly. Mr. Temporary Speaker, Sir, meetings of the 134th Assembly included:- (1) The Assembly: General Debate: where members were provided with an opportunity to exchange views on ways of reviving the interests of the younger generation in the functioning of parliaments. (2) The Standing Committee on Peace and International Security, where members deliberated on a draft resolution under the topic, Terrorism: The need to enhance global cooperation against threat to democracy and individual rights; (3) The Standing Committee on Democracy and Human Rights, where the Committee deliberated in an interactive debate, the subject of it next resolution: The freedom of women to participate in political processes fully, safely and without interference. Building partnerships between men and women to achieve this
objective. (4) The Standing Committee on the UN Affairs, where the Committee commented on the new process of electing the new UN Secretary General. This position has not yet been filled because the elections have not been held and institutional arrangements have not been made for the implementation of the Sustainable Development Goals (SDGs). We know that the world today is focusing on SDGs. These are issues which they have picked up like climate change, poverty and many others. SDGs were transited from the MDGs which were unfinished business for most of the countries. However, we had a country like Korea which made a record in eradicating maternal and child mortality.

The Standing Committee Sustainable Development, Finance and Trade, where the committee deliberated on its resolution entitled: Ensuring Lasting Protection Against Destruction and Deterioration for the Tangible and Intangible Cultural Heritage of Humanity. On behalf of the Kenyan delegation, I wish to take this opportunity to thank you for bestowing upon us the important task of representing Kenya in one of the most important fora in the association of Parliaments. Article 7 of the IPU Statutes mandates member Parliaments to submit those resolutions of the IPU within the respective Parliaments in the most appropriate form; communicate them to the Government; stimulate their implementation and inform the IPU secretariat as often and fully as possible, particularly in its annual reports of the steps taken and results obtained. In this respect, we, as a Parliament, have been asked to adopt a resolution on the SDGs and in our next meeting as Parliaments, we are expected to state what exactly we have done towards advancing those goals. I know that our mandate involves budgetary allocations and formulation of policies. So, we can do those two plus leading the oversight to help or assist the Government to achieve the SDGs. In accordance with the Statues of the IPU, it is my pleasure and humble duty to submit this report highlighting the proceedings and resolutions of Parliament.
for debate and necessary action. Since each Committee had their own report, there are resolutions that we adopted arising from each committee. Maybe I will just touch on that so that we know what took place. Otherwise, the report was tabled and it was availed to all Senators. Take time to read it so that we can know what IPU stands for as well as the outcome documents of the General Debate on rejuvenating democracy and giving voice to the youth. This was the main thing when we attended the IPU Conference in Zambia. As an international organisation as national Parliaments and as individual representatives of the people, we are driven by our belief in democracy. We understand democracy as both a set of values and as a system of institutions that puts those values into practice. At the most fundamental level, we believe that everyone has the right to be heard and that all voices carry equal weight. Our primary responsibility as parliamentarians is to serve the people and deliver policies and legislation that address their needs and interests. I think that is of importance to us as parliamentarians because we formulate policies which should favour the marginalised groups. These are youth and women. At the IPU, they feel that women and youth are underrepresented. So, we should make more effort to support the two-thirds gender principle so that we can measure up to other African countries like Rwanda who are leading with 69 per cent women representation in Parliament. Mr. Temporary Speaker, Sir, we understand that there is no single model of democracy. A country’s institutions evolve from its particular history, culture and traditions. Equally, we equivocally re-affirm that the principles of democracy are universal or we reaffirm the core values of democratic Parliaments. Those values are about seeking to be representative of the country’s social and political diversity, being open to our citizens and transparent in the conduct of parliamentary business, ensuring accessibility and accountability to our citizens and performing our work effectively. I will not go on with that outcome as it is clear in the copies that you have. Mr. Temporary Speaker Sir, I have
made the main point about women and the youth that we must have their voice in our agenda. These are the drivers of our development. If we leave them behind, then our country will not achieve the development agenda. There were other resolutions which were adopted. These resolutions once adopted cannot be changed because they are global. Every country is supposed to obey so that we speak with one voice and all people have the same playing field. Rejuvenating democracy is about modernising the functions of our institutions. Opening up to new technologies makes it possible to usher in a new era of democracy. The exponential increase is the use of modern technologies and social media and access to information which has changed the way citizens participate. Our parliaments must open up to the online world in the structures and mechanisms so as to adapt to the expanded space and time of modern communication, interaction and participation. Mr. Temporary Speaker, Sir, you see what technology has done for us. It has made the world look like a village. You can communicate without having to take a month or a year to reach somebody. You only need to make a phone call or go online and you will communicate and exchange ideas with other people. I think that resolution was a good one. There are more resolutions but I think they are too many and because of time, I will request all Senators to take time to read these resolutions so that we can have your responses about Sustainable Development Goals (SDGs) so that we can take back a positive response. I also request that the Ministry on a quarterly or half-yearly basis should update Parliament about the development in counties. These SDGs have been limited to 15 years. So, within that time, we are supposed to achieve these developments. As Members, we should allocate money and assist in the formulation of ideas. If we cannot formulate an idea and implement it, then it means we are not doing a lot of what the expects from us. Thank you. I request Sen. Karaba to Second.
MEMBER OF PARLIAMENT: Sen. Godliver Omondi

CONTRIBUTION SHE MADE: ADOPTION OF REPORT OF THE 133RD AND 134TH ASSEMBLIES OF INTER-PARLIAMENTARY UNION AND RELATED MEETINGS

‘Mr. Temporary Speaker, Sir, I support the Report of the InterParliamentary Union (IPU). As I support, I want to register my concerns that I have identified some gaps within the Report that should be taken seriously. I tried to lobby while I attended the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) for persons with disabilities in Geneva so as to know why persons with disabilities are not part and parcel of the IPU. There is a letter that came from Inter-Parliamentary Union (IPU) to the Senate requesting information on how far the Kenyan Senate and other member countries have reached. The reason why I want to raise this - and want to be part of the issues that can be taken back - is that when you talk about the Sustainable Development Goals (SDGs), initially Millennium Development Goals (MDGs) left out persons with disabilities leaving them in poverty. Now, SDGs mention persons with disabilities 11 times showing there is some seriousness in including persons with disabilities in SDGs.

Recently, I was a panelist in Geneva talking about the role of Parliament in ensuring the implementation on the convention on the rights of persons with disabilities in connection with SDGs, is put into consideration. If IPU is not going to include persons with disabilities, it shows that even if we are mentioned there, we are not going to achieve the issues to be dealt with. We have a committee on women and youth. Issues affecting women and youth are triple for persons with disabilities. I wish to request that we have a committee on disabilities. The slogan goes,
“nothing about us without us”. When they are discussing issues and persons with disabilities are affected both socio-economically and politically, we are not going to achieve anything. Nobody can speak on our behalf. You can see from the Report that nothing is coming out on behalf of persons with disabilities because we are never mentioned or represented. I want this to be given consideration because it matters a lot as far as the inclusion is concerned. Kenya is one state party that ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It is an international instrument that guides the involvement and inclusion of persons with disabilities. Thank you, Mr. Temporary Speaker, Sir’

DATE: 23rd November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: ADOPTION OF REPORT OF THE 133RD AND 134TH ASSEMBLIES OF INTER-PARLIAMENTARY UNION AND RELATED MEETINGS

‘Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to comment on this Motion. I wish to commend the team that went to the IPU Conference. This is a good practice and we should encourage it. When we send people to represent us, to engage, to learn and share the experiences with other like-minded countries, it is good they come and disseminate the information to us because all of us cannot travel. I am happy that the team that went took leadership positions. They were not there for joyride but they became active and participated properly. The forum found it fit to elect one of our own, Sen. Mutula Kilonzo Jnr., who is the Vice President in the Wiper Democratic Movement, where I am a Member. He was elected as a co-rapporteur. That shows that they have faith in him. He showed skilled leadership and expertise. This helps me because we have been fighting for gender parity which is now being
championed by one of our own and a man of the opposite gender. This means when I bring the Gender Bill or anything about women reproductive healthcare, people should not think I come from a different atmosphere. I am talking about the international discourse. These are things that are done by other nations. This will ensure we are not left behind. Mr. Temporary Speaker, Sir, I wish to commend the people who represented us at the IPU Conference. I have gone through the Report, and I support it. Thank you’

DATE: 23rd November

MEMBER OF PARLIAMENT: Sen. Catherine Nabwala

CONTRIBUTION SHE MADE: ADOPTION OF REPORT OF THE 133RD AND 134TH ASSEMBLIES OF INTER-PARLIAMENTARY UNION AND RELATED MEETINGS

‘Mr. Temporary Speaker, Sir, I must say I am proud because you have been part of the delegation to Geneva and you know what happens there. When we get there, we have to work hard to represent our country so that we give our country a good image. About the question of disability; we shall take it on board when we go to the IPU Conference next time and it will be among the proposed items that Kenya will take to IPU. Each time we go for the Convention, you propose an emergency item that you think is very serious. For example, last time we had terrorism, cyber-crime and many other issues that we have discussed. However, I can promise you, my sister, that we are going to propose that and the next meeting, maybe, we shall have someone representing people with disability from Kenya.
DATE: 23rd November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: ONGOING RECRUITMENT OF PERSONNEL BY THE MINISTRY OF HEALTH

‘Mr. Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a Statement from the Chairperson of the Standing Committee on Health regarding the ongoing recruitment of health personnel by Ministry of Health for deployment to the counties. In his Statement, the Chairperson should:- (a) state the aspects of health services that have been devolved and the working mechanisms between the national and the county governments in relation to provision of health services; (b) state whether it is the mandate of the national government to recruit staff for county governments; (c) state whether the national Government consulted the county governments before commencing the recruitment process, as advertised in The Star Newspaper of 17th November, 2016; (d) assure the Senate that the ongoing recruitment of the health personnel will be stopped until the national Government consults with the county governments and agree; and, (e) explain the arrangement in place for deployment and remuneration of the officers who are being recruited. Thank you, Mr. Speaker, Sir.’

‘Mr. Speaker, Sir, we are almost breaking for recess. Most importantly, these recruitment positions had a deadline. Will we not be time barred in two weeks time? I request the Chairperson to get this information in a week, so that we can debate it in this House. The information is available.’
DATE: 23\textsuperscript{rd} November

MEMBER OF PARLIAMENT: Sen. Dullo Adan

CONTRIBUTION SHE MADE: MURDER OF MR. MUSA KOECH FROM NANDI COUNTY

‘Mr. Speaker, Sir, I believe Sen. Sang has gotten a copy of the missing pages. On 22nd September 2016, Mr. Hilary Serende, an Assistant Chief in Shaviringa Location, Nandi County, informed Cheptulu Police Patrol Base that a gang of criminals who were riding in a motorcycle were terrorizing residents of Shaviringa Stage. Two police officers responded to the distress call vide Occurrence Book No. 16 of 22nd September, 2016 at Sigongo Stage. The officers came across four suspects who were riding on a motorcycle. Subsequently, the officers challenged the suspects to stop, but they defied the orders prompting the officers to shoot in the air. Unfortunately, one of the pillion passengers Musa Koech was hit by a bullet and later succumbed to the injuries. One of the motorcyclists identified himself as Personal No. 25016072 APC Eli Songok, deployed to Nandi East Sub County. During the interrogation, the motorcyclist escaped, but returned to the police station the following day where he recorded as statement. Mr. Speaker, Sir, I wish to table a copy of the Occurrence Books from Cheptulu Police Post and Serem Police Station for the period between 22nd and 24th September, 2016, which is attached to the statement.

‘Mr. Speaker, Sir, consequently, officers from Serem Police Station---’

‘Mr. Speaker, Sir, I think that clarification can come later since I am just reading the statement as I was given. I will clarify that later’
Thank you, Mr. Speaker, Sir. Consequently, officers from Serem Police Station visited the scene and confirmed that about 200 metres from the scene of shooting, Derick Munyori and his wife Sheila Muhonja had been attacked by men who escaped on a motorcycle. Mr. Derick sustained panga cuts and was robbed Kshs 150 and a mobile phone of Techno make while one of the suspects attempted to rape the wife. The Sabatia DCIO commenced investigations immediately vide Inquiry File No. 2/2016. The security situation along Nandi-Vihiga is calm and the police officers have suspended patrols besides col My Ministry will not compensate the family of the deceased since it has no vote to cater for such expenses. The recommendations by Independent Policing Oversight Authority (IPOA) and implementation as directed by the Director of Public Prosecution (DPP), all cases of shooting are investigated and where the shooting is found to be unjustified appropriate action is taken upon advice by the DPP. The Government has no policy to perpetuate extra-judicial killings neither does it condone the same. According to the Constitution of 2010, every person has a right to a fair hearing and no one can be judged unheard. Further, a suspect according to the national laws is deemed to be innocent unless proven otherwise. In this regard therefore, any officer who is suspected to be involved in murder related cases is always subjected to the full force of law. However, there are incidences where suspected criminals have died during exchange of fire with police officers. In such cases, an inquest file is open and investigations carried out and appropriate action accordingly. I thank you. Laborating with the local communities through community policing committees.’

Mr. Speaker, Sir, I understand the frustrations of Members of Parliament and members of the public. Let me confirm to the House that this statement was prepared on 31st October, 2016. I am sure there must have been a lot of development after that, which is not in this response that was given then. So, I will clarify most of the issues raised here especially concerning whether the
officers were arrested or not, especially Mr. Ekirapa as mentioned by the Senator for Nandi.

Secondly, let me respond to the issue of extra-judicial killings. I believe the law is very clear in terms of what should happen in case of this. Action should be taken against those responsible by following due process of the law.’

‘Mr. Speaker, Sir, I will give full information on the issue raised by hon. Senators, especially on compensation. There is a legal procedure that needs to be followed where the families of the affected individuals are supposed to file a case against the Government. Then, compensation is awarded through the court process. The issue of identification of the suspect and all other information will be provided before we go on recess next week’

DATE:23rd November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: MISERY OF RESIDENTS OF KASARANI IN MALEWA WESTWARD, GILGIL CONSTITUENCY

‘Mr. Speaker, Sir, I had also asked for a Statement a while ago from the Committee on Legal Affairs and Human Rights on the issue of the confusion of boundaries in Malewa West, specifically Kasarani in Gilgil Constituency. It has not come and we are anticipating that very soon, there will be recruitment either of National Youth Service (NYS), Kenya Defence Forces (KDF) or Kenya Police Service (KPS) and the issues will still recur. We need to get an update from the Committee on that issue
MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: CIRCUMSTANCES THAT LED TO INJURING OF GOVERNOR ISAAC RUTTO

‘Mr. Speaker, Sir, I was expecting two statements that you had directed to be brought today. First, is on the hiring of officials for ministry of health in the counties. Secondly, is that one that was to be issued by the Committee on Legal Affairs and Human Rights Chairperson on the issue of Malewa West Ward in Gilgil Constituency about the borders that was supposed to be delivered today. I am yet to get any response from the Chairs.

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: ONGOING RECRUITMENT OF PERSONNEL BY THE MINISTRY OF HEALTH

‘Mr. Speaker, Sir, the Chair has mixed up the response from the Ministry and the opinion of the Committee. Looking at this response, it is not as detailed as the Chair says. In fact, on the issue where I sought to know whether it is the mandate of the national Government to recruit staff for the county governments, the Ministry says that they did so through consultation and co-operation. Mr. Speaker, Sir, the CoGs have already protested this move. I do not know who they consulted. The Chair should clarify whether it took place as it is under Article 189 of the Constitution and the burden of absorbing these staff. If you look at the response, in the fifth issue where we asked that the arrangement for deployment and remuneration be cleared, the Ministry
says they will seek an assurance from the counties affected that they will absorb recruited officers at the end of the contract period. This burden that is being brought to the county government is already a problem of health and personnel in the counties. So, the Ministry went ahead to recruit for a contract and after it expires, it expects the counties to absorb them without knowing whether it is in the budget plan and without any consultation. I would like to get the clarification from the Chair. What does it mean that they will seek assurance from the counties and why are they recruiting before getting that assurance?’

DATE: 29th November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: MISERY OF RESIDENTS OF KASARANI IN MALEWA WEST WARD, GILGIL CONSTITUENCY

‘Mr. Speaker, Sir, I do not want you to lock my Statement out from the Committee on Legal Affairs and Human Rights on the issue I raised about the boundaries in Malewa West Ward. When young men from Kasarani go to Gilgil for recruited they are told to go to Naivasha because their identity cards read Naivasha. When they go to Naivasha, they are told to go back to Gilgil. It is an urgent issue. and I am still waiting for that Statement so that it can be settled and the opportunities can be equal to everyone.’

‘Mr. Speaker, Sir, I was reminding you of my pending Statement from the Committee on Legal Affairs and Human Rights on the issue of the youth from Kasarani in Malewa West Ward of Gilgil. When they go to Gilgil to be recruited into the Kenya Defence Forces (KDF) and Kenya Police Service, they are told to go to Naivasha because their Identity Cards read Naivasha. When they go to Naivasha, they are told---’
‘On a point of order, Mr. Speaker, Sir. Is the Chairman in order to mislead this House? This matter has been pending in this House for over a month. In fact, his deputy had committed to bring a response without any of the issues that he has raised. Is he in order to take us back, when there was a commitment from the Committee to bring the Statement?’

DATE: 29th November

MEMBER OF PARLIAMENT: Sen. Godliver Omondi

CONtribution SHE Made: Visiting Delegations FROM Nyamira and Kakamega COUNTIES

‘Mr. Speaker, Sir, thank you for allowing me to join you to welcome the visiting delegations from the two counties. I also thank you for the initiative of training clerks from different counties. Last week, we had delegation from Kakamega County. I am honoured to see my county getting capacity building. I know this will empower them to deliver quality work effectively and efficiently. I wish them a fruitful stay here in Nairobi. I also thank other counties that have joined us today’

DATE: 29th November

MEMBER OF PARLIAMENT: Sen. Godliver Omondi

CONtribution SHE Made: Visiting Delegations FROM Nyamira and Kakamega COUNTIES

‘Mr. Speaker, Sir, I also take this opportunity to thank the visiting delegations from Nyamira and Kakamega counties. I wish them well as they continue benchmarking. I thank them for coming in at the right time knowing that we are about to go for recess. The most important thing is what
foundations we leave behind so that the next Senate and county assemblies will have a footing in what they would wish to do for their counties come 2017. I urge the MCAs to always remember that as you do your work, there are those who voted for you in a ward somewhere. At any given time, they would wish that you fight for them. Therefore, sometimes you can be with your governor, but in most occasions, you must stand with the challenges of your people. In so doing, they will respect you and know that they, indeed, voted in a leader. As you go back home, just remember to work for your people. It is important to give your people services, but not an individual.’

DATE: 30th November

MEMBER OF PARLIAMENT: Sen. Judith Sijeny

CONTRIBUTION SHE MADE: ALLEGED CORRUPTION AND MISAPPROPRIATION OF FUNDS AT THE NYAMIRA COUNTY GOVERNMENT

‘Mr. Speaker, Sir, I commend these Kenyans because they are obeying the law. They are taking due processes. They are not taking the law in their hands to start fighting. They are appreciating the institutions enshrined in the Constitution. It is our responsibility and I believe where we shall refer it, it should receive the best attention that it deserves. Mr. Speaker, Sir, this is a good opportunity for the Senate to investigate most of these issues and avoid the drama that some of the governors act by avoiding to appear before Senate committees. With this Petition, I am sure we will get all the documents and the results that we need so that the people of Nyamira County will defend what is theirs. This is applauding the devolution which was meant to send resources down to the villages and ensures enough participation by all Kenyans. This shows that Kenyans are alert, watching and they want to control all that they need. I commend them.’
DATE: 30th November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: ALLEGED CORRUPTION AND 
MISAPPROPRIATION OF FUNDS AT THE NYAMIRA COUNTY GOVERNMENT

‘Thank you, Mr. Speaker, Sir. The reason you hear Members speak with certainty to this issue is that from the Members of the County Public Accounts and Investments (CPAIC) and the Committee on the Finance, Commerce and Budget, we encounter many of these issues that you can almost make an inference. As I commend the three residents of Nyamira County, I note their frustrations as have been cited by Members here. I know Sen. Mutula Kilonzo Jnr. is afraid to name Machakos County. In fact, the governor appeared before CPAIC not only accompanied by the chairman of the County Assembly Committee on Public Accounts, but also the County Assembly Majority Whip, Minority Whip and about eight MCAs. That is where the problem lies. The frustration you are seeing from these Kenyans is because the county assemblies can no longer exercise their oversight role. They have been unable and it has been proven to us that it is not possible. Going forward, I hope the issue of timelines of 60 days will be considered. The petition tracker is very critical. Let us name and shame the committees that sit on petitions and laud those like the Sen. Mutula Kilonzo Jnr.’s of Legal Affairs and Human Rights and others, who have dealt with their petitions. By so doing, we will do justice to the public and what is expected of us by the Constitution.
DATE: 30\textsuperscript{th} November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: VISIT BY DEPUTY GOVERNOR OF MURANG’A COUNTY, HON. GAKURE MONYO

‘Mr. Speaker, Sir, I thought I had pronounced it on this Floor over and over again, but I can inform the House that, yes, it is my county of birth and welcome the Deputy Governor of Murang’a County to the Senate, but most importantly, I want to allude to what has been touched by other Senators as a Members of the County Public Accounts and Investments Committee (CPAIC). I would like that the Deputy Governor to pass the message to the Governor of Murang’a that we are not interested in extraneous issues. We are only interested in finding out the truth about the monies allocated to the county. We have demonstrated that, even with the most stubborn governors. Just recently, we had the “Senator” of Machakos defy summons. He came and we have proved as a Committee that we are not witch-hunting. We have dealt with the matters as they are. We are still hopeful that the Governor of Kakamega can learn from the several governors who have changed their minds, and they will be able to come to clear audit queries as it should be.’
DATE: 30th November

MEMBER OF PARLIAMENT: Sen. Catherine Nabwala

CONTRIBUTION SHE MADE: DEPLORABLE LIVING CONDITIONS IN POLICE STATIONS, AP CAMPS AND PRISON QUARTERS

‘Mr. Speaker, Sir, I rise pursuant to Standing Orders 45(2)(b) to seek a Statement from the Chairperson of the Committee on National Security and Foreign Relations concerning the deplorable living conditions in various police stations Administration Police camps and quarters for prison officers in the country. In the statement, the chairperson should state: (1) The various aspects and extent of police reforms being carried out by the Government. (2) Explain the impact of the proposed police reforms on the living conditions of officers housed in police and prison camps. (3) State measures that the Ministry of Interior and Coordination of National Government is undertaking to ensure that the proposed reforms are fully realized considering the large number of complaints regarding the living conditions. (4) State whether there are monitoring and evaluation mechanism to ensure that the reforms are functional and the overall way forward of the police officers is improved.’

DATE: 30th November

MEMBER OF PARLIAMENT: Sen. Martha Wangari

CONTRIBUTION SHE MADE: THE PLIGHT OF RESIDENTS OF KASARANI MALEWA WARD IN GILGIL CONSTITUENCY

‘Yesterday, the Speaker directed that this issue be brought to this House because it is long overdue. I have waited for this response for over a month yet I do not hear any commitment from
the Chairperson. He is not telling us when he will bring the response. We do not want to be caught up in a situation where there is some recruitment going on and the same problem recurs yet we have not mitigated the previous problem. I would like to hear from the Chairperson of what has changed from yesterday and what has he done to ensure that we can close this week with that matter resolved.'